

# Highland City Planning Commission

## April 12, 2016

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp at 7:02 PM on April 12, 2016. An invocation was offered by Commissioner Campbell and those assembled were led in the Pledge of Allegiance by Commissioner Carruth.

**PRESENT:** Commissioner: Christopher Kemp  
Commissioner: Ron Campbell  
Commissioner: Sherry Carruth  
Commissioner: Abe Day  
Commissioner: Kurt Ostler  
Commissioner: Steve Rock

**EXCUSED:** Commissioner: Brady Brammer

**STAFF PRESENT:** Community Development Director: Nathan Crane  
Planning Coordinator: JoAnn Scott  
Planning Commission Secretary: Heather White

**OTHERS:** *See attached Attendance List*

### **PUBLIC APPEARANCES**

Commission Chair Kemp asked for public comment. None was offered.

### **WITHDRAWALS AND CONTINUANCES**

None

### **PUBLIC HEARING ITEMS**

- GP-16-01**  
*Edge Homes is requesting an amendment to the Land Use designation of the General Plan from 'School' to 'Single Family Residential'. Property is located at 9725 North 6800 West.*

Commission Chair Kemp opened the public hearing by consent at 7:04 PM. Mr. Crane reviewed the request for an amendment to the General Plan. Chair Kemp asked for public comment.

Resident Mardell Cheney wondered if there was an updated plat map. He said that approving the request would block out the property on the north and box him in so he would not be able to subdivide in the future. He suggested that Gary Cooper continue the road from Lehi.

Commissioner Ostler wondered if Edge Homes talked to him about their development. Mr. Cheney said they had not. He said his property was not adjacent to the proposed development.

Lehi Resident Terry Jasper said he lived within 100 feet of the proposed development. He voiced concern that none of the neighbors seemed to know anything about the development. He said Edge Homes sent a letter and left off almost all the information. He thought attendance was low at this meeting because they did not know if it was something that they should be concerned about. He thought Edge Homes should have advertised the plat map. Mr. Jasper said he was not necessarily opposed to the project. He was concerned about his animal rights and thought there should be CCR's. He was able to review the amended plat and thought that neighbors had a right to know what was going on. Mr. Crane explained that the letter Mr. Jasper referred to was probably a notice sent out by the city. He explained that it was only for the zoning change and that it included contact information if public wanted to know more. He mentioned that a neighborhood meeting was recently held.

Lehi Resident Gary Cooper talked about the masonry construction of the homes in the area. He said R-1-40 was the plan for the subject property and he saw no reason to change it. He thought the school was not that bad of an option. He talked about keeping the quality of homes in Highland and how the developer would not commit to restrictive covenants for the development. He thought keeping the quality of homes meant keeping big homes.

Commission Chair Kemp asked for additional comment. Hearing none, he closed the public hearing by consent at 7:24 PM and asked for additional comments from the Commissioners.

Commissioner Campbell thought the amendment made sense since the school was not planning on building anything at that location.

**MOTION:** Commissioner Campbell moved that the Planning Commission approve Business Item GP-16-01 and recommend that the amendment to the Land Use designation of the General Plan from 'School' to 'Single Family Residential' R-1-40 Zone be made. Commissioner Ostler seconded the motion. Commission Chair Kemp and Commissioners Campbell, Carruth, Day, Ostler, and Rock were in favor. None were opposed. The motion carried with one absent.

**2. Z-16-01**

*Edge Homes has requested a rezoning of property located at 9725 North 6800 West from an R-1-40 to an R-1-20 zone.*

Commission Chair Kemp opened the public hearing by consent at 7:26 PM.

Mr. Crane explained the difference between the R-1-40 and R-1-20 zones. He reviewed the actions from the last meeting to continue the public hearing, the details of the application, and permitted densities within each zone. Mr. Crane reviewed the revised concept plan. He talked about the results of the neighborhood meeting and notices. He talked about potential complaints from resident with smaller lots regarding those lots with animal rights. He discussed the infrastructure study and said that Highland would be able to accommodate more approvals of the R-1-20 zone. He discussed the residents' general desires for large lot development. He said the R-1-20 zone was not designated to be an everyday district.

Resident Ed Gifford thought there was a misstatement of fact. He reviewed the units per acre for each zone, taking into account the acreage discounts to allow for streets. He thought 1.6 lots per acre was the maximum density permitted under the current ordinance within the R-1-20 zone.

Resident Mardell Cheney voiced concern that no notice had been sent out regarding the proposed change from R-1-40 to R-1-20. When asked about the proposed amendment, Mr. Cheney said the proposed plat was better, but he preferred that it be kept R-1-40.

Resident Scott Austin talked about a neighbor with six acres who wanted to subdivide in the past. The neighbor was required to use the low density and had to leave because he couldn't make it work financially. Mr. Austin said he would rather see a school than the proposed development. He wanted to see the R-1-40 remain for the animal rights. After having reviewed the revised plat, Mr. Austin said he did not think it was a better layout because houses would not be any further away from property that might have animals. He talked about putting in a road on the back side of existing property.

After having a chance to review the amended plat, Lehi Resident Gary Cooper said he saw a lot of problems with it. He thought in people in the future would not want animal right and there would be no way to subdivide some of the proposed lots. He suggested that the property be subdivided so that smaller lots could be divided in the future.

Curtis Leavitt with Edge Homes gave an overview of the proposed development. He talked about Section 3-4201 (1)(a) of the Development Code and reviewed how they tried to create a buffer between higher and lower densities. He quoted Section 3-4201(1)(d) and talked about animal rights. He discussed the buffer with the 1 acre lots on the south boundary and tried to minimize the concerns with animal rights. Mr. Leavitt explained that they did not have 30,000 square foot lots because he did not want to allow 3 animals on the property. He mentioned that they were asking for seven additional lots in the R-1-20 zone rather than the maximum density of 42 lots.

Jaran Nicholls with Edge Homes explained that they would put in the improvements on the right side of the road near the Larson property, as requested by Highland City, and be reimbursed by the city. Mr. Crane said the Council still had to approve the suggestion. He reviewed the improvements that might be done. Mr. Nicholls felt confident that they met the requirements for the R-1-20 zone. He said they were creating a transition within their own site and sacrificing lot count. He said they would do what they could in mitigating drainage issues.

Chair Kemp wondered if they had played with the layout for R-1-30. Mr. Nicholls said they felt that a 20,000 square foot lot would not allow for animals. He talked more about their transitions between higher and lower density. He said they planned to build larger homes and they intended to meet the requirements of the city. He said they would have CCR's.

Commissioner Ostler asked about the upkeep on the wider lots and if they had thought about lots being .6 or .7 acres on the south part of the middle section. Mr. Nicholls explained that upkeep would be an HOA (homeowners association) issue. He said the size of the home would not be restricted by the .5 acre lot size. He said the proposed plat provided the best transition. He said the homes probably would not look different from the 1 acre to .5 acre lots. Mr. Nicholls said they would have CCR's for the subdivision and that they thought it was import for the homes to match others in the area. He said their homes would add to Highland's reputation.

Commissioner Rock wondered if there would be a possible problem with animals being too close to the homes on the south on the wide lots. Mr. Nicholls said the homeowner would have to decide if it was an issue. He thought there would be enough room and pointed out that a majority of the southern boarder was the church. He said Mr. Cole Peck indicated that he wanted to install a shop on his property.

Commission Chair Kemp asked for additional public comment.

Mr. Mike Gagon pointed out that the roads were different than the first concept plan, but thought the revised plat was better. He talked about owning a wide lot in the past and liked having horses on both sides. He said the R-1-40 zone was why many people came to Highland and wanted to see the property remain R-1-40.

Commissioner Day wondered if there was anything that would restrict someone from spitting the larger lots in the future if the subdivision was changed to the R-1-20 zone. Mr. Crane explained that they would be permitted to do so as long as they met the zoning requirements.

Mr. Leavitt talked about his meeting with Cole Peck as per the Commission's recommendation from the last meeting. He said Mr. Peck did not like the option of stubbing a road at his property. Regarding the zoning, he said Edge Homes had no problem entering into a development agreement that would bind the developer to the concept plan. The commissioners discussed whether or not it would keep residents from subdividing lots in the future and voiced concern regarding the possibility of having smaller lots.

Mr. Cole Peck said that Edge Homes did talk with him about the lot on the southwest corner and the possibility of a stub road. He confirmed that he did not want the road because he did not want a road through his property. He said he would rather have a road along his boundary to create a buffer as long as property was taken from everyone to create the road. He talked about the LDS Church lot line discrepancy and asked that it be addressed. He wanted to have more acreage, a shop, animals, and did not want to have conflicts with neighbors. He was not against .5 acre lots, but thought there needed to be a road as a buffer. He thought the 1 acre lots were not very deep. Mr. Peck said he talked to Edge Homes about having a private access with utilities between the corner two lots.

Mr. Cooper talked about the issues with the church boundary and not having a road along the boundary. He said the plan was always to have a road along the church boundary.

Mr. Jasper thought the subdivision should remain in the R-1-40 zone. He said he received his letter, but thought something should be sent to the neighbors that was more clear about what was going on with the property.

Mr. Nicholls clarified lot depths on some of the lots. He said the Church property did protrude and that they used surveyed data. He pointed out that the property line was not straight and did not make sense to put a road in along the south. He said they were not aware that there was a road intended along the south.

Mr. Gagon asked about the irrigation ditch. Mr. Nicholls said he met with the Mayor Thompson who recommended piping the section of ditch and reach out to the three homeowners to see what it would take to install a sprinkling system. He said the Mayor was in favor of abandoning the

ditch if the property owners were open to it and Edge Homes would help them financially get sprinkler systems and irrigation systems to their property. Otherwise, Edge Homes would be fine with piping it and leaving it as it was.

Commission Chair Kemp closed the public hearing by consent at 8:27 PM and asked for additional discussion.

Commissioner Day liked the notion of the buffer, but was concerned that larger lots could be subdivided if it was zoned R-1-20. He talked about having a buffer with Lots 1 and 2 with the Highland lots on the north. He talked about having a buffer on the Lehi side, but thought leaving the property in the R-1-40 zone would be better.

Commissioner Rock worried about the wide narrow lots on the south. He wondered if there would be complaints if houses were too close to animals.

Commissioner Campbell talked about the role of the Planning Commission. He thought the proposed project met the requirement of why the R-1-20 zone was created and said he was in support of the project.

Commissioner Carruth said she was in favor of the R-1-40 zone. She appreciated the efforts made in creating the buffers, but was in favor of keeping the property R-1-40.

Commissioner Ostler made reference to the Highland Development Code and the buffer zone. He was in favor of the development because of the intent of the developer. He would prefer having an R-1-30 zone.

**MOTION:** Commissioner Day moved that the Edge Homes property remain in the R-1-40 zone. Commissioner Rock seconded the motion. Commissioner Day, Commissioner Carruth and Commissioner Rock were in favor. Commission Chair Kemp, Commissioner Campbell, and Commissioner Ostler were opposed. The motion failed with one absent.

### **3. PP-16-01**

*Request by Perry Homes for a Preliminary Plat approval of 28.862 acres named Beacon Hills The Highlands Plat 'G'. The property is generally located at approximately 12500 North 6100 West. The request for Preliminary Plat will include 56 traditional single family lots.*

Mr. Crane reviewed the history of the property and mentioned that there was a development agreement for the property. He said the developer had complied with the open space requirements, but that the Trail Master Plan was revised by the city. Mr. Crane explained that the trail within the proposed subdivision was removed in accordance with the city effort to not have isolated parcels.

Dan Reeve with Perry Homes said there was no departure from the originally approved preliminary plat other than the removal of the trail. He acknowledged public concerns with increased traffic and pointed out that the traffic was contemplated in the original traffic study.

Commission Chair Kemp opened the public hearing by consent at 8:47 PM.

Resident Ty Shumway said he was worried about traffic. He said there were a lot of cars going way too fast down the street. He said he had three younger brothers and was concerned about them crossing the street. He thought the proposed subdivision would double the amount of cars on Lighthouse Drive. He encouraged the Planning Commission and City Council to add a road parallel to Lighthouse Drive connecting at Beacon Hill Drive and thought no homes should be built until the road was finished.

Resident Jeff Conley talked about an incident with someone driving over his curb and into his front yard. He thought it was probably an isolated incident, but was indicative of some of the concerns of the neighborhood. He talked about a petition with 33 signatures of individuals concerned about traffic and wanted the infrastructure to support it. He talked about the additional road mentioned by Mr. Shumway. He said the safety and infrastructure was a concern for many of his neighbors.

Resident Sam Roundy said traffic was crazy on Lighthouse Drive. He said something needed to be done to help alleviate traffic or enforce traffic speeds. He did not think additional homes should be built until it was taken care of.

Resident Sarah Riding pointed out that the road had a steep pitch. She said it was easy to accelerate and was not safe for children or other drivers. She voiced concern with construction traffic. She was disappointed about the removal of the trail.

Resident Ryan Barclay pointed out that the proposed subdivision had smaller lots. He talked about the houses in the area and said the proposed subdivision would add a 130% increase in lots. He thought there needed to be consideration for the type of community they wanted; safe for kids and larger lots. He acknowledged past approvals, but thought the significant increase in traffic needed to be considered. He thought homeowners would see a decrease in property values.

Resident Mark Marshall thought the burden was being put on residents to have the other outlet put in. He understood it was County property, but said that the plan was always to have another outlet. He thought additional building needed to wait until the other road was constructed. He suggested the use of solar speed signs to help control traffic. He talked about the incident mentioned by Mr. Conley and said it looked like a distracted driver going about 45 mph when he hit the trees. He talked about the safety of the kids.

Resident Matt Seal said he was a licensed professional engineer and traffic was his specialty. He estimated that the proposed subdivision would generate about 500 additional trips per day. He suggested mitigating speed through the area by using flashing signs or signaling the intersection. He mentioned that the current speed limit was 25 mph. The use of islands was also suggested for mitigating speed.

Resident Ethan Shumway wanted to stress the importance of the safety component. He said the development would bring a significant increase to traffic traveling on Lighthouse Drive. He explained that he had four small children and purchased their house with the understanding that there would be another road. He was concerned that the Commission might approve a large development without ensuring there was a safe route to and from the development. He talked about the concerns he has when his kids are outside and cars are on the road. He said it was rare

to find vehicles traveling slower than 35 mph. Mr. Shumway encouraged putting mitigating factors in place, although he was concerned about the increased number of vehicles. He talked about the possible delay of the project until an additional road was built.

Commission Chair Kemp asked for additional public comment. Hearing none, he closed the public hearing by consent at 9:07 PM. He asked for additional comments or questions.

Commissioner Ostler mentioned that he drove on Lighthouse Drive and noticed that it was a wider road. He wondered if the wider road was causing additional traffic speeds. Mr. Reeve said wider right-of-ways for traffic demand were typically contemplated when roads were approved. He said the speeding was an existing problem with Beacon Hill residents and thought the issue needed to be raised internally with the residents.

Commissioner Ostler wondered if Perry Homes had talked to property owners about installing the additional road. Mr. Reeve said they talked with some of the property owners. He explained that the future road to the south was not originally part of the Beacon Hill Master Development. He said they would love to install it at a future date if possible.

The Planning Commission discussed the possibility of having Perry Homes contribute to installing solar speed signs. Mr. Crane explained that the subdivision and development agreement had already been approved in 2002. He said Beacon Hill Drive was larger because it was a collector road. He explained that off-site improvements could not be required from the developer. Mr. Reeve offered to split the cost of solar speed signs. He said traffic was an existing issue, but their subdivision might contribute to it. Mr. Crane mentioned that he could meet with the Council to try to get solar speed signs approved and also work with the police chief to try to increase law enforcement in the area. The Commission discussed the reasons for eliminating the trail and open space requirements that the developer was not responsible for any more. Commission Chair Kemp suggested that the developer fund the solar speed signs because they did not have to install the trail. Mr. Reeve thought it was a fair trade.

Commission Chair Kemp asked for additional questions. Hearing none, he called for a motion.

**MOTION:** Commissioner Ostler moved to recommend approval of the subdivision by Perry Homes subject to the following five stipulations:

1. The final plat shall be in substantial conformance with the preliminary plat dated July 20, 2015.
2. Final civil engineering plans to be reviewed and approved by the City Engineer.
3. Written approval from the Metropolitan Water District of Salt Lake and Sandy shall be provided prior to approval of the final plat.
4. All required public improvements shall be installed as per City Engineer's approval.
5. Two solar speed signs shall be included.

Commissioner Campbell seconded the motion. Commission Chair Kemp and Commissioners Carruth, Campbell, Day, Ostler, and Rock were in favor. None were opposed. The motion carried with one absent.

Ethan Shumway wondered if there could be a timeline placed on the installation of the signs. Commissioner Kemp encouraged Mr. Shumway to make his suggestion in the Town Council meeting.

**5. TA-16-04**

*A request by the Highland City Council to amend the Development Code by creating an R-1-30 zoning district.*

Commission Chair Kemp opened the public hearing by consent at 9:30 PM.

Mr. Crane reviewed the history of the request and explained that the R-1-30 district was proposed to be a density driven district. He pointed out the suggested lot sizes, lot width, and setbacks.

Commission Chair Kemp wondered what impact it would have on the city. Mr. Crane said he had not done a detailed study on it yet, but infrastructure would be fine.

The Planning Commission considered the number of lots to allow in the R-1-30 district. They considered what Highland residents might want. Discussion ensued.

Mayor Thompson explained the reasons for the proposed amendment. He said the city was currently allowing huge homes on smaller lots which reduced the open feel of the city. He also talked about future subdividing from R-1-40 to R-1-20 and how it was a little more difficult to subdivide lots in the R-1-30 district.

Resident Ed Gifford recommended that Section 11 of the proposed ordinance allow 1.4 units per acre in the R-1-30 district. He thought the proposed language was too restrictive and talked about acreage required for roads. He suggested the following language:

1. "The maximum density is determined by dividing the gross parcel acreage by 30,000 square feet and rounded to the nearest whole number."
2. "75% of the lots can be as small as 25,000 square feet and 25% of the lots can be as small as 20,000 square feet."

Mr. Gifford believed that his recommendation would create subdivisions more consistent with 1.4 lots per acre.

Mr. Crane talked about if there was a demand for an R-1-30 district. He talked about two subdivisions that had 30,000 square foot lots and said they were sold very quickly. The Planning Commission talked about the preference of Highland residents, the history of development in the city, home prices, and open space. They considered various details of the R-1-30 Zone.

**MOTION:** Commissioner Ostler moved to recommend the creation of the R-1-30 Zone with 30,000 square foot lot subdivisions, permitting 25% of lots to be between 20,000 - 25,000 square feet, 15-foot side setbacks with 30-foot minimum between houses, 120-foot minimum frontage width, 120-foot minimum depth, number of lots shall be calculated by dividing the total number of acreage by 30,000 square feet, and the R-1-30 Zone should be considered a transition zone. Councilmember Campbell seconded the motion. Commission Chair Kemp, Commissioner Campbell, Commissioner Carruth, Commissioner Day, Commissioner Ostler, and Commissioner Rock were in favor. None were opposed. The motion carried with one absent.

**4. TA-16-03**

*A request by the Highland City Mayor to amend Section 3-2110 and 3-4709 of the Development Code to increase the side yard setback and square footage requirement for accessory buildings.*

Chair Kemp opened the public hearing by consent at 10:21 PM.

Mr. Crane explained that the proposed changes were made to decrease the size of accessory buildings.

Mayor Thompson talked about a corner house with an accessory building that greatly reduced the clear vision for traffic.

Mr. Crane agree with Mayor Thompson and thought corner side yard setbacks for accessory buildings needed to be increased.

The Commission discussed setbacks and driveway lengths.

**MOTION:** Commissioner Ostler moved to recommend that all accessory buildings comply with the following setbacks on corner lots, as defined in Exhibit A:

"All accessory buildings shall be set back from the front property line a minimum of 30 feet or consistent with the primary dwelling, whichever is less. An accessory building shall be set back from the rear property line a minimum of 10 feet. All accessory buildings shall be set back from the side property line a minimum of 25 feet. All accessory building shall be set back a minimum amount of 25 feet from the side lot line which abuts a street or 25 feet from the Parkway Detail. All accessory buildings shall be placed no closer than 6 feet from the main building. Said 6 feet shall be measured to the closest part of the structures including any roof overhang."

Commissioner Rock seconded the motion. Commission Chair Kemp, Commissioner Campbell, Commissioner Carruth, Commissioner Day, Commissioner Ostler, and Commissioner Rock were in favor. None were opposed. The motion carried with one absent.

**APPROVAL OF MINUTES**

6. Approval of the January 26, 2016 meeting minutes

**MOTION:** Commissioner Ostler moved to accept the minutes from the January 26, 2016 Planning Commission meeting. Commissioner Carruth seconded the motion. All present were in favor. None were opposed. The motion carried with one absent.

7. Approval of the February 23, 2016 meeting minutes

**MOTION:** Commissioner Ostler moved to approve the minutes from the February 23, 2016 Planning Commission meeting. Commissioner Carruth seconded the motion. All present were in favor. None were opposed. The motion carried with one absent.

**PLANNING STAFF REPORT**

None.

**COMMISSION COMMENTS AND SUGGESTIONS**

None.

**ADJOURNMENT**

**MOTION:** Commissioner Day moved to adjourn the meeting. Commissioner Carruth seconded the motion. All present were in favor. The motion carried.

The meeting was adjourned at 10:32 PM.