

Highland City Planning Commission

October 23, 2012

The regular meeting of the Highland City Planning Commission was called to order by Planning Commission Chair, Christopher Kemp, at 7:02 p.m. on October 23, 2012. An invocation was offered by Commissioner Scott Temby and those assembled were led in the Pledge of Allegiance by Commissioner Tim Heyrend.

PRESENT: Commissioner: Christopher Kemp
Commissioner: Jay Roundy
Commissioner: Sherry Carruth
Commissioner: Abe Day
Commissioner: Tim Heyrend
Commissioner: Steve Rock
Commissioner: Scott Temby
Alternate Commissioner: Lance Garrett

EXCUSED: City Administrator: John Park
City Engineer: Matt Shipp

STAFF PRESENT: City Planner: Nathan Crane
Secretary: Jill Ballamis

OTHERS: Chris Dalley, Daron Young, Greg Parkinson, Jen Easton, Michelle Jensen, Paul Kawakami, Mike Pincock, Adam Judson, Theo Judson, Doug Bassett.

A. PUBLIC APPEARANCES

Commissioner Kemp read an opening statement for the Planning Commission.

“This Planning Commission is composed of Highland City citizens who have been appointed by the City Council to serve on the Commission as a civic responsibility. In the interest of maintaining a fair and efficient hearing, the Commission adheres to the following steps:

The Chair calls the agenda item;
Staff gives a brief report and recommendation;
Applicant then may give a presentation;
Opposition and support give testimony, no more than three minutes per speaker;
Applicant may give a response, and
The Commission has a discussion and makes decision.

Anyone wishing to speak before the commission must fill out a speaker information form and hand it to Nathan Crane, Community Development Director. We expect all that participate will be civil in their public discourse and that they will be respectful of others whether they agree or disagree with any action taken. The Commission will stand against any incivility when we see it.

We thank you in advance for your participation.”

Commissioner Kemp invited comments from the public regarding items not on the agenda. Hearing no comments Commissioner Kemp continued with the scheduled agenda items.

B. PUBLIC HEARING AND LEGISLATIVE ACTION

1. Z-12-01 A request by Daron Young of Ivory Homes to change the zoning from R-1-40 (Residential) to R-1-20 (Residential) for a 5.36 acre piece of property located at approximately 9976 North Alpine Highway. This rezone request would increase the density from one unit per forty thousand square feet to one unit per twenty thousand square feet. Legislative.

Commissioner Kemp opened the public hearing at [7:06:38 PM](#).

Nathan Crane, Community Development Director, reviewed the proposed rezone request. This is a request to rezone 5.36 acres from R-1-40 to R-1-20. The site is located at about 9976 North Alpine Highway; it lines up with the entrance to Windsor Meadows subdivision. The general plan land use map has identified this parcel as low density residential; the current zoning is R-1-40. Mr. Crane indicated that all of the surrounding zoning is basically R-1-20. The surrounding land uses are single family residential; lots to the north of parcel are one acre lots. Lots to the east are half acre to one acre and on the south they are one third acre lots.

Under the current zoning, R-1-40, 5 lots would be allowed on this site. With the R-1-20, there is the potential of up to eleven lots at 2.5 dwelling units per acre. On the conceptual plan, the developer is proposing seven lots at just over 1.3 dwelling units per acre. Density for the surrounding subdivision is 1.3 dwelling units per acre to the north, 2.4 to the south, 1.1 to the east, and 1.6 on the west.

Lot sizes on the conceptual plan range from just under one half acre to almost one acre. The developer as laid out the conceptual plan so that lot sizes coincide with the adjacent subdivision densities. The site drops in elevation on the east side of the property. That is something that will need to be addressed with the preliminary plat review.

A neighborhood notification meeting was held on October 9th; there were five attendees other than the applicants. Questions pertained to setbacks, access to Alpine Highway, and limiting the proposal to seven lots. Letters were mailed to seventy three surrounding property owners notifying them of the Planning Commission meeting. One email and one letter were received in opposition to the request. One email was received in favor. The applicant submitted, yesterday, a petition of support with twenty five signatures of property owners; the petition specifically indicated that the proposal would be limited to seven lots.

The proposal does maintain established land use patterns; there are large lots and they are consistent. Staff feels the design of the seven lot subdivision is compatible with the surrounding uses. There is capacity in the existing city utilities to accommodate the change. Changing the zoning to allow two additional lots will not have a significant impact on traffic. Large lot residential costs more to serve than revenue it generates; two additional lots will help lessen that gap, but will not eliminate it.

Staff is recommending approval of the rezone request subject to a stipulation limiting the development to seven total lots.

Daron Young with Ivory Homes, applicant, thanked staff for their report on this request. Mr. Young indicated that in looking at this property they were aware that there was a rezone request about five years ago for this piece of property; they scoured the notes and minutes and tried to get a grasp on what the concerns were and why the request was denied. A big concern was lot size; in going forward in creating the seven lot plan, Ivory Homes was trying to be over-accommodating. This is not an attempt to maximize density. Mr. Young stated that they feel this is a great compromise of making the project economically sound so it is developable, the current property owners are able to sell the property, and also that conformity with the neighboring properties can be maintained. The lot layout was done intentionally to have property sizes be similar to the adjacent properties.

Mr. Young said that Ivory Homes supports and agree with the findings of staff and recommends approval of the proposal. He asked for time at the end of the public hearing to address any comments or concerns that are voiced.

Greg Parkinson distributed pictures to the Planning Commission. Mr. Parkinson currently lives in an Ivory Home in the Dry Creek Highlands subdivision. The pictures show construction pertaining to two of the lots across from him. He stated that as the pictures show, it looks like a junk yard. Mr. Parkinson said that his wife has called Ivory Homes on many occasions to come out and clean this up. He indicated that he is concerned about allowing contractors to come in and work in our city when they are not obeying ordinances. He mentioned concerns of the garbage dumpster on the construction site being placed on the sidewalk. Mr. Parkinson said that he hopes everyone has read the Highland City charter and that this subdivision does not fit into that description of what the city wants to be. He stated that he is always opposed from changing R-1-40 zones; he thinks that is what makes Highland special. He said there are certainly times when we need to; not every segment of property is going to fit R-1-40. Mr. Parkinson said that the more we change this, the more he believes we are going to become like cities adjacent to us with higher densities. He recommended that until Ivory Homes has shown that they are willing to come in to the city with professional crews and take care of adjacent areas next to their construction sites that we withhold all changes for Ivory Homes.

Michelle Jensen, resident of Pheasant Hollow, as well as the listing realtor for the Jensen family who is selling the property for the rezone request. She said she knows many people who have purchased Ivory Homes and loved them and had great experiences; she is surprised and sorry to hear what Mr. Parkinson described. Ms. Jensen said that she is a member of the LDS ward for this area and stated that in the surrounding properties there are people very much in support of this. They are in the smallest LDS ward in Highland and are looking forward to the property being developed and being beautiful; they feel the more the merrier to the area.

Paul Kawakami lives just to the north of the Judson property. He stated that in the field of economics, there is a paradox called the jailhouse paradox; the gist of that is that in a neighborhood it does not matter what you do, you are going to be affected by the process. He said the classic example would be living adjacent to a neighbor that upgrades their

landscaping and building and it draws the price of the properties up surrounding it and it has nothing to do with you. Mr. Kawakami said that on the other hand, with the same paradox, you can get a set of neighbors that do not look at their property and it downgrades properties. He said that this is basically saying there is some type of interconnection. The simple fact is that there is not 100% consensus on this proposal. He stated that Ms. Jensen spoke to some people, one of them being Dennis Durfey, that signed the petition and when Mr. Durfey spoke to him said that he did not want a behemoth in his backyard; he would like something reasonable that will correspond with his size of home. Mr. Durfey said he wants to be a good neighbor and in return expects the same without being surprised. Mr. Kawakami stated that he and other neighbors do not have a problem with the Judson property, but they would like the Planning Commission to consider a wider setback between homes because regardless of what Ivory Homes says, they build huge homes and they are generally two stories up and one down. Mr. Kawakami asked for consideration for the placement and size of these homes; it is not just density and maximizing real estate values, it is also that the home should be reflective of what is around them.

Adam Judson, property owner's son, stated that Ivory Homes set up for this property is great. If this request does go through, it will allow his parents to do things that they otherwise would not be able to do. He sees this application as a good thing. Mr. Judson said that in Highland, we tend to get this mentality that we are better than the cities around us. He hears people saying things about Ivory building huge properties or wondering if the backs of the homes are going to be plain and these things just do not matter. Mr. Judson said that if anyone has driven through an Ivory neighborhood, they are fantastic. He mentioned that he is an insurance agent and ninety percent of his time is spent going through homes and he is excited about what Ivory has to offer.

Theo Judson, partial property owner, said that this is the third developer they have worked with on this property; it has been very frustrating for them. Ms. Judson expressed that her husband and her are getting older and they cannot keep up that property; it is too big and overgrown. Her husband walks with a cane and she has to take care of it. Ms. Judson hopes that the Planning Commission will find it in their hearts to let the Judson family finally develop this property and move on.

Doug Bassett asked if it is possible to find out what was said in the email and letter in opposition of the proposal. Mr. Crane stated that the email is from an individual that will be moving in to one of the vacant properties adjacent to the proposal site; they believe that it would be unfair for the zoning to change, that it would be a bait and switch, and have negative impacts. The letter in opposition went over three main points: it is not in the best interest of the City's plan, a similar request had been denied by the Planning Commission, it is a financial interest to the developer and a detriment to the city.

Mr. Bassett stated that he works for the Utah Department of Transportation and the Alpine Highway, SR 74, is a state road. He wants to make sure that the Planning Commission acknowledges that the entrance to this subdivision line up with the street across from it on the west side of Alpine Highway and also that the median be modified to allow for a left turning lane for southbound traffic. Commissioner Kemp asked if he represented UDOT for this project. Mr. Bassett said that he does not; he lives in the area, but does not work in the region office that Ivory Homes would work with.

Michelle Jensen wanted to add that there were multiple offers on this property; developers want to develop this property. She and the Judson family in reviewing the offers, took in to account what the developers were going to do and what was going to be a win win for everybody; it was not just about the dollar amount and getting the most for the buck. The Judson family wanted everyone to be happy and that is why they went with Ivory on this project.

Mike Pincock lives on the south side of the proposal. He is all for the development of this proposal; the area is definitely overgrown. He stated that the area to the south of his home is being developed and the developer is nickel and diming the houses; houses are going up one at a time and the construction is non-stop. Mr. Pincock said his concern is that he will be left cleaning up his house for an extended amount of time while these houses are going up one at a time. He indicated that Ivory Homes has assured him that they will have the lots sold and ready to go by the time the approvals are received, but they also said these are \$500,000 plus homes. The last Mr. Pincock checked, the housing market is still down and that is a lot of money. He also mentioned that the construction of this will impact the view from his backyard; however, he understands it will be far enough from him on a half acre lot that it will not obstruct everything. He understands the need to develop this and is in favor of this; he hopes Ivory can do this in a timely manner.

Daron Young addressed concerns that had been raised. He stated that the density of this project, 1.3 units per acre, is the same density as the project just to the north. Mr. Young indicated that he has been told by Ivory's agents that they anticipate the timeline for this project if it gets approved is that improvements would be in place by about mid-June; once Ivory owns the property, they will begin to pre-sale lots and they expect that the lots will be sold by the second quarter of 2013 and pending some economic collapse or reverse in housing trends, they expect the vast majority of construction will be completed by the third or fourth quarter of 2013.

Mr. Young expressed in meetings like this, he does not often hear people being concerned about a home being too large; people are generally concerned with small homes that decrease values. He thinks that the homes are going to match the look and feel of what is around this property. He stated that the Dry Creek Highlands subdivision in Highland is a beautiful community and the homes that end up in this development will echo that and have a similar feel. Mr. Young gave Mr. Parkinson his contact information to help resolve the issues Mr. Parkinson mentioned earlier in the evening. He stated that is not the standard they want to set and that has not allowed Ivory to be Utah's number one home builder for 25 years; they want to make this right.

Mr. Young reiterated that staff has recommended approval of this rezone request with the stipulation that the proposal be limited to seven lots; he supports and is on board with that. The plan they have shown is what they want to do and they request the Planning Commission move forward and approve the request.

Commissioner Kemp voiced concerns to Mr. Young regarding the comments of Mr. Parkinson.

Commissioner Tim Heyrend asked why Ivory does not want to develop at the current density. Mr. Young stated the economics and demand. Commissioner Heyrend asked if it not

economical to build nice homes on large lots that support the Highland goal. Mr. Young explained that in order to allow the Judson family to get the property value they want, it does not work with five lots; additionally, demand is not as high for one acre lots as it is for half acre lots. Commissioner Heyrend said that all he is hearing are selfish type reasons, not really a reason that is good to change the zoning. He stated that Highland is a city that does have standards; we care and spend a lot of money to come here. The property values are high because of that. Commissioner Heyrend said that just because Ivory does not think they cannot make money, the lots will sell, it just may take a little longer, that is why Highland is so special. Mr. Young expressed that just because they are requesting the rezone to R-1-20, it does not mean they are seeking to use the entirety of that zone; they are seeking to match the density of the surrounding properties with the intent to accommodate the neighbors.

Commissioner Heyrend asked if the home designs presented are what Ivory is going to build. Mr. Young said they have over 100 designs and when working with homes of this value, people like to have some flexibility to customize the homes to their likings. Commissioner Heyrend said that these homes do not look like something that would typically fit in an R-1-40 zone. Mr. Young asked if they are too small. Commissioner Heyrend said yes; they are large homes, but not elaborate or fancy type of dwelling homes.

These are the types of homes he would expect to see in West Jordan or Cedar Hills. Mr. Young stated that these designs are mostly from Draper or Highland. Mr. Young expressed that mostly what he heard from the surrounding property owners was that they did not want a massive home on these lots. He also indicated that the setbacks front and rear setbacks are the same as they are for the R-1-40 zone.

Commissioner Heyrend stated another concern is the request for an increase in density by developers; it can be seen other cities, not just Highland. He said that he works for the City of West Jordan and does not see an application come in that does not request an increase in density. He stated that he thinks the attitude is that people buy the property and make money off of it and then go to the next property and do the same thing. Commissioner Heyrend expressed that cities have land use plans for a reason. He stated his frustration with the attitude out there of changing the densities from what has already been approved on a city's land use; it does not bode well on a city. These things are planned for a reason. Mr. Young reemphasized that their request fits with the low density residential according to the staff report. He mentioned that in Lehi, Draper, Herriman, and South Jordan, they are doing projects where they have decreased densities to accommodate what is selling right now; they have re-platted subdivisions to lose lots and make lots larger; this is as of the last eight months as demand has increased for larger lots.

Commissioner Steve Rock asked if they have looked into fencing options for the subdivision. Mr. Young explained that is something they would look at when the subdivision goes to preliminary plat stage.

Questions were raised by the Commissioners pertaining to limiting the subdivision to seven lots. Mr. Crane explained that the stipulation of seven lots goes with the land, not the developer. A variance cannot be granted in place of the rezone request. A variance is designed to provide relief when there is a physical hardship to a property; a mountain going through the middle of a property and setbacks cannot be met or something of that nature. Mr. Crane explained that in the future if a request was made for additional lots to be added to the subdivision, an applicant would have to come back through the legislative process where

surrounding properties would be notified of such request and the City Council would make a decision on the application. He stated that the choice tonight is whether or not the conceptual plan that has been presented with the addition of two lots to the existing property is appropriate or not.

Discussion with the applicant took place regarding lot depth, frontage, and square footage. Lot depth average is approximately fifty to seventy feet. The square footage will range from 4,000-6,000 square feet.

Chris Dalley, The Daily Herald and Highland resident, said she gets a kick out of the Commission. She has been here for ten years and has watched Planning Commissions come and go. She said it seems like once people get in Highland, the door gets shut and no one wants to let anybody else develop. Ms. Dalley stated that someone made money when Commissioner **Heyrend's** lot was developed, so why holler about these guys making money, it is not selfish; they have that money and want to get rid of it. Commissioner Heyrend said that comment was in reference to changing the zone. He said if they want to change the zone then that is being selfish if you look at it in the way of that being a financial benefit to them.

Ms. Dalley asked how many of the Commissioners live on a full acre lot. Commissioner Rock was the only one who indicated that he does. Ms. Dalley expressed that this is an aging population; she has a one third acre lot and that is too big for them. She said she has watched Highland for the last thirty years; people build on one acre lots and landscape it and then the back of it goes to weeds because it is too big to maintain. She asked if there could be ramblers on the north side of the property. Mr. Crane said he has done that before, but he tries to stay away from that. It is more commonly done with planned developments. Ms. Dalley said that the property to the south of her just put up a two story home and blocked their view, but that they have the property rights to do that. She closed by saying that she would really hate to see the Commission say we are here, but now no one else can come; she feels an acre lot is not really reasonable.

Hearing no further comments Commissioner Kemp thanked those residents for their comments and closed the public hearing at [7:57:48 PM](#) bringing the issue back to the Planning Commission for further discussion.

Commissioner Scott Temby said that he thinks the request is reasonable. The basis for it is sound from an economic perspective in that the market demand is looking for those smaller lots. The density proposed is consistent with adjoining properties. There is strong broad community support; the opposition is not based on density, but more on home size. The transaction is pending this petition rather than the developer acquiring the property and then requesting a rezone. Commissioner Temby thinks that we should not be trying to dictate the use of the property and put unreasonable constraints on the freedom to sell and contract.

Commissioner Jay Roundy informed the Commission that Doug and Theo Judson are some of his finest and best friends. Within the last year he extended an offer to purchase a portion of the property on the south side for the purpose of creating a large garden; that did not materialize, but he wanted to disclose that those discussions took place. Putting on his architect hat, Commissioner Roundy indicated that a portion of the houses shown by Ivory would potentially not work out, but that will be the duty of whoever lays out a lot to ensure it works. He discussed ingress and egress into the proposed subdivision; Mr. Crane explained

that would be addressed the preliminary plat stage. Commissioner Roundy indicated that with his employer, they experienced similar situations with Ivory Homes that Mr. Parkinson described. He stated that he thinks that bonding would be very important should this development take place. Commissioner Roundy said he can see the time in his life where the larger lots are going to be something that even he is not going to want to take care of and this proposal could be a good transitional zone.

Commissioner Rock commented that in reference to the garbage from Ivory Homes he would like to have had Daron Young say that the problem would be taken care of this week, not state if it is ours it will be taken care of. He said that he likes the lots coinciding with adjacent property sizes. He lives in a subdivision with half and one acre lots and he supposes it works. He does not want to go any smaller than what has been proposed. He would like to see a nice sound barrier go along the Alpine Highway.

Commissioner Day asked about enforcement of stipulating the subdivision to only seven lots. Mr. Crane explained that a lot of research was done on that and we can enforce that stipulation. Commissioner Day asked if we can limit to lot size to .48 acre. Mr. Crane said he had thought about that, but this only being a conceptual plan, he chose not to include that as a stipulation.

Commissioner Sherry Carruth stated that she likes this plan. She has been in Highland for twenty eight years. She feels like this is a good medium. If it stays at half acre or larger that is a good compliment to Highland and leaves it open for those who want to live here, but may not be able to manage an acre lot.

Commissioner Heyrend addressed the letter received from Patrick Hendrickson; Mr. Hendrickson was a City Council member in Highland. In section 3.2 of the letter, it states that granting a zone change request would violate legitimate justifications for a zone change. Granting a zoning request would violate the sound planning principles of consistency and predictability rewarding the financial interests of developers to the detriment of the City's plan and adjacent property **owner's** expectations and reliance on that plan. Commissioner Heyrend said this is the gentleman that is going to live directly adjacent to this subdivision; he bought his lot anticipating the R-1-40 zone. There was also the letter calling this a bait and switch if approval of this is granted; this is the problem that you run in to when people buy their lots anticipating to build whatever kind of house in the neighborhood they think they are going to build in with **neighbor's** that are going to be consistent with that. Then we as a Planning Commission or City Council have to be careful that we recognize the property **owner's** values and why they purchased that specific piece of property with the realization that they did look at the surrounding zone. If we do a bait and switch on them, Commissioner Heyrend does not think that is a justification. If it is an open process where the City goes and looks at the whole land use again, then that is more of a fair process. Commissioner Heyrend does agree that the plan presented does fit well. He stated that is not the issue though; we are going to see the request for higher density over and over again and if the precedence is set, people begin to expect it and assume their request will be approved and this is not a good road to go down.

Commissioner Day asked if there is a minimum square footage requirement for the R-1-40 district. Mr. Crane referenced the Development Code and said there is a minimum finishable area of 1,200 square feet for a rambler and 1,500 square feet for a two story home.

Commissioner Lance Garrett said that his thoughts are that something that is going to negatively impact the neighbors should never be approved. He appreciates that this design does attempt to accommodate the neighboring properties. Even if this was zoned R-1-40, the finished lots would probably not be any larger than what is being presented. He expressed that he likes the lots coinciding with the adjacent properties. From a real estate perspective, he is a broker, he does not see this adversely affecting neighboring home values. Commissioner Garrett hopes that the developer will include in the preliminary design a fence on the north side of the property as a measure of privacy.

Commissioner Kemp agreed that this is not a detriment to surrounding property values, it is compatible with surrounding sizes, they have done a good job in trying to accommodate the people to the north and south, and it is a good use of the property. He thinks that rezoning is justified when a certain piece of property fits the area that it is in. He is in favor of this request.

MOTION: Commissioner Temby moved that the Planning Commission accept the findings and recommend APPROVAL of case Z-12-01, a request to rezone 5.35 acres located at 9976 North Alpine Highway from R-1-40 to R-1-20, subject to the stipulation recommended by staff:

- 1. The preliminary and final plats shall substantially conform to the conceptual plat dated September 2012 and the maximum number of lots shall not exceed seven.**

Motion seconded by Commissioner Rock. Those voting aye: Commissioner Carruth, Commissioner Day, Commissioner Rock, Commissioner Roundy, Commissioner Temby, Commissioner Kemp. Those voting nay: Commissioner Heyrend. Majority vote 6:1, motion carried.

- 2. TA-12-04 A request by the Highland City Council to amend the Highland City Development Code for the purpose of removing Article 4.8 Open Space Density Bonus and Section 5-4-400 Open Space Subdivision Option. This action will remove open space subdivisions as a development option. Legislative.**

Commissioner Kemp opened the public hearing at [8:20:04 PM](#).

Nathan Crane reviewed the proposed amendment. This is a request by the City Council to remove the Open Subdivision Option from the Development Code. There has been a lot of concern related to these types of subdivisions; this is one way to address that concern. There are a number of reasons why the Council did this. They wanted to attain parks, trails, and preserve open space and other sensitive lands. Another reason this was done was to address affordable housing. If this option is removed, one of the things that will need to be brought back for discussion is how do we address alternative styles of residential development, whether that is through additional zoning districts, additional land use categories, or planned residential developments; those are all things that will need to be discussed to address alternative styles. Mr. Crane expressed that this large lot residential is not a sustainable model and will end up costing us more than the revenue it produces. If all the money taken that a home generates through property taxes on a large lot subdivision, it does not pay for the upkeep of the road in front of it, much less police, fire, library, parks, and those types of things. Mr. Crane explained that he is working with the legal staff to determine

what the best way to address the existing Open Space Subdivisions; the subdivisions would still be there.

Commissioner Garrett stated that it is a shame that there was no representative at the meeting from the Open Space Committee. He asked if there was any feedback from them. Mr. Crane explained that most of the input from them is how do we deal with the trails and residents wanting to purchase the land behind their homes. They are looking at it from that aspect and not a long term development aspect.

Hearing no comments Commissioner Kemp closed the public hearing at [8:24:08 PM](#) bringing the issue back to the Planning Commission for further discussion.

Commissioner Heyrend stated that his opinion is that this can go either way; he has seen nice Open Space Subdivisions that are taken care of well if the City can afford it. Mr. Crane said he thinks open space goes much deeper than just budget; it goes from poor design and layout of the subdivision and that really is the driving factor. Canterbury North is a subdivision people really like with the park in the middle. When subdivisions are done with areas for natural vegetation, those just do not work. When there is a hillside with a slope and there is the need to preserve a drainage area, it works. There are a lot of things that can or cannot work with open space subdivisions depending on the area. A lot of times though, there are just things that are problematic.

Commissioner Heyrend addressed additional land use categories and planned residential developments and said all of those are very attractive options. Open space is not for everyone. Mr. Crane clarified that until some sort of alternative is created, no Open Space Subdivisions would be allowed. This means subdivisions with parks would not be able to be created. An alternative process of doing planned residential developments would be a good if we modified it so that it becomes truly a legislative process where we have complete control of the design and layout.

Commissioner Garrett asked what the current minimum lot size is for districts other than the Open Space Subdivision Option. Mr. Crane indicated that in the R-1-40 zone, the average lot size is one unit per 40,000 square feet; twenty five percent of the subdivision lots can be between 20,000 and 30,000 square feet and everything else has to be above 30,000 square feet. In the R-1-20 zone, the minimum is 20,000 square feet.

Commissioner Garrett expressed that he was opposed to this Open Space Subdivision idea when it was proposed eight or nine years ago; he spoke to that effect. He asked who was going to take care of the neighborhood parks; they said the neighbors will and no association would be created because those are not allowed in Highland. He asked if it was a PUD (planned unit development) and they indicated it was not and the neighbors would take care of it. Commissioner Garrett said that has obviously failed and it is now a budgetary issue now even though the residents in those Open Space Subdivisions do make a contribution to the maintenance of the parks, the City is still burdened by it. Commissioner Garrett asked whether an Open Space Subdivision Option could be traded almost straight across for a planned unit development that is stipulated specifically how it would be maintained. Mr. Crane said that could be done.

Commissioner Temby asked if the City gets any benefit from the county or state for having a certain amount of its space dedicated as open space. Mr. Crane was not aware of any. He

expressed as a positive of this subdivision option, it allowed us to get parkland that we would not have been able to otherwise.

Commissioner Temby said that his experience in living in an Open Space Subdivision is that the larger areas and parks are more easily maintained, but those pieces that are widowed and orphaned and tucked away that no one really does anything about. Mr. Crane stated those are the complaints we get.

Commissioner Rock explained that he lives by a piece of property that is about twenty feet wide and about one hundred feet long and that is City owned. It is their obligation to maintain it; most of the time it is maintained, but there was a period of time where it was not taken care of and the neighbors would complain. He said if there is ever a chance anything like that happening with a new development, he would be against it.

Commissioner Day said he would probably like to see these go away and have the ability to start with a clean slate and come up with a better option for future development. He posed the question of whether it is an option for adjacent property owners to a trail could purchase all of the property up to the trail and then have an easement put in place for things relating to the trail.

Commissioner Carruth said she is against the open space. We need to take a view of what we want for Highland. She said that Canterbury is old and the newer subdivisions that have used it have monster homes on small lots with open areas not taken care of, no privacy, and no ownership really.

Commissioner Heyrend agreed with Commissioner Carruth with her comments. **The open space areas create confusion for where does a resident's lot end and open space begin.**

The Commissioners discussed ideas for planned residential developments.

MOTION: Commissioner Heyrend moved that the Planning Commission accept the findings and recommend APPROVAL of case TA-12-04, a request to remove Article 4.8 Open Space Density Bonus and Chapter 5-4-400 Open Space Subdivision Open from the Highland City Development Code with a condition that a planned residential development or planned unit development zoning district is created.

Motion seconded by Commissioner Temby. Unanimous vote, motion carried.

3. TA-11-14 A request to amend the Highland City Development Code Article 7 Section 3-712 Temporary Signs to create new regulations and requirements for temporary signs. Legislative.

Commissioner Kemp opened the public hearing at [8:48:41 PM](#).

Nathan Crane reviewed the proposed amendment. He stated that the Commission saw this item about a year ago. It went to City Council and they felt there were enough significant changes that it needed to come back through the process. A couple of different efforts were made to solicit the business community; we sent the proposed regulations to the owners of Kohlers shopping center, Highland Marketplace, and also to each business owner in the city. We received two comments; one from Arctic Circle and the other from Great Clips. The

comments had to do with special promotion signs. The proposed regulations were to have a promotion or grand opening sign for ten days no more than three times a year; Arctic Circle requested the signs be displayed for thirty days six times a year. Great Clips requested fourteen days five times a year. Mr. Crane indicated that typically fast food and haircut establishments are the ones who use temporary special promotion signs the most. He stated that we have started to receive inquiries about the number of signs that are out now and he expects that to increase. The outline the Commission has before them is directed by City Council.

Commissioner Rock inquired about the Arctic Circle signs that are up and the pizza guy out shaking a sign on the corner. He asked how these signs get enforced and if we have someone to enforce them. Mr. Crane explained that we have been instructed by City Council not to enforce our current temporary sign ordinance. If the new regulations were applied to Commissioner **Rock's** sign concerns, there are no permits required, so they would be enforced by a complaint basis. For example, if someone complains about a sign, we start our documentation and go from there. The animation signs are the people with pizza signs; the Planning Commission recommended not to have those and the City Council felt those were an appropriate type of sign. Under 2F of the proposed regulations, it needs to be corrected so that it reflects that animation signs are allowed.

Commissioner Garrett said since we are going to have a hard time enforcing these, if there is a limit of days a sign can be left up, it seems like there needs to be something on the sign that indicates when the sign was put up and if it is in compliance. Commissioner Kemp said that it would be easy for someone to write in any day they want.

Mr. Crane explained that in speaking with the Public Works Director we need to determine the placement of signs in park strips and along parkway details. For the maintenance crew, it is difficult and a hazard for signs to be there. Commissioner Kemp said other cities he has been in, they are not allowed. Mr. Crane said that is originally how we had it proposed, but it was removed. He feels that it needs to be added back in.

Commissioner Kemp added that there is no money for enforcement of temporary signs. Commissioner Roundy said that if we are going to have an ordinance we ought to enforce or have some provision to have some control as opposed to saying we are out of control, do what you want. That seems to be what we are hearing. Commissioner Kemp added as a suggestion, having an ordinance that is enforceable. Commissioner Kemp suggested going quarterly to enforce the ordinance and keep people honest; see if we can find some money to do that.

Commissioner Garrett stated that businesses tend to be the biggest potential abusers and we should perhaps still look at limiting the number of temporary signs; still require businesses get permits for their signs and have fines and consequences if they violate those permits.

Mr. Crane expressed that City Council does not want a permit process or enforcement. If you look at the minutes and what has been said, that is the impression. Commissioner Heyrend said they do not want any additional burden on the City. Commissioner Kemp asked why we are talking about this then; we do not even really have a vote.

Commissioner Kemp closed the public hearing at [9:06:02 PM](#).

MOTION: Commissioner Rock moved that the Planning Commission accept the findings and recommend APPROVAL of the amendment to the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs with provisions for enforcement.

Motion seconded by Commissioner Roundy. Unanimous vote, motion carried.

C. OTHER BUSINESS:

Planning Commission Calendar

Jill Ballamis, Planning Secretary, reviewed the Planning Commission meeting schedule for the 2013 calendar year. She indicated that for consistency, we tried to keep the meetings to the 4th Tuesday of each month. There were a few exceptions to this due to various holidays throughout the year. The Commission will need to determine which date in July they would prefer to meet on; July 9th or July 23rd. After the Commission discusses any concerns with the calendar, we will need a motion adopting the 2013 meeting calendar.

MOTION: Commissioner Roundy moved to accept the 2013 Planning Commission Meeting Schedule as amended. Motion seconded by Commissioner Carruth. Unanimous vote, motion carried.

D. APPROVAL OF MEETING MINUTES FOR JULY 10, 2012 - REGULAR MEETING

MOTION: Commissioner Day moved to approve the Meeting Minutes for July 10, 2012 as amended. Motion seconded by Commissioner Rock. Unanimous vote, motion carried.

E. PLANNING STAFF REPORT

Review of recent City Council Actions

Mr. Crane stated that the General Plan amendment for the area of 6000 West and SR 92 was tabled; it may come back in the future as a part of a General Plan update or something like that.

Cobblewood Estates, 12 lot subdivision, received preliminary and final plat approval.

The biannual moderate income housing report was approved.

Ashford Assisted Living did receive approval on their amendment; Mr. Crane offered to go through details if anyone had questions.

An amendment to the Municipal Code was made to allow a depredation deer hunt.

The Trails Master Plan was finally approved. Country French was removed, Canterbury South alignment (Pugh) was done as it was originally shows, Pfifferhorn was shown as a neighborhood option trail, and Windsor Meadows stayed as the Planning Commission recommended. We are now working on processes and procedures to abandon trails and/or

open space.

We are also currently working on a simple boundary line adjustment with Alpine.

F. COMMISSION COMMENTS AND SUGGESTIONS

No further comments were voiced.

G. ADJOURNMENT

MOTION: Commissioner Heyrend moved to adjourn. Motion was seconded by Commissioner Carruth. Unanimous vote, motion carried.

Meeting adjourned at [9:17:31 PM](#).