

1 **Highland City Planning Commission**
2 **April 9, 2013**

3 The regular meeting of the Highland City Planning Commission was called to order by Planning
4 Commission Chair, Christopher Kemp, at 7:00 p.m. on April 9, 2013. An invocation was offered
5 by Commissioner Christopher Kemp and those assembled were led in the Pledge of Allegiance
6 by Commissioner Scott Temby.

7
8 **PRESENT:** Commissioner: Christopher Kemp
9 Commissioner: Jay Roundy
10 Commissioner: Steve Rock
11 Commissioner: Scott Temby
12 Commissioner: Tim Heyrend
13 Commissioner: Sherry Carruth

14
15 **EXCUSED:** Commissioner: Abe Day

16
17 **STAFF PRESENT:** Community Development Director: Nathan Crane
18 Secretary: Dorinda King

19
20
21 **OTHERS:**

22
23 **A. PUBLIC APPEARANCES**

24
25 Commissioner Chris Kemp read an opening statement for the Planning Commission.

26
27 “This Planning Commission is composed of Highland City citizens who have been
28 appointed by the City Council to serve on the Commission as a civic responsibility. In
29 the interest of maintaining a fair and efficient hearing, the Commission adheres to the
30 following steps:

31
32 The Chair calls the agenda item;
33 Staff gives a brief report and recommendation;
34 Applicant then may give a presentation;
35 Opposition and support give testimony, no more than three minutes per speaker;
36 Applicant may give a response, and
37 The Commission has a discussion and makes decision.

38
39 Anyone wishing to speak before the commission must fill out a speaker information form
40 and hand it to Nathan Crane, Community Development Director. We expect all that
41 participate will be civil in their public discourse and that they will be respectful of others
42 whether they agree or disagree with any action taken. The Commission will stand against
43 any incivility when we see it.
44

1 We thank you in advance for your participation.”

2
3 **B. PUBLIC HEARING ITEMS:**

- 4
5 1. **PP-13-02** Ivory Homes is requesting preliminary plat approval on a seven lot preliminary
6 plat on approximately 5.36 acres. The property is located at 9976 N Alpine Hwy. **This**
7 **item will be continued to the April 23, 2013 Planning Commission Meeting.**
8 *Administrative*

9
10 **MOTION: Commissioner Rock moved to continue item PP-13-02 to the April 23, 2013**
11 **Planning Commission meeting. Commissioner Roundy seconded. Unanimous vote, motion**
12 **carried.**

- 13
14 2. **TA-13-01** The City Council is requesting an amendment to Section 3-612 Fences, Walls
15 and Hedges, relating to the setback requirements for fences adjacent to state
16 highways/arterial streets. *Legislative*

17
18 Commissioner Kemp opened public hearing. 7:07:20

19
20 Mr. Crane stated the amendment is a request given by City Council to address fence setbacks
21 from state highways and arterial roads. He mentioned Highland only has three arterial roads
22 4800 West, SR 74 and SR 92. Currently the setback requirement is 30 feet from the curb which
23 was designed to accommodate the parkway detail. He mentioned the Council was approached
24 by a resident who asked to amend the setbacks. Staff did an inventory on all the lots adjacent to
25 the highways and arterial roads. He stated there are very few lots without a fence backing onto
26 or who had a side lot line adjacent to the roads. Staff came to the conclusion that setbacks
27 should be reduced from 30 feet to 14 feet, if the subdivision existed prior to 1980. Mr. Crane
28 mentioned the reduced setback would take care of parkway details and the older homes which
29 weren't designed to accommodate the fence.

30
31 Commissioner Kemp questioned how many lots would be affected and if the look of the
32 highways and arterial roads would change drastically. He stated the number of lots without a
33 fence can be misleading due to improvements on SR 92 which have been completed; he believes
34 there are approximately 5 lots currently without a fence along the SR 92.

35
36 Commissioner Rock mentioned he has heard many comments about the fence ordinances within
37 Highland and believes this request is long overdue.

38
39 Commissioner Kemp is concerned about the beautiful corridor. Mr. Crane mentioned the
40 amendment could be revised to address the concern.

41
42 Commissioner Kemp asked if a current home owners within the subdivisions older than 1980 can
43 tear down their fence and move it closer to the road. Mr. Crane mentioned they are allowed to
44 replace it, but if it's torn down the property owner would need to abide by the current setback
45 requirement. Mr. Crane mentioned there are some fences closer to the road than 14 feet.

1 Commissioner Heyrend mentioned the entrance makes the City pleasant to drive through and it
2 increases property values. He stated cities that don't have wide corridors and center strips with
3 vegetation lose out on the opportunity to attract people. Commissioner Heyrend mentioned if the
4 City is going to look at setbacks they need to look at a nicer looking fence as a tradeoff.
5 Commissioner Rock questioned if the City has a right to require a nicer looking fence.
6 Commissioner Heyrend believes they do have the right.
7

8 Commissioner Roundy expressed concern about white PVC fences. He stated they are easily
9 marked and broken. He mentioned on his property he has the original chain link fence the State
10 put up and now has ivy growing on it, which has become a solid barrier. He mentioned when big
11 winds come in it goes right through the fence whereas a solid white PVC fence will get blown
12 down. He stated there are many solutions that would work, look nice and be more durable than a
13 white PVC fence. He mentioned this is something to consider when making a decision.
14

15 Mr. Crane mentioned that the fence ordinance was modified in 2010 addressing theme walls for
16 residential subdivisions. He stated when a developer comes in and wants to develop along the
17 arterial roads they are responsible for building a theme wall. Theme walls are required to be
18 precast concrete, concrete or masonry block, brick or stone. He stated the cost gets absorb into
19 the cost of the lots within the subdivision. He stated that other fences could be rod iron, wood
20 and the City no longer allows chain link fences.
21

22 Commissioner Heyrend stated if the request is approved the property owners are going to be able
23 to use another 15 feet of the property and he believes there should be a tradeoff to compensate
24 for the narrow feeling of the streets that the request will bring. Commissioner Rock stated the
25 residents own the property. Mr. Crane stated it depends on the location, sometimes the property
26 owner owns it and sometimes its right of way which is city owned.
27

28 Commissioner Kemp mentioned having a tradeoff for being able to move fences closer to the
29 street giving access to more property, which would increase property value. Commissioner
30 Carruth mentioned the homeowners are already paying taxes and own the property. She stated
31 the choice is going to be to put up a fence and lose 15 feet of property or no fence and allow
32 them to have access to their entire lot. Commissioner Carruth stated anything on the other side
33 of the fence the property owners are not using but they are paying taxes on it. Commissioner
34 Heyrend mentioned with an easement the County will give reduced tax rates.
35

36 Commissioner Temby mentioned on SR 74 there is a parkway detail on one side of the street and
37 sidewalk on the other side. He questioned if the City owns up to the sidewalk. Mr. Crane
38 responded that it depends on the location, in some areas it is right-of-way and some areas there is
39 an easement.
40

41 Commissioner Temby is concerned for the homeowner having the enjoyment of their property
42 but he also likes the look of the community with right of ways and parkway detail.
43 Commissioner Carruth mentioned most of that will not change because that is owned by the City.
44 Commissioner Temby stated he is concerned about the side of the street where the sidewalk is.
45 Commissioner Kemp expressed concern about having a fence come up to the sidewalk on both

1 sides of the street for the entrance of the City. Commissioner Temby agreed. He wants to
2 maintain the look and feel of the City and still maintain the people's right to use their property.

3
4 Mr. Crane stated that if the Commissioners summarize their concerns, he can then draft
5 something to addresses those concerns for the next meeting.

6
7 Mr. Crane explained a situation on 4800 West, the road was expanded and the property owner
8 who lived along 4800 West wanted to move his fence closer to the road. He applied for and
9 received a variance in order to move his fence. Mr. Crane stated in order to receive a variance
10 the property owners need to prove a hardship. He stated variances are on a property by property
11 basis. Commissioner Kemp questioned how many properties would qualify for a variance. Mr.
12 Crane mentioned there are between 6 to 12 properties. Commissioner Kemp questioned who is
13 responsible for the area between the road and the fence. Mr. Crane mentioned the homeowner is
14 responsible for maintenance. Mr. Crane mentioned if the area is not maintained then staff can
15 send a letter letting the property owner know they need to clean up the area.

16
17 Commissioner Temby noticed a piece of property on the power point where there was an 8 foot
18 setback. Commissioner Temby mentioned increasing from 8 feet to 14 feet makes a huge
19 difference, he feels the 14 feet is much more open. Commissioner Temby suggested if the
20 setback remained at 30 feet the City could provide an accommodation stylistically for what
21 would be used there as far as materials for distances 15-30 feet. Commissioner Temby suggested
22 after 30 feet, home owners can put up what they want. He mentioned if the setback is narrowed
23 the concern about that look and feel as you come into the City increases. He believed if the City
24 can legislate the materials used then it might address the concerns.

25
26 Commissioner Kemp mentioned the wood fence along the Alpine Highway. He questioned what
27 can be done to improve the appearance of the fence. Mr. Crane mentioned the City includes
28 maintenance money for the wood fence because it is City owned.

29
30 Commissioner Roundy mentioned the differences in property owner's opinions. He expressed
31 the property owners are putting in fences at their own expense and will do their best to make
32 them look nice. He mentioned he is for letting the property owner choose their own fence with
33 the recommendation of staff. Commissioner Rock also believes the property owners preference
34 should be a priority.

35
36 The Commissioners discussed the variety of fencing on SR 74. They discussed the maintenance
37 of the area between street and fence. They discussed their personal preferences of fencing and
38 setbacks. The Commissioner also discussed how to define a "nice fence" or whether or not the
39 home owner's preference should be a priority or if the City should legislate the type of materials
40 used for fencing along the arterial streets and highways.

41
42 Commissioner Heyrend mentioned the staff report where it mentions allowing the City to
43 implement the parkway detail if the property is acquired by the City. He questioned if the City
44 would consider acquiring the property. Mr. Crane mentioned the City isn't currently in a
45 financial situation to acquire the property. Commissioner Heyrend questioned why the property
46 owner who proposed the request to the City Council would want a 14 foot setback. Mr. Crane

1 explained the request is to reduce the setbacks. He stated anything existing is grandfathered in
2 and anything new needs to abide by the current code. Mr. Crane stated in commercial
3 development they are required to maintain the area between the fence and street. He stated on a
4 residential street the property owner is required to maintain the right of way. Commissioner
5 Temby stated if it is not maintained, the City has the right to maintain it and bill the property
6 owner. Commissioner Kemp mentioned he has seen that done. Commissioner Carruth expressed
7 her concern about making rules that cannot be enforced.

8
9 The Commissioners discussed concerns that need to be addressed at the next meeting; the
10 concerns include maintenance, fence types, setbacks, if the homeowner can choose the fence or
11 if the City will legislate, solid fence or open fence. Commissioner Temby stated the purpose is
12 to pursue the look and feel of the community.

13
14 Commissioner Roundy stated in 2002 for the winter Olympics the entire over passes where
15 supposed to be the same from North Salt Lake to American Fork. He stated the idea was to tie it
16 all together. He stated the idea was not approved so each city was able to choose what they
17 wanted on their bridges. He mentioned each city did a really good job making each over pass
18 individual to them. He believes each homeowner should pick what is best for their property. He
19 believes with the 14 foot setback the City will not need to maintain the property, he believes it
20 could work.

21
22 The Commissioners believe they will be better prepared to make a decision if they get inventory
23 of what is currently along the main roads and highways. They decided between now and the
24 next meeting they will drive around the City to gather that inventory.

25
26 **MOTION: Commissioner Steve Rock made motion to continue item TA-13-01 requesting**
27 **that staff research and provide suggestions and ideas to present at the next Planning**
28 **Commission meeting on April 23, 2013. Commissioner Temby Seconded.**

29
30 **Those voting aye: Christopher Kemp, Scott Temby, Jay Roundy, Steve Rock, Tim**
31 **Heyrend. Those voting nay: Sherry Carruth. Motion carries 5:1.**

- 32
33 3. **TA-13-03** The City Council is requesting an amendment to Section 3-4103, Area and
34 Width Requirements, clarifying how the maximum density is calculated in the R-1-40
35 District. It does not increase the maximum density permitted. *Legislative*

36
37 Mr. Crane stated this is a request by City Council to address the issues with the Wakefield
38 subdivision. He explained the interpretation of the code states if you take parent parcel divide it
39 by 40,000 and if there was additional density left over then you go do the lot calculations to see
40 if they can met the lot. He mentioned the goal is to clarify that interpretation.

41
42 Mr. Crane read the section if a subdivision was platted with less than the maximum number of
43 lots a lot may be further subdivided if both lots met all the requirements of the development
44 code. For the purpose of this section the density is calculated using the number of lots that
45 would be allowed under the original plat, or a subdivision as a whole.

1 Commissioner Kemp asked if the reason the code is getting amended is because of the Wakefield
2 lot split. Mr. Crane explained the Code has been interpreted the same way among previous
3 employees and council members but one of the comments coming from the City Council
4 discussion stated it needs to be written down in a way that is more understandable.

5
6 Commissioner Roundy stated he has known people who have applied to subdivide but the City
7 doesn't allow it. He believes clarifying the Code may keep that from happening in the future.

8
9 Commissioner Temby questioned if the second sentence of the revision should read "a
10 subdivision may be further subdivided". Mr. Crane stated it could. Commissioner Kemp stated
11 it is addressing the issues with the Wakefield request which subdivided a lot the same time they
12 also subdivided the subdivision. Commissioner Heyrend questioned if you have to amend the
13 plat. Mr. Crane explained there has to be a new subdivision. Mr. Crane stated the second
14 sentence was made the first sentence which would read "so for the purpose of this section the
15 density requirements calculated using the number of lots that would have been allowed on the
16 original parcel". Commissioner Temby stated he believes he is approaching it correctly. Mr.
17 Crane continued reading "if a subdivision was platted with less than the maximum number of
18 lots permitted on a parcel an existing lot may be further subdivided if both lots met all the
19 requirements of the development code".

20
21 Commissioner Kemp opened the public hearing and with no comments, he closed the public
22 hearing.

23
24 **MOTION: Commissioner Roundy moved to accept the findings and recommend approval**
25 **of case TA-13-03, text amendment to Section 3-4103, Area and Width Requirements,**
26 **clarifying how much density is calculated in the R-1-40 District. Commissioner Heyrend**
27 **Seconded. Unanimous, motion carried.**

- 28
29 4. **TA-13-02** Highland City Staff is requesting a text amendment to Chapter 10 Definitions,
30 to add a definition for measuring minimum lot width for lots in cul-de-sacs. *Legislative*

31
32 Commissioner Kemp opened the public hearing.

33
34 Mr. Crane stated the Development Code does not define how you measure the width of a lot on a
35 cul-de-sac. It does require minimum lot width depending on what zone it is in. In the R-1-40
36 zone the width is 130 feet and in R-1-20 it is 115 feet. It is allowed to be reduced to 98 feet on a
37 cul-de-sac. The goal is to create a definition that will give guidance on how to measure the
38 width of a lot on a cul-de-sac. Mr. Crane stated in the past the lot was measured on the arc. He
39 explained the different options of measurement to the Commissioners. The first form of
40 measurement is to measure the arc along the street. The second way to measure is on top of the
41 arc straight across and the third way is 30 feet back from the arc and then straight across.

42
43 Commissioner Kemp questioned what staff is proposing. Mr. Crane stated measuring by the arc
44 because that is how it has been done in the past. Commissioner Kemp questioned if measuring
45 by the arc is the best way. Mr. Crane stated there are pro's and con's. He stated he would not
46 measure by the red line because that would make the lot too shallow. Commissioner Kemp

1 stated the idea is the entire square footage of the lot. Mr. Crane stated the Development Code is
2 based on lot size but lot width also effects street look on a community.

3
4 He mentioned lots within the Skye Estates Community there are some lots that are 15,000 square
5 feet but the width is only 80-90 feet wide. The smaller width changes the lot design; smaller
6 width will put homes closer together and give deeper backyards. Larger width there will be
7 more a rectangle shaped lot and homes further apart. Mr. Crane stated there is a setback for side,
8 front and rear yards.

9
10 He stated most of what Highland has being built are custom or semi-custom houses, so they are
11 designed specifically for a lot. He explained a narrow effects the street view. He explained there
12 should be 20 feet for a garage and then the living space. So if the frontage is reduced too much
13 then all you would see from the street is garage. Commissioner Roundy questioned if the
14 developers would think of that while designing the subdivision. Mr. Crane stated that most of
15 the developers within Highland are not master developers. He explained they are people coming
16 in titling, subdividing and then selling the lots to individual builders.

17
18 Mr. Crane stated the wider the lot the more architectural detail and the better the architecture of
19 the home. Commissioner Roundy believes the wider lots are more compatible with the general
20 plan. Commissioner Kemp stated going 30 feet back on each side of the property and connecting
21 the dots would be best.

22
23 Commissioner Heyrend questioned if that would make the lots wider. Commissioner Kemp
24 explained it would make wider lots. Mr. Crane explains in the past staff have been consistent
25 with the arch. Mr. Crane explained in the R-1-20 zone so the frontage can be 98 feet on the
26 curve. In an R-1-40 zone there is not a provision. Commissioner Heyrend believes the required
27 130 feet frontage is already enough. Commissioner Kemp stated it will not make a drastic
28 change within the City one way or the other. Commissioner Carruth believes that a lot of
29 frontage will be lost if it is measured from straight across from the arc. Commissioner Kemp
30 stated it would be easiest for the builders to measure from property line to property line then 30
31 feet back. Commissioner Kemp stated it might be a good idea to be consistent with the way
32 staff has been measuring, which is along the arc.

33
34 Commissioner Kemp closed the public hearing.

35
36 **MOTION: Commissioner Heyrend moved to accept the findings of using the existing arc**
37 **and recommend approval of the amendment providing a definition for measuring lot width**
38 **for cul-de-sac lots. Commissioner Rock seconded. Unanimous vote, motion carried.**

39
40
41 **C. APPROVAL OF MINUTES**

42
43 **MOTION: Commissioner Temby moved to approve the Planning Commission meeting**
44 **minutes for February 12, 2013 with the revisions as noted. Commissioner Roundy**
45 **Seconded. Unanimous vote, motion carried.**

1 **D. PLANNING STAFF REPORT**

2
3 Mr. Crane mentioned the City Council approved the Preliminary Plat for Skye Estates. He
4 explained things are picking up for the Community Development Department and thanked the
5 Commissioners for their patience.

6
7 He informed the Commissioners Draper City has approached Highland about adjusting
8 boundaries which would add 450 acres on the North side of Highland City. Commissioner Kemp
9 questioned if this is because they cannot service the area. Mr. Crane stated he is correct.
10 Commissioner Kemp asked what the City Council is feeling about this. Mr. Crane stated they
11 are cautiously optimistic. Mr. Crane showed the Commissioners what the future boundary would
12 look like. Commissioner Temby questioned if Draper is discussing this with Lehi City as well.
13 Mr. Crane stated the proposed 450 acres is not being discussed with Lehi but he believes if
14 Highland City doesn't want it Draper will approach Lehi City. Commissioner Temby stated he
15 believes it would be in the Cities best interest to acquire the property being proposed by Draper.
16 Mr. Crane stated there is money in the budget to update the general plan this next fiscal year. He
17 stated the master planning in the proposed area should be done when the general plan is updated.

18
19 Commissioner Rock questioned if staff has heard anything more on Meier's Fine Foods. Mr.
20 Crane stated their building permit is ready and they are finalizing their civil plans. He also
21 mentioned Plat C of Beacon Hills is expired so they will have to go through the process of Final
22 Plat again, which will go to City Council.

23
24 **Commissioner Roundy Moved to adjourn. Commissioner Rock seconded.**

25
26 **Meeting adjourned at [8:47:57 PM](#)**