

# HIGHLAND CITY PLANNING COMMISSION AGENDA

**DATE:** TUESDAY, DECEMBER 9, 2008

**PLACE:** HIGHLAND CITY BUILDING,  
5400 WEST CIVIC CENTER DRIVE SUITE 1

**TIME:** 7:00 P.M.

Parliamentary Procedure is followed at Highland City Council Meetings. Parliamentary Procedure refers to the rules of democracy – that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. Parliamentary rule is based upon the will of the majority; the right of the minority to be heard; protection of the rights of absentees; courtesy and justice for all; and consideration of one subject at a time.

**Item 1:** Approval of Meeting Minutes for November 11, 2008

**Item 2:** Rasmussen Ranches Preliminary Plan ~ Public Hearing and Recommendation

**Item 3:** Residential Infill Overlay Zone ~ Discussion



This Agenda and a Full Agenda are available on the City Web Site at [www.highlandcity.org](http://www.highlandcity.org)

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Gina Peterson, City Recorder, 756-5751 ext. 4506, at least three working days prior to the meeting.*

# Remember...

## Utah Code and Constitution

### 10-9a-101. Title.

This chapter is known as the “Municipal Land Use, Development, and Management Act.”

### 10-9a-301. Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

- (1) (a) Each municipality shall enact an ordinance establishing a planning commission.
- (b) The ordinance shall define:
  - (i) the number and terms of the members and, if the municipality chooses, alternate members;
  - (ii) the mode of appointment;
  - (iii) the procedures for filling vacancies and removal from office;
  - (iv) the authority of the planning commission; and
  - (v) other details relating to the organization and procedures of the planning commission.
  - (vi) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.

### 10-9a-302. Planning commission powers and duties.

- (1) The planning commission shall make a recommendation to the legislative body for:
- (2) a general plan and amendments to the general plan;
- (3) land use ordinances, zoning maps, official maps, and amendments;
- (4) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- (5) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- (6) application processes that:
  - (a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
  - (b) shall protect the right of each:
    - (i) applicant and third party to require formal consideration of any application by a land use authority;
    - (ii) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
    - (iii) participant to be heard in each public hearing on a contested application.

---

## **Item 2: Rasmussen Ranches Preliminary Plan ~ Public Hearing and Recommendation**

---

### **Summary Statement:**

---

That the Planning Commission Grant Preliminary Subdivision Approval for the Rasmussen Ranches Subdivision per the conditions and recommendations of staff.

*The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that is not specifically identified by staff.*

---

### **Sponsor:**

---

Patterson Homes, Steve Sowby

---

### **Staff Presentation:**

---

Carly LeDuc, Planner to present

---

### **Background:**

---

Steve Sowby, representing property located between approximately 6250 West 11800 North, is requesting Preliminary Subdivision Approval for a 7-lot subdivision. The property is located within the R-1-40 zone, which allows a density equal to one lot per 40,000 square feet with lot sizes as small as 20,000 square feet. Rasmussen Ranches Subdivision's total parcel size consists of 6.032 acres revealing that the density for the entire subdivision is 1.16 units per acre. The lots range in size from 20,007 to 62,932 sq ft. The proposed lots meet the minimum frontage and density requirements. The Rasmussen Ranches Subdivision also meets the requirements of the R-1-40 Zone as defined by the Highland City Development code.

Initially there were concerns from the property owner to the north with the configuration of Rasmussen Ranches Subdivision particularly the road alignment and access to the Burgess property. Staff suggested to the applicant at a DRC meeting to speak with the Burgess Family to discuss possible options in reconfiguring the property to accommodate any concerns the Burgess Family may have. The applicant did show access to the property to the north on the site plan included in this packet.

Planning Staff recommendations are as follows:

1. That a DEED RESTRICTION be placed on lot 5 and a note be added to the final plat stating the following: "notice is hereby given that the purchaser/owner of lot 5 that a large pond exists on this lot and the prospective buyer shall be responsible to regrade, fill-in, and recompact the existing pond at owners discretion. Engineered fill shall be required if a structure is to be placed over the existing pond area"; and
2. That a DEED RESTRICTION be placed on each lot and a note be placed on the Final Plat stating: "notice is hereby given that the purchaser/owner of a lot within Rasmussen Ranches subdivision is subject to typical operating conditions of a gravel pit immediately adjacent to the east of this proposed subdivision"; and
3. That a DEED RESTRICTION be placed on each lot and a note be placed on the Final Plat stating: "*Property owners adjacent to this subdivision have existing large animal rights which may include horses, cows and goats. These rights are protected by both the Municipal and Development Codes of Highland City. There are noises, smells and other events associated with these animals that can occur all hours throughout the day and night, and prospective buyers of property in this subdivision should be aware of this prior to purchasing property*"; and
4. That a DEED RESTRICTION be placed on each lot and a note be placed on the Final Plat stating: "*wildlife including mule deer, rocky mountain goats and bighorn sheep have historically and consistently*

wintered and/or migrated through this area and may continue to do so. There are potential concerns that may surface associated with the existing wildlife, and the prospective buyers of property in this subdivision should be aware of this prior to purchasing property.”

5. That the applicant strictly adhere to the Dust and Mud Prevention Plan; and
  6. That any easements shown on the title report should be clearly identified on the Final Plat unless located in the right of way; and
  7. That the applicant obtain from the City a demolition permit for any buildings to be removed; and
  8. That the applicant complete the requirements for the final plat as per the checklist (i.e., include separate addresses on each lot, etc.) prior to submitting for Final Approval form the City Council.
- 

***Legal Authority:***

---

- Chapter 5, Subdivisions, Highland City Development Code
  - Utah Code; 10-9a-604
- 

***Fiscal Impact:***

---

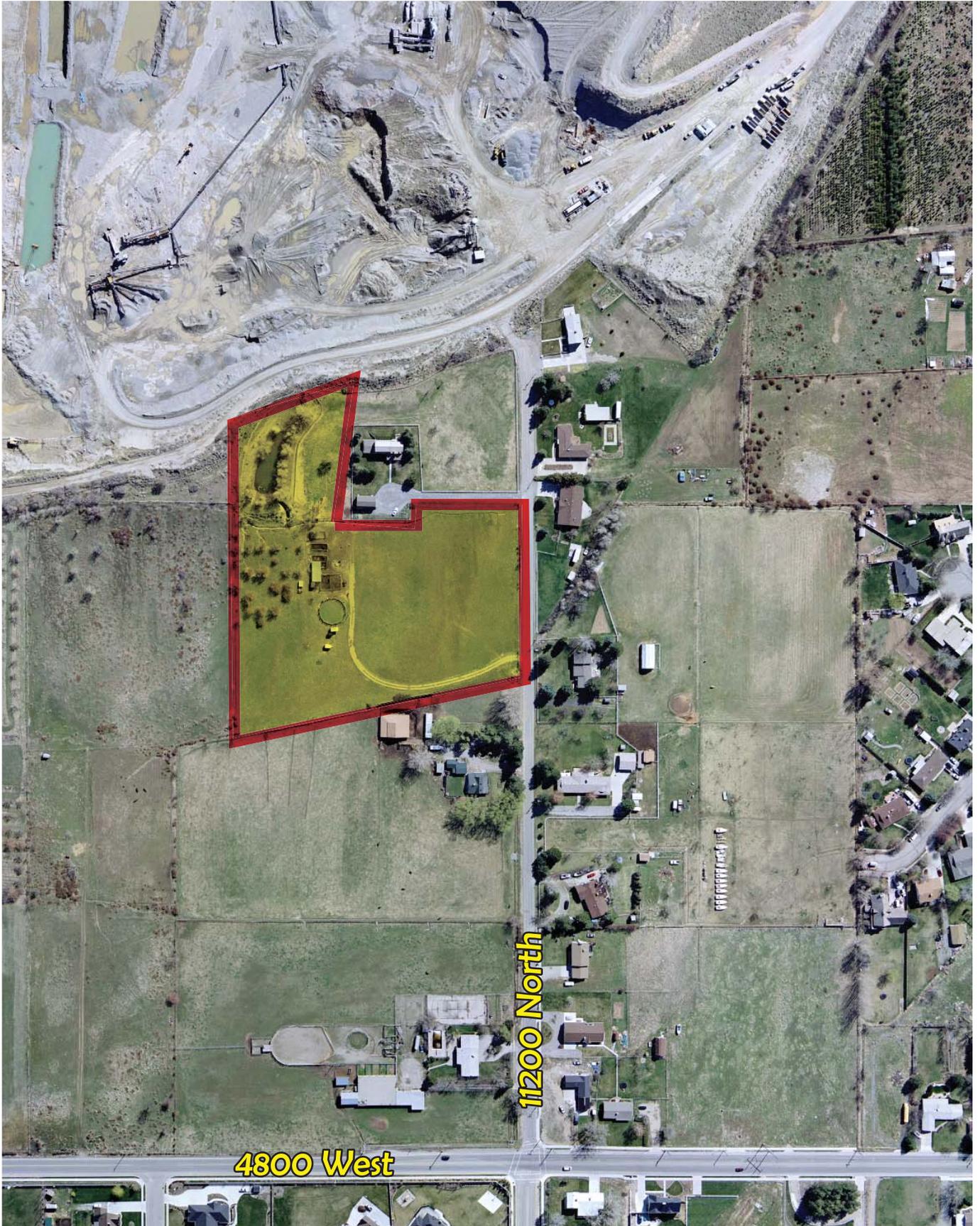
- N/A
- 

***List of Attachments:***

---

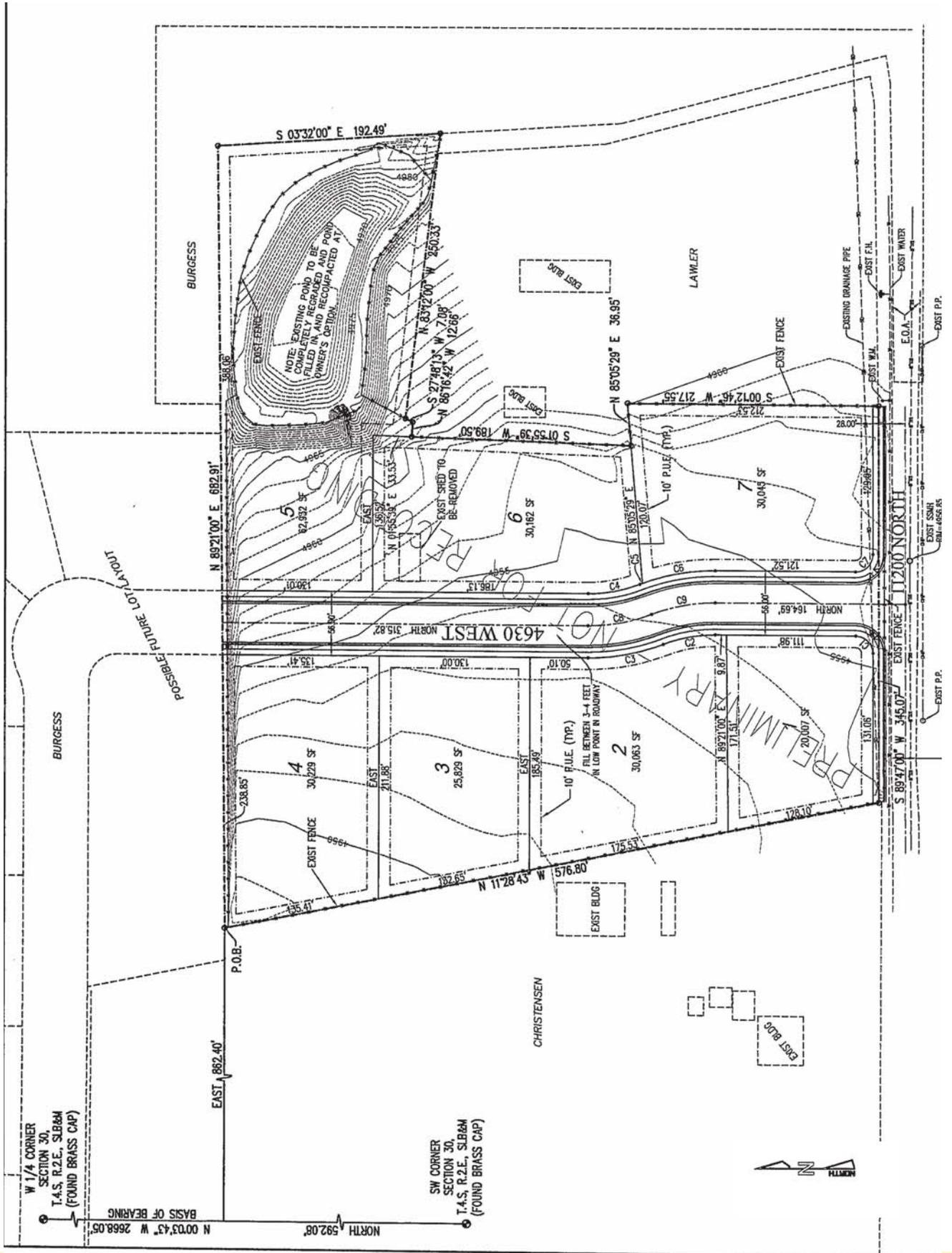
- Vicinity Map
- Site Plan

VICINITY MAP



ATTACHMENT

SITE PLAN



ATTACHMENT

---

**Item 3: Residential Infill Overlay Zone ~ Discussion**

---

***Summary Statement:***

---

On April 1, 2008 the City Council requested that the Planning Commission recommend an infill overlay ordinance to the City Council similar to a draft ordinance prepared by staff. On April 22, 2008 the Planning Commission reviewed and discussed this item. This is simply being included in this agenda to remind the Planning Commission of this item and allow the Planning Commission to become familiar with the proposed ordinance for a second time. This item will return for a Public Hearing and Recommendation in January.

---

***Sponsor:***

---

Highland City

---

***Staff Presentation:***

---

Lonnie Crowell, Community Development Director to present

---

***Background:***

---

The idea of an infill zone has been discussed over the past several years. Staff has been requested to begin the process to propose an infill zone for property within Highland. On April 1, 2008 the City Council requested that the Planning Commission recommend an infill overlay ordinance to the City Council. The Highland City Development Code or State Law did not require the Council to propose or initiate this process, however staff proposed this draft to the Council for any comments and/or recommendations to staff and the Planning Commission as this takes place. An ordinance will be discussed by the Planning Commission, a public hearing will be held and advertised, and a recommendation will be provided back to the City Council prior to adoption (or no action).

Staff has drafted ordinance based on floor area ratios and existing surrounding conditions (please see attached). This will be the second attempt by staff to create an infill zone however the current draft is different than the previous and may provide a more reasonable opportunity that does not impact adjacent properties as much as other ordinances may. Obviously the one uncertainty with this draft ordinance that staff would like the Planning Commission to ignore while reviewing this proposal is related to the discussion regarding residences for persons with a disability and will need to be consistent throughout the Code. This will be reflective of that and consistent with the final decision prior to adoption (3-4153(9)). The city may have an entire chapter or section of a separate portion of the Development Code devoted to these group homes. Either way this highlighted reference will be edited to be consistent with the outcome of the residences for the disabled decision.

---

***Proposed Action:***

---

That the Planning Commission study the proposed ordinance and give staff any recommendations or amendments before the public hearing and recommendation so that staff may make corrections and/or amendments.

---

***Legal Authority:***

---

- Utah Code; 10-9a-502, 503
  - Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map
- 

***List of Attachments:***

---

- Draft ordinance
  - Planning Commission Minutes, April 22, 2008
-

ARTICLE 4.15

RESIDENTIAL INFILL OVERLAY ZONE

Proposed Ordinance by Staff

- 3-4151: Residential Infill Overlay Zone
- 3-4152: Definitions
- 3-4153: Permitted Uses
- 3-4154: Conditional Uses
- 3-4155: Special Provisions
- 3-4156: Lot Scale
- 3-4157: Location Requirements
- 3-4158: Building Scale
- 3-4159: Accessory Structures

**3-4151: Infill Residential Overlay Zone.**

- (1) The objective in establishing the Infill Residential Overlay Zone is to establish a low density residential infill opportunity within the City which is characterized by lots which have been designed to be consistent with surrounding neighborhoods. Property within this zone should provide for well-spaced buildings, well kept lawns, trees and other landscaping, a minimum of vehicular traffic, and quiet residential conditions favorable for family life.
- (2) Representative of the uses within the Infill Residential Overlay Zone are single-family dwellings, schools, churches, parks, playgrounds, and other community facilities designed in harmony with the characteristics of the Zone. (see section 5-128)
- (3) Multi-family dwellings, commercial and industrial use areas are strictly prohibited in this Zone.

**3-4152: Definitions.** The following definitions shall apply within the Residential Infill Overlay Zone:

- (1) **Average Lot Size Calculation (ALSC):** Average lot size calculation is the average square footage of all lots within the ICA (see 3-4152(4)).
- (2) **Average Floor Height (AFH):** The AFH is the percentage difference between single story homes and two-story homes within the Infill Comparison Area.
- (3) **Floor Area Ratio (FAR):** The FAR is the ratio between permitted buildable square footage and the square footage of the lot.
  - (a) Square footage used for livable area in a second story home is deducted from and limited by the FAR.
  - (b) Basements are not included when calculating the FAR.
  - (c) Garages are included when calculating the FAR.
- (4) **Infill Comparison Area (ICA):** The ICA is an identified area adjacent to a property proposed for development that includes all property within 600 feet, or three recorded lots, whichever is greater.
  - (a) The ICA is identified for the purpose of calculating surrounding conditions to create consistency with adjacent properties.
- (5) **Infill Density Calculation (IDC):** The IDC is the density allowed within a proposed development calculated by dividing the square footage of the property to be developed by the ALSC (see 3-4152 (1)).
- (6) **Infill Height Calculation (IHC):** The IHC is the ratio between single story homes and two-story homes within the ICA (see 3-4152 (4)).
- (7) **Parkway Detail.** The parkway detail is a 29' foot landscaping and public access easement provided along any major collector or arterial to create a buffer between traffic impacts and adjacent property.

ATTACHMENT

**3-4153: Permitted Uses.** (Amended: 2/18/97)

The following buildings, structures, and uses of land shall be permitted in the Infill Residential Overlay Zone upon compliance with requirements set forth in this Code:

- (1) Single-family dwellings, of conventional construction as permitted by law, which include a garage of sufficient size for storage of two automobiles.
- (2) Accessory uses such as storage buildings, private garages, carports, noncommercial greenhouses, swimming pools, and large animal shelters.
- (3) Public utility lines and subject to Section 5-114(6) of this Code.
- (4) Household pets (per Title 6, Animals; Highland City Municipal Code).
- (5) Fences, walls, hedges (as defined in Article 6, Supplementary Regulations in this Code).
- (6) Gardens, fruit trees, and field crops.
- (7) Keeping of animals, subject to Section 3-4102(7) of this Code.
- (8) A city parks and recreation host and temporary living facilities trailer located on park property owned or leased by the City. (Amended: 8/18/98)

- (9) Residences for persons with a disability; provided that the building and use is consistent with Utah Code 10-9a-520 and complies with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.
  - (a) Persons occupying a residence for persons with a disability exceeding two (2) unrelated persons shall meet all of the requirements of a person with a disability according to the definition of "disability" per State Law, Utah Code 10-9a-103; and
  - (b) No more than eight (8) unrelated persons may occupy a residence for persons with a disability not including caretakers of which the number shall be defined by state law determined by the number of persons occupying the home; and
  - (c) Residences for persons with a disability shall not be considered multi-family dwellings; and
  - (d) Residences for persons with a disability shall be reasonably dispersed throughout Highland:
    - (i) Residences for Persons with a Disability shall not be located within 1/4 mile from another similar use; and
  - (e) Owners of Residences for persons with a disability shall provide to the City a copy of the following documentation prior to occupying a Residence for Persons with a Disability:
    - (i) Verification of a State License to operate a Residence for Persons with a Disability; and
    - (ii) Copies of any required reports and/or inspections provided by the Department of Human Services and/or the Department of Health or required by the owner/operator to these departments, whichever may apply.

**3-4154: Conditional Uses.** (Amended 2/18/97, 4/21/98, 11/3/98, 1/15/02, 6/17/03, 12/2/03, 3/2/04, 6/15/04)The following buildings, structures and uses of land shall be allowed in the Infill Residential Overlay Zone upon compliance with the provisions of this Section as well as other requirements of this Code and upon obtaining a conditional use permit as specified in Chapter 4 of this Code:

- (1) Public, private and parochial schools and grounds
- (2) Churches, not including temporary facilities.
- (3) Libraries, museums, art galleries.
- (4) Nonprofit country clubs, subject to Section 3-4108(4) of this Code.
- (5) Residential facilities for elderly persons shall be subject to Utah Law, Section 10-9a-516-519, providing that the building to be used for such purpose and the use thereof conform to the following requirements:
  - (a) The building conforms to all applicable health, safety, zoning, and building codes;
  - (b) The building is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

ATTACHMENT

- (c) The facility is located not closer than three-quarters of a mile from any other residential facility for elderly persons or residential facility for handicapped persons.
  - (d) Not more than four elderly persons reside at the facility;
  - (e) The facility shall be owned by one of the residents or an immediate family member of one of the residents for which title has been placed in trust for a resident;
  - (f) The facility shall not house any person being treated for alcoholism or drug abuse;
  - (g) Placement of any person in such a facility shall be voluntary and may not be part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
  - (h) Such other conditions as the Planning Commission may require as part of the conditional use approval process.
- (6) Any conditional use permit granted under subsections (5) or (6) is nontransferable and shall terminate if the structure is devoted to another use or if it at any time fails to comply with applicable health, safety or building codes.
  - (7) Churches, public buildings and grounds, including storage yards and repair shops.
  - (8) Public parks and grounds.
  - (9) All Conditional Uses shall landscape 35% of their site and comply with parking requirements as determined by the Planning Commission.
  - (10) Model Homes consistent with Section 3-4108(13) of this Code.

**3-4155: Special Provisions.** (Amended: 6/18/02, 8/21/07)

Special provisions shall apply in the Infill Residential Overlay Zone in order to protect its essential characteristics:

- (1) The space required around buildings and structures shall be kept free from refuse and debris.
- (2) All buildings and uses within this zone shall comply with all applicable portions of Sections 3-601 through 3-620.
- (3) Park or Planter Strips. All park strip areas, between the sidewalk and the curb, are to be covered and maintained according to the requirements defined in Chapter 3, Article 6, Section 3-621 in this Code.
- (4) At least seventy percent (70%) of the area contained within a required front yard or side yard adjacent to a street shall be landscaped within one year of occupancy.
- (5) Sufficient off street parking shall be provided and maintained for all automobiles and recreational vehicles owned or used by occupants of each dwelling.
- (6) All properties along major arterials or major collectors shall provide the parkway detail and pedestrian access easement to be maintained by Highland City.

**3-4156: Lot Scale.** (Amended: 6/16/98, 6/5/01, 1/15/02)

The maximum number of lots to be permitted within the Residential Infill Overlay Zone shall be determined by the Infill Density Calculation (see 3-4152(5)). Property used for Churches and other public buildings and grounds shall not be included in the Average Lot Size Calculation when determining the number of allowable lots. In no case, shall lots within the Infill Residential Overlay Zone be smaller than 20,000 square feet. In determining the number of lots, any computation or measurement resulting in a fractional number shall be rounded down. Area and width requirements of a building lot in the Infill Residential Overlay Zone shall be as follows:



*Figure 4.15.1. Example of IDC. In this diagram, The area in Yellow is known as the ICA, and the lots indicated in blue will be used to calculate the ALSC and AFY.*

Use: One single-family dwelling  
 Average Density: Per Infill Density Calculation  
 Minimum Lot Area: 20,000 Square Feet  
 Minimum Width at Setback Line: 140 feet  
 Minimum Width at Front Property Line: 140 feet  
*(Cul-de-sac lots, entirely located within the bulb, shall have an exception with a minimum width of 119 feet at the Setback Line required.)*

**3-4157: Location Requirements.** (Amended: 9/5/00, 8/1/06) Buildings and structures on lots within the Infill Residential Overlay Zone shall be located as follows:

- (1) All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the front lot line; and
- (2) All dwellings and other main buildings and structures shall be set back not less than fifteen (15) feet from either side lot line; and
- (3) All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the rear lot line; and
- (4) Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots:
  - (a) All dwellings and other main buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street.
  - (b) The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.
- (5) All dwellings and other main buildings and structures shall be set back not less than fifteen (15) feet from the parkway detail; and
- (6) Anything structurally attached to the home such as a foundation wall, deck requiring a building permit (covered or uncovered), or covered patio (unless cantilevered) shall be considered part of the main dwelling.

**3-4158: Building Scale.** (Amended 6/7/05, 3/7/06) The maximum height of any building in the Infill Residential Overlay Zone shall not exceed thirty-five (35) feet. In addition, the height of home shall be determined by the Infill Height Calculation. The height is measured from one location along any elevation where the "Grade of Building" (as defined in 10-102 (23)) to the highest part of the building is at its greatest vertical distance. On sloped lots where the grade difference exceeds four feet in elevation the averaged maximum "Height of Building" (as defined in 10-102(26)) in the Infill Residential Overlay Zone shall not exceed an average height of thirty-five (35) feet above grade of building as defined in Section 10-202 (23). No building shall be constructed to less than the height of 10 feet or one story above finished grade.

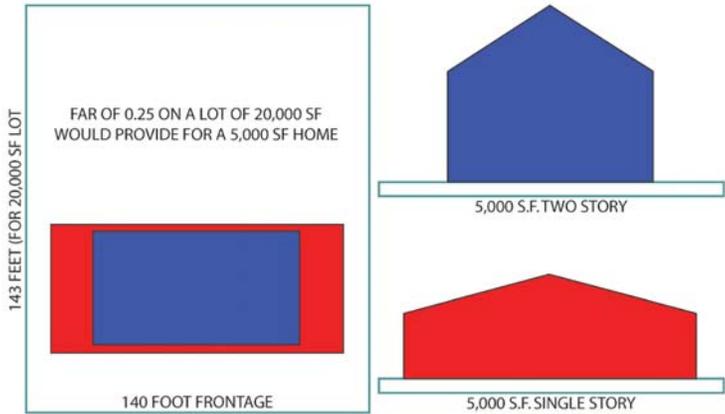
- (1) **Infill Height Calculation.** The height of the main floor within a Residential Infill shall be limited by the IHC. This formula is a ratio calculated by determining the number of single story and second story residential homes within the Infill Comparison Area. The resulting ratio, or Average Floor Height, shall be used to determine the number of single story homes and second story homes permitted the proposed development. In addition, and if the calculation permits, the following shall apply:



**Figure 4.15.2. Example of IHC.** In this instance, 2 story homes are indicated in dark blue resulting in an IHC of 0.4 for 2 story homes. This indicates that 40% of the proposed subdivision lots could have 2 story homes.

- (a) Single story homes shall be required on proposed lots immediately adjacent to existing single story residential dwelling units.
  - (i) Proposed Lots which border multiple properties shall be consistent with the majority of existing conditions along the respective property line.
- (b) Single story homes shall be required on lots adjacent to major arterials and major collector streets.

(2) **Size of Dwellings.** The main floor living area of any residential dwelling unit within the Infill Residential Overlay Zone shall be determined by a Floor Area Ratio (FAR) including a double car garage. The ground floor living area of any dwelling in the Infill Residential Overlay Zone shall not be less than 1,500 square feet not including a double car garage. In no case shall the garage exceed 40% of the square footage of the main floor living area of the home. Basements shall not be included when determining the FAR for each lot. The maximum FAR for any property within the Residential Infill Overlay Zone shall be 0.25 (or 25% of the lot).



**Figure 4.15.1. Example of FAR. Using this method provides square footage based upon the size of the lot which, in turn, reduces the impact to existing residential homes.**

**3-4159: Accessory Buildings.** (Amended: 9/5/00, 1/15/02, 9/17/02)

A. All accessory buildings within this zone shall conform to the standards, setbacks and conditions indicated in this Section. There are two types of accessory structures that may be constructed within the Residential Infill Overlay Zone identified as a Residential Accessory Structure and a Large Animal Accessory Structure defined as follows:

**A. Residential Accessory Structure.** A detached structure placed upon a foundation and/or footing constructed for the purpose of storage and/or parking. A Residential Accessory Structure may not be constructed for the purpose of living or living area. A Residential Accessory Structure may only be constructed if the following requirements are met:

- (1) An accessory building is any building or structure which is not attached to the main dwelling on the lot that is:
  - (a) Greater than 120 square feet, or
  - (b) Attached to a permanent foundation, concrete slab, or footing; and
- (2) An accessory building shall be set back from the rear property line a minimum of 10'; and
- (3) All accessory buildings shall be set back from the side property a minimum of 10'; and
  - (a) Accessory buildings shall have a side yard setback no less than 30' from the side lot line which abuts a street; and
- (4) All accessory buildings shall be placed no closer than six (6) feet from the main building. Said six feet shall be measured to the closest part of the structures including any roof overhang.
- (5) Accessory buildings may not cover more than 5% of the total lot area of the lot; and
- (6) Accessory buildings shall be constructed out of exterior materials consistent with the main dwelling unit; and
- (7) No accessory building shall be erected to a height greater than 1 story, or 20 feet from natural grade, whichever is less, and shall not have more square footage than the main floor of the main dwelling unit; and
- (8) Any accessory building used for a home occupation shall comply with the regulations

governing a home occupation business.

- (9) All accessory structures exceeding 120 square feet in this zone shall require a building permit;

**B. Large Animal Shelter.** Large Animal Shelter is any structure for the purpose of sheltering large animals which may also be used for storing hay and farm equipment in addition to large animals. A Large Animal Shelter may not be constructed for the purpose of living or living area. AN Large Animal Structure may only be constructed if the following requirements are met:

- (1) Any detached structure requiring a foundation shall be considered an accessory structure and shall be subject to Section 3-4109 / 3-4209; and
- (2) A large animal shelter is a minimum of 50% open on one side; and
- (3) Large animal shelters do not need a building permit, but are required to meet minimum setback requirements as follows:
  - (a) A large animal shelter shall be a minimum of 100' from an adjacent residential dwelling unit; and
  - (b) 75' from the owner's residential structure; and
  - (c) 10' from a side or rear property line; and
  - (d) 30' from any street; and
  - (e) 10' from a trail easement.
- (4) A large animal shelter shall not be constructed within an easement; and
- (4) A large animal shelter shall not be taller than 20 feet from natural grade; and
- (5) A large animal shelter shall be one of the following architectural elevations or similar construction. (Added 12/7/04)

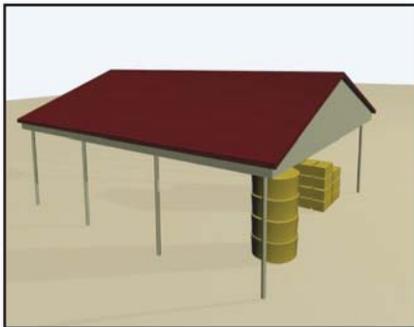


Figure 1: Pole Barn

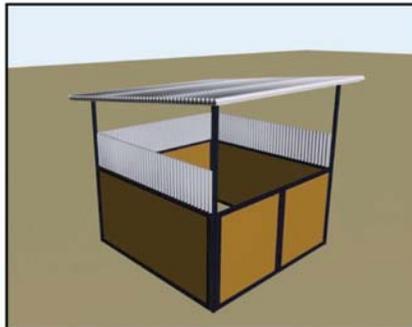


Figure 2: Powder River Type



Figure 3: Shelter, Tack Shed: Kirby Type

**C. Storage Buildings.** A storage building is an accessory building that is less than 120 square feet. A storage shed shall be required to follow the proceeding standards:

- (1) A storage building shall not be placed within an easement; and
- (2) A storage building shall not be placed within a front or side yard; and
- (3) A storage building shall not exceed 15 feet in height; and
- (4) A storage building shall not require a building permit.

ATTACHMENT

1 Jennifer Tucker stated that we would really appreciate that. It will give it all a nice  
 2 streetscape. This is uncharacteristic of other buildings with what they have seen.

3  
 4 Jennifer Tucker mentioned that their sign will need to be addressed so that it  
 5 conforms to the code.

6  
 7 Lonnie Crowell said that is acceptable.

8  
 9 Jennifer Tucker questioned the sign lighting and wondered if the sign will have pan  
 10 channel letters.

11  
 12 John Montgomery said yes.

13  
 14 Lonnie Crowell stated the concern is that only two signs are allowed.

15  
 16 **Motion by Melissa Wright, Planning Commission to continue Item 3 based on the**  
 17 **following recommendations: that the developer redesign the windows so they are**  
 18 **extended and separated both on the south and east side of the building; redesign**  
 19 **the roofline possibly to include an arch on all four sides; provide a color board and**  
 20 **color rendering that would also show the swap of the drive thru and loading; and**  
 21 **that the colors be consistent with all others.**

22  
 23 **Seconded by Don Blohm.**

24  
 25 **Unanimous vote, motion carried.**

26  
 27 **Item 4: Infill Overlay Zone ~ Discussion**

28  
 29 Lonnie Crowell stated that during the general plan update that this subject was  
 30 brought up. The city had made previous attempts to create an infill zone between  
 31 the R-1-40 and R-1-20 zones. It was asked of him yesterday that this be able to work  
 32 with existing properties. This proposed zone will take and compare the number of  
 33 stories of houses in an area and determine how frontage and square footage is based  
 34 off of whether the home is a two story or rambler. The homes will not be able to be  
 35 built to every square foot of buildable area of the lot. This presents the opportunity  
 36 to develop this land which otherwise might not be able to. There is a wider frontage  
 37 required which gives an appearance of a larger lot and also will make it more difficult  
 38 to develop behind each lot at a later date.

39  
 40 Jennifer Tucker asked why we need this if whole city has been zoned to begin with.  
 41 She stated that there are some sizeable pieces of ground left and if they were able to  
 42 be an infill zone they now get to chose R-1-20 or R-1-40. She does not understand  
 43 why we need this for the majority of what is still out there.

44  
 45 Lonnie Crowell stated that there have been requests to have something other than R-  
 46 1-40. These requests are from people who have lived here forever. The price of

1 ground, the price to develop, and/or the lack of desire to continue to farm has led to  
2 these discussions that there should be something in between.

3  
4 Jennifer Tucker stated that there already is something in between. Something needs  
5 to be given in return for this special zoning. Essentially we are taking a piece of land  
6 near an R-1-20 subdivision and letting this new area piggy back onto this zone  
7 without giving anything in exchange.

8  
9 Lonnie Crowell explained that this is intended for smaller properties and that this is  
10 just a draft and that is why it is here.

11  
12 Don Blohm asked what the argument is against it. He said he does not see the pros  
13 and cons.

14  
15 Barry Edwards said that the City Council concluded there are only so many people  
16 who want to have large lots and Highland is excluding some of those who want to  
17 live in Highland and want a smaller lot. It is not an economic thing; some just do  
18 not want large lots. City Council is saying there should be another option. Not a  
19 new zone, but an option.

20  
21 Jennifer Tucker said she thinks we are kidding ourselves because if we give a  
22 developer an option they will always pick the R-1-20 zone.

23  
24 Barry Edwards explained that the City Council went on a fieldtrip of Highland and  
25 determined what makes Highland is how far apart the houses are not how big the  
26 back yard is. What gives the city the open feel is not the smaller back yards, but  
27 larger side yards. He explained this cuts down on the depth of a lot and increases the  
28 width.

29  
30 Melissa Wright asked why people are having problems; is it because they do not fit  
31 into a regular R-1-20 zone?

32  
33 Lonnie Crowell said that part of the problem is because there are no rectangle lots  
34 anymore.

35  
36 Roger Dixon asked about the fieldtrip that was supposed to have happened last  
37 November. It was to see what the City Council saw and give us a better idea of what  
38 we are looking at.

39  
40 Barry Edwards said we can still do that. He expressed that when the City Council  
41 drove around they began to see it is not just the depth of the lot that creates the open  
42 feel.

43  
44 Jennifer Tucker stated that we learned from the survey that we have a lot of homes  
45 that are on smaller lots; whether they were pre-Highland or because they were our  
46 buffering areas or whatever the reason is, but why not just rezone them all?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

Lonnie Crowell said he has a map that will show 70% of Highland is less than one acre lots.

Jennifer Tucker said she is not opposed to this, but we talk about diversity in lot size and it seems we need larger lots, not smaller ones.

Barry Edwards stated that we have to be careful to not take this discussion out of current economic conditions. Right now you cannot sell an acre lot. We need to excise this out of current economic conditions.

Jennifer Tucker expressed that none of the lots are moving though despite the size.

Barry Edwards explained that this is something that the Planning Commission needs to debate. It may be that you recommend to the City Council that you do not like this, but it is something you need to decide/debate. We can do a tour if that will help.

Lonnie Crowell explained that the way it is written right now is that the average is taken within an area; they have to meet the frontage and match what is around it.

Jennifer Tucker said that we have not defined what infill is yet.

Don Blohm stated that we like this idea and asked if we just want to get some parameters concerning the details of the infill overlay.

Barry Edwards stated that a tour would be a good way. There is nothing that says you have to recommend this to the City Council.

Melissa Wright asked if this would blanket Highland City.

Barry Edwards explained that the way Lonnie Crowell has is that they would have to come in and apply for this infill zone. The ordinance has to have some controls about property size. As an example he stated that five acres might be too small, but ten acres too big.

Discussion ensued

Barry Edwards explained this infill zone is not ruled by density, but by frontage.

Lonnie Crowell stated it will have a density based on surrounding neighbors.

Jennifer Tucker asked if there are any concerns, especially any concerns of how it is calculated. She thought it was fine.

1 Roger Dixon stated that the tone of it is good; limiting the acreage to ten or less  
2 makes a lot of sense and that may be the only thing we need to add to it.

3  
4 Lonnie Crowell said he is hearing a limit somewhere between eight to ten acres.

5  
6 Melissa Wright asked if they want a tour then to determine what is best.

7  
8 Jennifer Tucker stated she thinks so in order for everyone to know what is going on  
9 and as far as everything else goes no one else seems to have concerns other than  
10 limiting the size.

11  
12 Roger Dixon asked if we can figure out a tour time now.

13  
14 Lonnie Crowell said that we will have to come back to you with more information  
15 on that.

16  
17

18 **Item 5: Basement Apartments ~ Information**

19  
20

21 Melissa Wright asked if we are calling it an accessory dwelling unit or a basement  
22 apartment.

23  
24

25 Barry Edwards stated that that is significant and that is what we have to determine.  
26 Staff is saying it is an apartment within the main dwelling. We should not allow  
27 detached dwellings with an apartment over them. He said we are talking about a  
28 basement apartment that is within the home.

29  
30

31 Jennifer Tucker asked if staff wants their further comments or if they would like the  
32 Planning Commission discuss them.

33  
34

35 Lonnie Crowell said that if the Planning Commission has comments to give that  
36 would be great.

37  
38

39 Abe Day brought up a point that some people may be able to afford housekeepers  
40 and they may not want them to stay in the house with the family, but in separate  
41 quarters; such as an apartment. Or some people may want a studio or office that is  
42 separate from the home. He asked if this is different.

43  
44

45 Barry Edwards stated that staff has looked at what creates a conflict and has found it  
46 is secondary uses that create the conflicts in the neighborhoods. Staff made a list of  
what is the problem and why do we not want it. From staff's standpoint we are not  
willing to allow anything that is an outside structure.

47  
48

49 Don Blohm stated that some of these ordinances from other cities seem pretty well  
50 written and feels we can use some of them.

51