

1 **Highland City Planning Commission**
2 **April 14, 2009**
3

4 **PRESENT:** Commissioner: Jennifer Tucker, Chair
5 Commissioner: Brent Wallace
6 Commissioner: Tony Peckson
7 Commissioner: Melissa Wright
8 Commissioner: Don Blohm
9 Commissioner: Kelly Sobotka
10 Commissioner: Roger Dixon
11 Alternate Commissioner: Abe Day
12

13 **STAFF PRESENT:** City Planner: Lonnie Crowell
14 City Engineer: Matthew Shipp
15 Secretary: Kiera Corbridge
16

17 **OTHERS:** Trixie Walker, Michael Brooks, Jim Scadlock, Scott Risinger, Klint
18 Matthews, Tom Hulbert, Doddie Clements, Kathryn Schramm, Chad Copier.
19

20 Meeting Convened at 6:56 pm
21 Prayer given by: Tony Peckson
22 Pledge led by: Brent Wallace
23
24

25 **Item 1: Approval of Meeting Minutes for March 24, 2009**
26

27 **Melissa Wright moved to approve the Meeting Minutes for March 24, 2009, as**
28 **amended. Seconded by Roger Dixon. Unanimous vote, motion carried.**
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31 **Item 2: Taco Time Restaurant - CR Zone Architectural & Site Plan**
32 **Approval Application ~ Recommendation**
33

34 Lonnie Crowell explained that Keith Hansen, representing the property owner for Lot 6
35 within the Highland Marketplace, is requesting Architectural Approval for a Taco Time
36 drive-through restaurant. The CR Zone was approved several years ago now and included
37 a drive through restaurant at this location with a site plan nearly identical to the proposed
38 application. The proposed square footage is approximately 2312 square feet and the
39 previously approved square footage was 3270, a difference of 30%. He also explained
40 that because the building exceeds the permitted 5% difference in size, the City Council
41 will need to also grant site plan approval per the ordinance. Staff recommends the
42 Planning Commission recommend the City Council grant site plan approval due to the
43 consistency of the proposed site plan with the approved master site plan.
44

45 Lonnie Crowell explained that Staff would make the following suggestions to maintain
46 consistency within the CR Zone:

- 1 • The proposed structure is consistent with the architecture within the CR Zone and
2 the previously approved buildings with the exception of the proposed color of the
3 roof; existing buildings within the CR Zone have a dark bronze standing seam
4 metal roof. While a red roof is typical at Taco Time, Highland City ordinance
5 specifically prohibits “brightly colored roofing materials such as bright red,
6 yellow, neon colors or similar colors unless approved by the Planning
7 Commission” 3-4370(3)(a). Staff recommends that the roof color be similar to the
8 existing buildings within the CR Zone.
- 9 • Staff recommends the dumpster be designed and constructed similar to the
10 existing dumpsters within the Highland Marketplace. Staff also recommends that
11 the exterior of the dumpster wall be heavily landscaped, specifically along the
12 south elevation facing SR-92.
- 13 • The proposed application indicates that the northern portion of the building will
14 be fairly void of architectural features other than banding and rock wainscot. In
15 recent applications, the Planning Commission has required an applicant to include
16 faux windows along a wall that appears to be blank but is visible to adjacent
17 properties. Staff also recommends that more trees and a variety of landscaping be
18 planted along this elevation to mitigate the lack of architectural detail.

19
20 Keith Hansen, a representative from AEURBIA, and Jim Scadlock, Scott Risinger, and
21 Klint Matthews, representatives from Taco Time, were present to answer questions.

22
23 A Commissioner referenced the copper colored roof on the Taco Time in American Fork
24 and reaffirmed that the buildings in the CR Zone also have roofs with a copper or bronze
25 appearance. The Commissioners agreed that the roof of the proposed building would
26 need to be a dark bronze color similar to the roofs on the existing buildings in the CR
27 Zone.

28
29 The Planning Commission discussed the lack of architectural detail on the north west
30 portion of the building. Several Commissioners referenced the faux windows on
31 buildings in the surrounding area and suggested that two faux windows be installed. The
32 Planning Commission asked Keith Hansen and the representatives from Taco Time if the
33 faux windows would be a concern; they replied stating that the faux windows should not
34 be a problem. It was also noted that the real windows would extend to the wainscot level
35 to allow tables to be placed along the walls.

36
37 A Commissioner questioned why the building was not rotated so the main entrance faced
38 the parking lot as would be consistent with the existing buildings. Lonnie Crowell
39 indicated that alternative positioning of the drive-thru entrance/exit could create a safety
40 concern, adding that the curb and gutter already exist at this site.

41
42 **Roger Dixon moved to recommend that the City Council Approve the Architectural**
43 **and Site Plan Approval Application for the Taco Time Restaurant within the CR**
44 **Zone per the following recommendations:**

- 45 **1. That the color of the standing seam metal roof be dark bronze similar**
46 **to the existing structures approved and constructed within the CR**
47 **Zone; and**

- 1 2. That the color of the awnings be similar to the awnings on existing
- 2 structures approved and constructed within the CR Zone; and
- 3 3. That the applicant install a tree adjacent to the west elevation on the
- 4 north half of the building to screen the short expanse of the blank
- 5 wall; and
- 6 4. That the applicant install additional trees and/or landscaping along
- 7 the north elevation to break up the minimal architectural detail of the
- 8 north elevation wall; and
- 9 5. That the applicant install two faux windows with awnings on the
- 10 north west side of the building to break up the minimal architectural
- 11 detail; and
- 12 6. That the dumpster related to this project be designed and constructed
- 13 similar to the previously constructed dumpsters for the previously
- 14 approved building and that the dumpster be significantly landscaped
- 15 around three sides and specifically along SR-92.

16 **With the addition of the following finding of fact:**

- 17 1. That the proposed square footage of the lot is smaller than the square
- 18 footage of the previously approved lot.

19 **Seconded by Kelly Sobotka. Unanimous vote, motion carried.**

20
21
22 **Item 3: Code Amendment 3-622: Purpose of Public Utilities to specifically**
23 **define and permit alternative energy ~ Public Hearing and Recommendation**

24
25 Lonnie Crowell explained that staff has had several requests from Highland City
26 residents to allow for personal alternative energy sources, specifically wind turbines and
27 solar panels, to power residents' homes; the current ordinance prohibits this use. Staff has
28 provided a draft ordinance for the Planning Commission to review that allows for
29 alternative energy systems within Highland.

30
31 A Commissioner expressed the opinion that establishing a height limit not to exceed the
32 height of the house may be too restrictive. Lonnie Crowell observed that limiting the
33 structure height could resolve the concern of neighbors competing for wind and sun
34 exposure.

35
36 A Commissioner raised concern regarding wind farms and suggested limiting the number
37 of wind turbines per property as well as the number of ground mounted solar panels.
38 Lonnie noted that wind turbines and solar panels would also be subject to the CC&R's or
39 Home Owner's Association requirements of each development.

40
41 Lonnie Crowell explained that when the energy produced exceeds the amount consumed
42 each month, the excess is credited to the account; however, any remaining credits are
43 discarded at the end of the year. He also stated that an agreement with the utility
44 company is required for both solar and wind power.

1 **Jennifer Tucker opened the Public Hearing at 6:37 pm.**

2
3 Steve Painter, owner of West Mountain Wind and Solar, described his product and was
4 available to answer questions from the Planning Commission regarding wind power.
5 Several of the topics discussed are as follows:

- 6
7 • Mr. Painter mentioned that a net meter tracks the amount of energy consumed and
8 the amount credited back to the utility. He also noted that Rocky Mountain Power
9 only allows one home per meter.
10
11 • Mr. Painter indicated that Rocky Mountain restricts the production of more than
12 25 kilowatts, which eliminates the wind farm concern. He also stated that the
13 average energy production of a wind turbine is around 3.2 kilowatts.
14
15 • Mr. Painter stated that most cities allow for both a 34 foot and a 45 foot wind
16 turbine and expressed his opinion that a 60 foot turbine is not economically
17 feasible. He shared his experience that wind turbines need to be at least 30 feet
18 tall to have sufficient air flow.
19
20 • Mr. Painter explained that the average install for a 34 foot turbine is \$12,500.00
21 but Federal and State credits reduce the cost. The average turbine is 34 feet tall
22 with 6 foot blades. He noted that the payback will take about 5 years, depending
23 on the wind available.
24
25 • Mr. Painter suggested not establishing setbacks according to height, but whether
26 or not the wind turbine can be installed without intruding on the neighbors.
27
28 • Mr. Painter stated that his product is designed to withstand 150 mile per hour
29 winds and that it shuts down if there is a power outage to avoid shocking a
30 lineman who might be repairing a line; however, backup power can be established
31 with a battery.

32
33 Michael Brooks, a Highland City resident, expressed his interest in installing a wind
34 turbine on his property to supplement his utility bill and provide power in an emergency.
35 He expressed his concern with the setback requirements, stating that the proposed
36 setbacks are too restrictive for properties the size of his lot.

37
38 A Commissioner asked if there could be an insurance concern. Mr. Brooks stated that he
39 had called his insurance agent who said that additional insurance would not be required.

40
41 A Commissioner suggested specific requirements for footing, depths, etc. that would
42 exclude structures with a risk of falling over. Lonnie Crowell explained that the original
43 intent of the proposed setbacks was to reduce the damage caused if a wind turbine or
44 ground mounted solar panel were to fall. Lonnie Crowell also mentioned that the wind in
45 Highland presents a particular concern.
46

1 A Commissioner observed that the concern is not necessarily the wind turbines
2 constructed by a licensed engineer, but the concern is with wind turbines installed by an
3 inexperienced homeowner. Lonnie Crowell suggested requiring a stamped engineered
4 plan verifying that the pole can withstand high winds to prove the pole strength.

5
6 A Commissioner noted that the largest concern seems to be when the pole is initially
7 installed and suggested requiring that the structure be installed by an authorized dealer.
8 Lonnie Crowell suggested that the engineer be required to be onsite when the pole is
9 installed.

10
11 Lonnie Crowell suggested requiring neighbor signatures rather than requiring a
12 Conditional Use Permit; however, the permit approval could not be based on neighbor
13 approval.

14
15 **Jennifer Tucker closed the Public Hearing at 8:21 pm.**

16
17 Commissioners expressed opinions that solar panels on a pole as tall as the house seems
18 excessively tall. A Commissioner suggested that the ground mounted solar panels be
19 limited to the height of the fence; not to exceed 6 feet in height. It was noted that the solar
20 panels are extremely expensive and residents may not want panels near the ground.
21 Lonnie Crowell stated that he would research the average height of ground mounted
22 panels.

23
24 Commissioner's echoed Mr. Brook's opinion that setbacks larger than the standard 10
25 foot Utility Easement would limit residents according to lot size. Concern was expressed
26 that the pole could land on a neighbor's home; a Commissioner suggested a condition
27 that the pole cannot be taller than the distance to the nearest neighboring dwelling.

28
29 Concerns were raised about the possibility of the poles becoming a climbing hazard; it
30 was suggested that guide wires not be permitted.

31
32 **Tony Peckson moved that the Discussion and Public Hearing be continued pending**
33 **additional research and information from Staff. Seconded by Melissa Wright.**
34 **Unanimous vote, motion carried.**

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37 **Item 4: Define: Common Household ~ Discussion**

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39 Lonnie Crowell explained that "Common Household" is an important term when
40 evaluating a possible illegal apartment; however, it is too vague of a term for Code
41 Enforcement to successfully assess the situation. Staff feels that having a definition
42 clarifying this term will help with enforcement processes.

43
44 A Commissioner suggested that a Common Household would be defined as sharing a
45 common home facility, kitchen and/or laundry, as well as both parties accessing the home
46 through the main entrance. Lonnie Crowell indicated that the staff has followed that

1 definition in the past; if the home did not follow the guidelines, it was considered an
2 apartment. The concern, however, is that a family is permitted to build a separate
3 dwelling for a family member and that when the home is sold, the new homeowner may
4 not understand that the apartment cannot legally be rented.

5
6 It was clarified that the current ordinance only allows basement apartments and that an
7 apartment cannot be built over a garage; however, under the current definition of the
8 Common Household, a separate dwelling can be built for family members. It was noted
9 that if apartments were permitted to be built over a garage, the Basement Apartment
10 ordinance would need to be changed to an Apartment ordinance.

11
12 A Commissioner inquired as to the number of Basement Apartment Applications that the
13 City has received since the passing of the Basement Apartment ordinance. Lonnie
14 Crowell responded that several applications have been picked up, but no applications
15 have been turned in. A Commissioner expressed concern that an ordinance was passed
16 that is too restrictive to follow. It was noted that the ordinance becomes an enforcement
17 tool if there are complaints.

18
19 Bruce Tucker, a resident of Highland, suggested that proof of a common household be
20 required if the home has a separate kitchen or a separate entrance. He also noted that
21 Provo City requires a real estate broker or agents fill out an application that discloses
22 what is within a home.

23
24 The Planning Commission requested to continue the item for further review and to allow
25 time for staff to prepare a draft definition.

26
27
28 Meeting adjourned at 9:11 pm.