

HIGHLAND CITY PLANNING COMMISSION AGENDA

DATE: TUESDAY, APRIL 14, 2009

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 March 24, 2009

Item 2: Taco Time Restaurant - CR Zone Architectural & Site
Plan Application ~ **Recommendation**

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

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

This Agenda and a Full Agenda are available on the City Web Site at 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...

Pierre-Charles L'Enfant's 1791 plan for the city of Washington is one of the great landmarks in city planning. It was, L'Enfant claimed, "a plan wholly new," designed from its inception to serve as the framework for the capital city of the new nation beginning in the year 1800. Its scheme of broad radiating avenues connecting significant focal points, its open spaces, and its grid pattern of streets oriented north, south, east, and west is still the plan against which all modern land use proposals for the Nation's Capital are considered.

L'Enfant (1754-1825) was born in France and educated as an architect and engineer. Caught up in the spirit of the American Revolutionary War, he came to America at the age of twenty-two and served with honor as an officer in the Corps of Engineers of the Continental Army. On September 11, 1789, he wrote to President George Washington in order "to solicit [sic] the favor of being Employed in the Business" of designing the new city. At this early date, L'Enfant already perceived "that the plan should be drawn on such a scale as to leave room for that aggrandizement & embellishment which the increase of the wealth of the Nation will permit it to pursue at any period how ever remote."

"An Act for establishing the temporary and permanent seat of the Government of the United States," was signed into law on July 16, 1790. After giving cursory consideration to other locations, George Washington selected a site for the seat of government with which he was very familiar -- the banks of the Potomac River at the confluence of its Eastern Branch, just above his home at Mount Vernon. Selected by Washington to prepare a ground plan for the new city, L'Enfant arrived in Georgetown on March 9, 1791, and submitted his report and plan to the president about August 26, 1791. It is believed that this plan is the one that is preserved in the Library of Congress.

After showing L'Enfant's manuscript to Congress, the president retained custody of the original drawing until December 1796, when he transferred it to the City Commissioners of Washington, D.C. One hundred and twenty-two years later, on November 11, 1918, the map was presented to the Library of Congress for safekeeping.



American Treasures of the Library of Congress <http://www.loc.gov/exhibits/treasures/tri001.html>

Item 2: Taco Time Restaurant - CR Zone Architectural & Site Plan Application
 ~ Recommendation

Motion:

That the Planning Commission Recommend the City Council Approve the Architectural Approval Application for the Taco Time Restaurant within the CR Zone per the 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 have not been specifically identified by staff.

Sponsor:

Tom Hulbert, Property owner/CR Zone Developer
 Keith Hansen, AEURBIA Architects & Engineers

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission recommend approval with the following recommendation:

- That the color of the standing seam metal roof be an earthtone color similar to the existing structures approved and constructed within the CR Zone and not bright red; and
- That the applicant install a tree adjacent to the west elevation on the north half of the building to screen the short expanse of the blank wall; and
- That the applicant install additional trees and/or landscaping along the north elevation to break up the minimal architectural detail of the north elevation wall; and
- That the dumpster related to this project be designed and constructed similar to the previously constructed dumpsters for the previously approved buildings and that the dumpster be significantly landscaped around three (3) sides and specifically along SR-92.

Findings:

The Planning Commission may use findings to recommend or not recommend approval for this application.

Background:

Keith Hansen, representing the property owner for Lot 6 within the Highland Marketplace is requesting Architectural Approval for a Taco Time drive-through restaurant. The CR Zone was approved several years ago now and included a drive through restaurant at this location with a site plan nearly identical to the proposed application (see attached). The proposed square footage is approximately 2312 square feet and the previously approved square footage was 3270 a difference of 30%. This is important because if the building exceeds 5% in size, smaller or larger, the City Council will need to also grant site plan approval per the ordinance. **Staff would recommend the Planning Commission recommend the Council grant site plan approval with this motion due to the consistency of the proposed plan with the approved master site plan.** The landscaping is consistent and in most cases an improved plan in comparison to the originally approved site plan.

The proposed structure is consistent with the architecture within the CR Zone and the previously approved buildings with the exception of the proposed color of the roof. All of the buildings already approved within the CR Zone have a dark bronze standing seam metal roof for each sloped portion of those buildings. While a red roof is typical at Taco Time located at approximately 11400 South State Street in Draper, Utah has a

dark green roof which would more closely meet the requirements of the CR Zone. The ordinance specifically prohibits “brightly colored roofing materials such as bright red, yellow, neon colors or similar colors unless approved by the Planning Commission” 3-4370(3)(a). Staff recommends that the roof color be similar to the existing previously approved buildings to create consistency with the CR Zone and so that the roof does not detract from the architecture details on the proposed building or the architectural details within the shopping center.

Additionally, Staff recommends the dumpster be designed and constructed similar to the existing dumpsters within the shopping center and heavily landscaped around the exterior of the dumpster wall where the doors are not located but specifically landscaped along the south elevation along SR-92 to be less visible from the road if possible.

In recent applications the Planning Commission has required an applicant to include faux windows along a wall that appears to be blank but is visible to adjacent properties. The proposed application indicates that the northern portion of the building will be fairly void of architectural features other than banding and rock wainscot. Staff believes that on the east elevation this will be mitigated by trees that are shown to be planted along the drive through landscaping median. The north elevation may be mitigated by extensive tree planting along the drive through landscape median and one tree within the landscaping area. Staff recommends that more trees and a variety of landscaping be planted along this elevation to mitigate the lack of fenestration. The wall on the north side of the west elevation may be the least visible due to its location adjacent to the existing buildings and its location north of the proposed portico and street front windows. Staff would recommend planting one tree in the center of the landscaping within this non-articulated portion of this elevation to mitigate the lack of fenestration in this location.

It is Staff’s opinion that the most visible portion of the proposed building wall, the building wall area adjacent to SR-92, has been considerably architecturally designed consistent with the CR Zone and the proposed ordinance for this type of use and user. This portion of the building includes a significant amount of fenestration with window treatments and architectural detail, rock detail with a emphasized entry, rock wainscot and roof trim/cornice/soffit that meets these requirements. Staff appreciates the detail and consistency

Legal Authority:

- 3-4373, Highland City Development Code

Fiscal Impact:

N/A

List of Attachments:

- Proposed Renderings
- Proposed Elevations
- Copy of Proposed Color board
- Existing Site Plan
- Previously Approved Site Plan

RENDERING OF PROPOSED ARCH. ELEVATIONS



SOUTH & EAST ELEVATIONS



NORTH & WEST ELEVATIONS



WEST & SOUTH ELEVATIONS

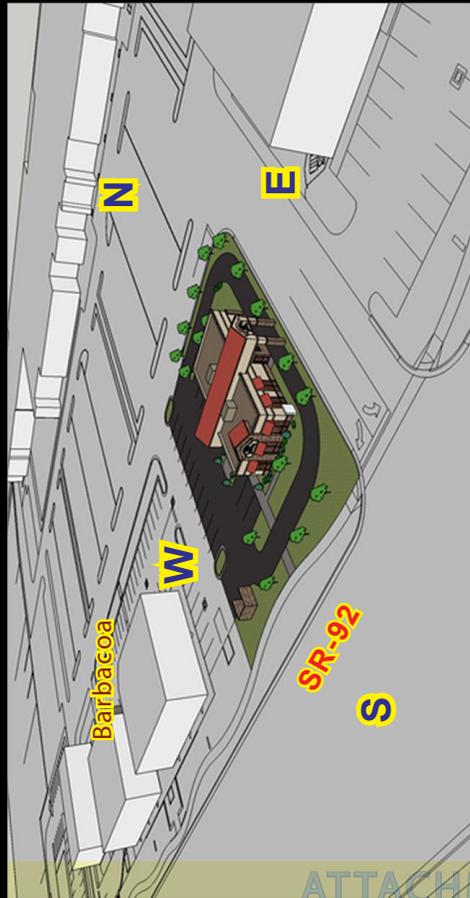
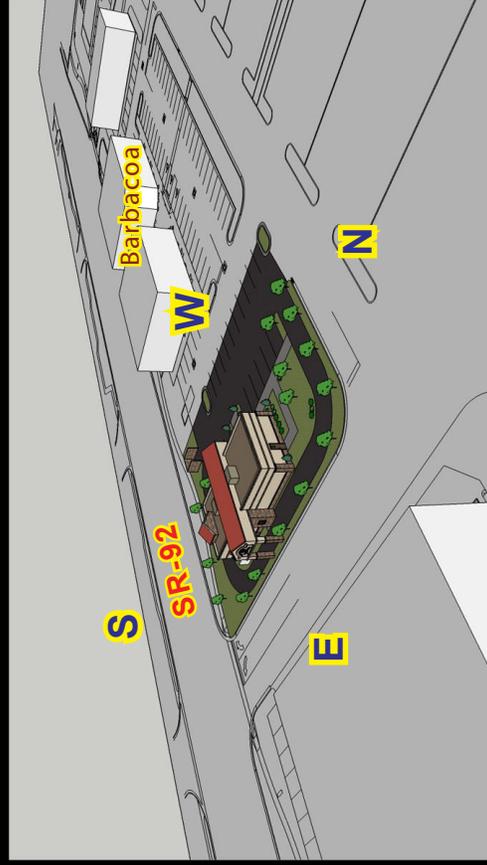
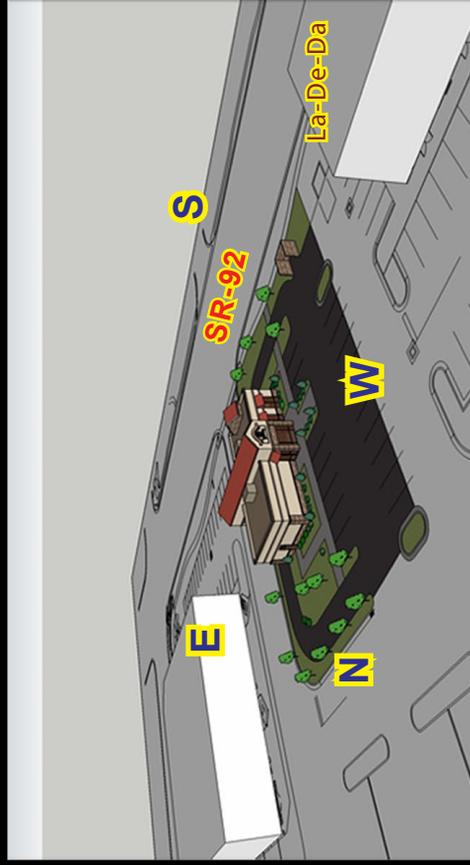


EAST & NORTH ELEVATIONS

TACO TIME
HIGHLAND MARKETPLACE

AEURBIA
ARCHITECTS & ENGINEERS

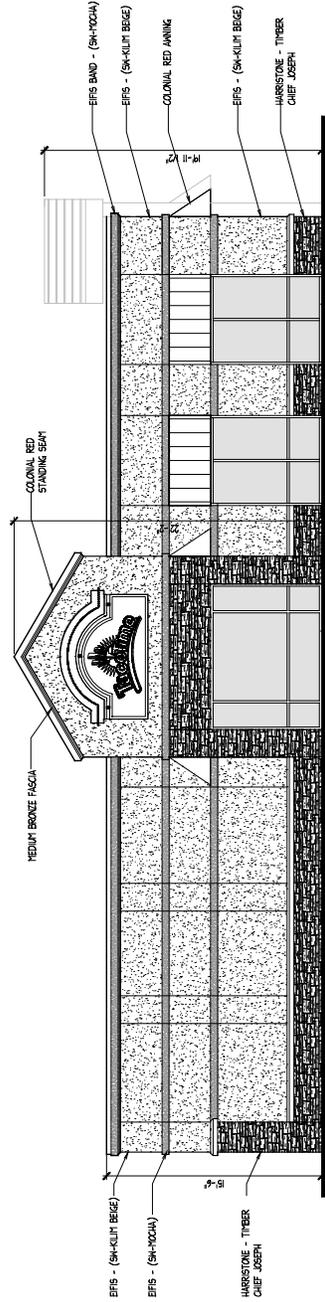
RENDERING OF PROPOSED SITE PLAN



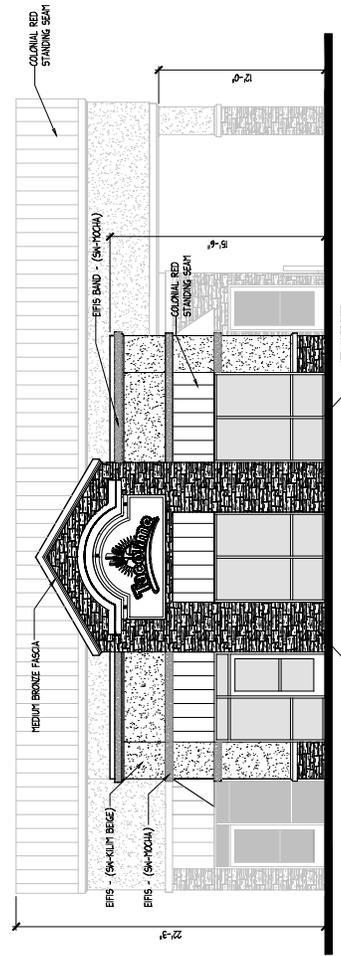
AEURBIA
ARCHITECTS & ENGINEERS

TACO TIME
HIGHLAND MARKETPLACE

PROPOSED ARCHITECTURAL ELEVATIONS



WEST ELEVATION
 SCALE (FACE) - 1/4"=1'-0"
 SCALE (NOT) - 1/8"=1'-0"



SOUTH ELEVATION
 SCALE (FACE) - 1/4"=1'-0"
 SCALE (NOT) - 1/8"=1'-0"

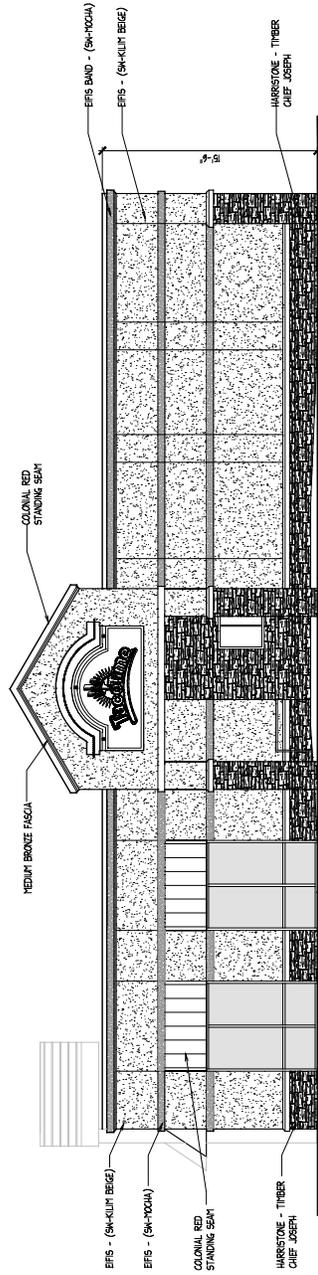
**TACO TIME
 HIGHLAND MARKETPLACE**

ELEVATIONS

AEURBIA
 ARCHITECTS & ENGINEERS
 2875 SOUTH REDDER BRICK, SUITE 275 - SALT LAKE CITY, UTAH 84119
 PHONE 801.578.6655

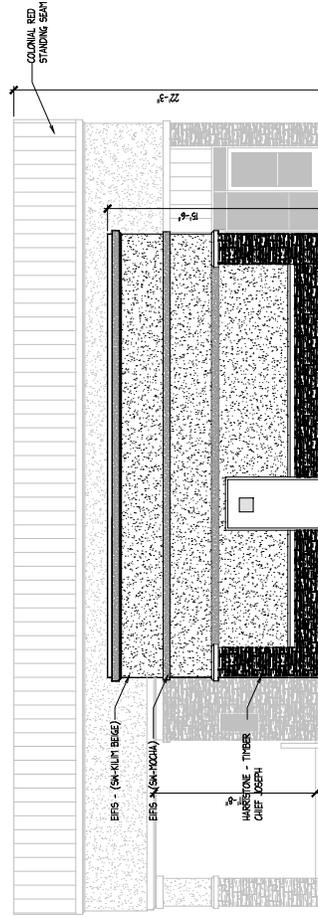
ATTACHMENT

PROPOSED ARCHITECTURAL ELEVATIONS



EAST ELEVATION

SCALE (R&G) - 1/8"=1'-0"
SCALE (T&T) - 1/8"=1'-0"



NORTH ELEVATION

SCALE (R&G) - 1/8"=1'-0"
SCALE (T&T) - 1/8"=1'-0"

**TACO TIME
HIGHLAND MARKETPLACE**

ELEVATIONS

AEURBIA
ARCHITECTS & ENGINEERS
2875 SOUTH REDDER DRIVE, SUITE 275 - SALT LAKE CITY, UTAH 84119
PHONE 801.578.4625

PROPOSED SITE & LANDSCAPING PLAN

STAFF PROPOSED ADDITIONAL TREES



TACO TIME

HIGHLAND MARKETPLACE

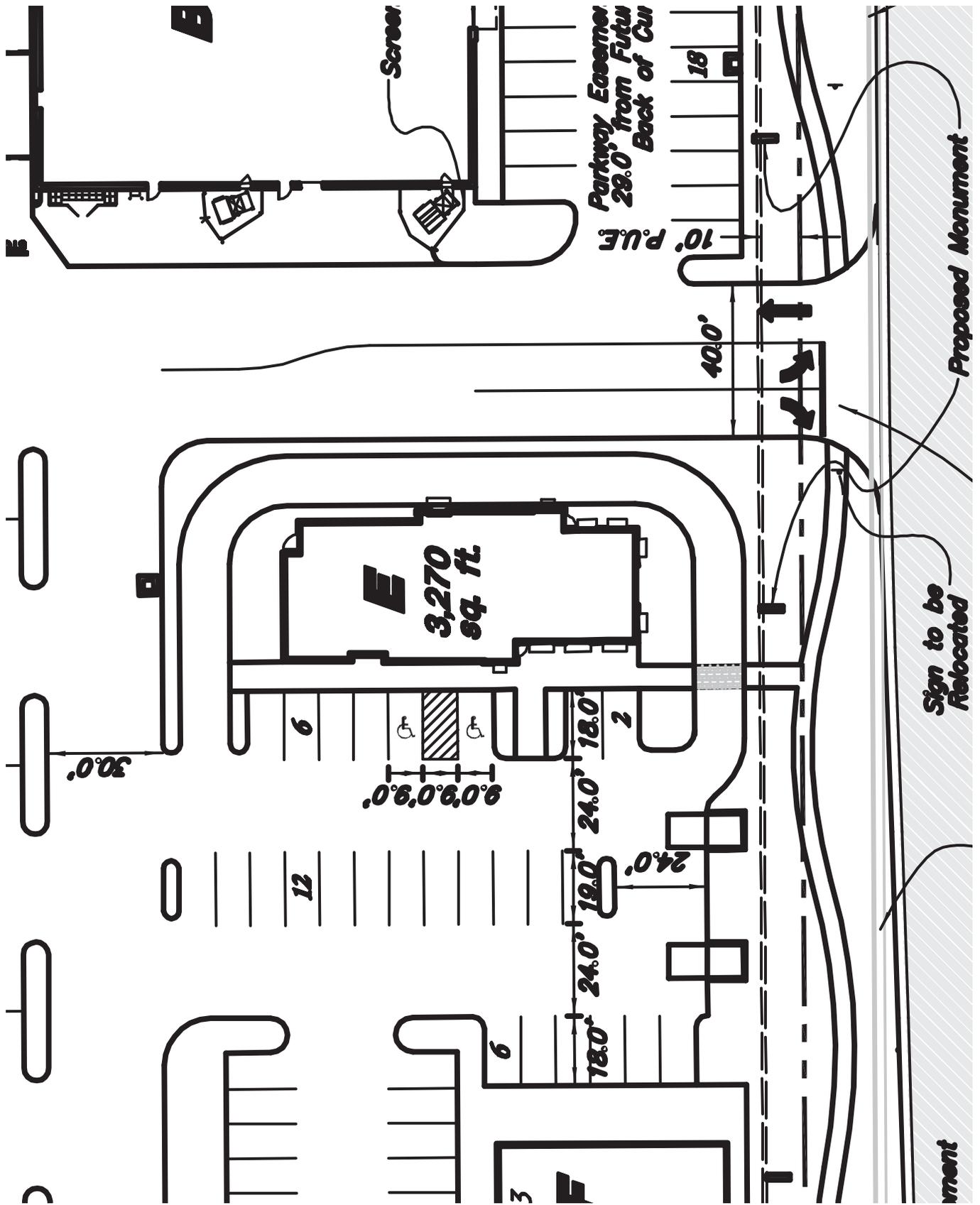
SITE PLAN

SCALE: 1/4" = 1'-0"

AEURBIA

ARCHITECTS & ENGINEERS
2875 SOUTH BOGARD DRIVE, SUITE 275 - SALT LAKE CITY, UTAH 84119
PHONE: 801.578.6455

PREVIOUSLY APPROVED SITE PLAN



ATTACHMENT

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

Motion:

That the Planning Commission recommend the City Council amend Section 3-622: Purpose of Public Utilities within the Highland City Development Code per the recommendations of the Planning Commission and 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 have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Carly LeDuc, planner to present

Background:

Staff is requesting that the Planning Commission recommend to amend the Purpose of Public Utilities Code to allow for alternative energy. The Planning Commission should determine what should be permitted and required for this use. Staff has provided a draft ordinance for the Planning Commission to review and comment on. The proposed amended ordinance was drafted to allow for alternative energy systems within in Highland, specifically solar and wind.

The text of the Purpose of Public Utilities Code was rearranged differently from the original text for an easier read and for organizational purposes. Most of the text was worded exactly the same just repositioned. The text in blue is either what was added for clarification purposes or is the newly drafted portion pertaining to alternative energy.

Legal Authority:

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

Fiscal Impact:

- N/A

List of Attachments:

- Current Ordinance
- Proposed Ordinance

3-622: Purpose of Public Utilities. (Amended: 11/11/03, 4/20/04, 8/6/04) (1) Any above-ground device or structure of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide direct services to a majority of Highland City businesses and residents and shall only be located within the Public Utility Zone (Article 3-4.10 in this Code).

(1) The following objects that are placed upon an individual lot for the sole purpose of serving that individual property are exempt from locating within a Public Utility Zone: single user transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services, personal Satellite dish receiving antennas eighteen inches or less in diameter, personal television broadcast receiving antennas, personal radio broadcast receiving antennas, and personal amateur radio antennas (receiving and transmitting). The before mentioned antennas are exempt from acquiring a Conditional Use Permit provided all such antennas are accessory use antennas only not for creating profit or for commercial purposes, in addition to the following conditions:

(a) Such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal (the City does not enforce subdivision requirements which may require additional restrictions on the placement of personal antennas). In such case such antennas may be placed anywhere on the lot except within a public utility easement. Proof of the inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and

(i) The vertical apex of the receiving device shall not exceed the greater of the Zone Height Limit or twenty (20) feet in height from ground level.

(ii) Utility, irrigation, and sewer lines associated with individual building permits connecting individual residences or commercial users to an existing distribution line do not require a Conditional Use Permit.

(iii) The replacement or repair of existing above ground transmission power lines or distribution power lines require a Conditional Use Permit but are not required to be within a Public Utility Zone. All new power lines which may be constructed shall be installed under-ground. Emergency replacement of power poles and or lines does not require compliance with this section of the code. It shall be a requirement that replacement power lines and poles shall be placed in a location that is consistent with the transportation element of the Highland City General Plan, unless the City Council determines that placement in said location is not in the best interest of the City.

(iv) All under-ground device or structure, of a culinary water, irrigation, reservoir, or public utility system not owned or operated by Highland City or Highland Water Company, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide a majority of their direct services to Highland City businesses and residents and shall be required to obtain a Conditional Use Permit. Exceptions: see 3-622.3 above.

ATTACHMENT

3-622: Public, Private, and Individual Utilities.

(Amended: 11/11/03, 4/20/04, 8/6/04)

(1) Public and Private Utilities

(a) Above-Ground. Any above ground device or structure of a culinary water, irrigation, reservoir, or private utility system not owned or operated by Highland City, which is intended to regulate the function of a storage device or distribution line or which receives or transmits a signal, must provide direct services to a majority of Highland City businesses and residents and shall only be located within the Public Utility Zone (Article 3-4.10 in this Code).

(i) Exception. The replacement or repair of existing above ground transmission power lines or distribution power lines require a Conditional Use Permit but are not required to be within a Public Utility Zone. All new power lines which may be constructed shall be installed under-ground. Emergency replacement of power poles and or lines does not require compliance with this section of the code. It shall be a requirement that replacement power lines and poles shall be placed in a location that is consistent with the transportation element of the Highland City General Plan, unless the City Council determines that placement in said location is not in the best interest of the City. [This exception does not apply to telecommunication facilities \(Municipal Code; Chapter 13.44\).](#)

(b) Under-Ground. Any landscape or structure removed during installation of an under-ground utility or utility system shall be restored to original condition or replaced accordingly.

(2) Individual Utilities

Individual utilities that are placed upon an individual lot for the sole purpose of serving that individual property and not for creating profit or for commercial purposes are not required to obtain a Conditional Use Permit. Individual Utilities are not permitted to locate within a Public Utility Zone. Individual utilities include:

(a) [Lot Improvements](#). Utility, irrigation, and sewer lines associated with individual building permits connecting individual residences or commercial users to an existing distribution line.

(b) [Antennas](#). (including: single user transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services, personal Satellite dish receiving antennas eighteen inches or less in diameter, personal television broadcast receiving antennas, personal radio broadcast receiving antennas, personal amateur radio antennas used for receiving and transmitting)

Proposed Ordinance

ATTACHMENT

(i) **Location.** Antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal (the City does not enforce subdivision requirements which may require additional restrictions on the placement of personal antennas). In such case such antennas may be placed anywhere on the lot except within a public utility easement. Proof of the inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request.

(ii) **Height.** The vertical apex of the receiving device shall not exceed the greater of the Zone Height Limit or twenty (20) feet in height from ground level.

(c) **Alternative Energy.** Alternative Energy uses require a building permit prior to construction. One (1) alternative energy structure/pole is allowed per dwelling unit. There shall be sufficient safety measures to prevent any alternative energy towers from becoming a climbing hazard. Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel. It is not recommended that trees are removed or destroyed for the purposes of better access for alternative energy.

(i) **Solar Energy Conversion Systems**

(A) **Roof Mount Solar System.**

- (1) **Sloped Roof.** On a sloped surface, in no instance shall any part of the system extend beyond the lower or upper roofline. Panels shall not exceed more than one (1') foot in height measured from the finished roof to the top of the panel.
- (2) **Flat Roof.** On a flat surface, panels shall be set back a minimum of ten (10') feet from the roofline and shall not exceed a height that can be seen from the nearest right-of-way.
- (3) **Net Metering.** Net metering or interconnect systems shall meet the power company's guidelines.

(B) **Ground Mount Solar System.**

- (1) **Rear Yard.** In residential zones ground mount systems are to be installed within the rear yard.
- (2) **Height.** The height of the system is not to exceed the height of the home on the property.
- (3) **Setbacks.** The minimum setback distance from all surrounding property lines and overhead utility lines shall be no less than the height of the solar tower.

ATTACHMENT

- (ii) Wind Energy Conversion Systems. No wind energy conversion system shall be permitted that lack an automatic braking, governing, or managing system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotator blades, and turbine components.
 - (A) Roof Mount Wind System.
 - (1) Roof mount wind energy conversion systems are prohibited.
 - (B) Ground Mount Wind System.
 - (1) Rear Yard. In residential zones ground mount systems are to be installed within the rear yard.
 - (2) Height. The height of the system is not to exceed the height of the home on the property.
 - (3) Setbacks. The minimum setback distance from all surrounding property lines and overhead utility lines shall be no less than the height of the wind tower including the rotor radius.

Item 4: Define: Common Household ~ Discussion

Summary Statement:

Staff would like the Planning Commission to define Common Household for building review purposes.

Sponsor:

Highland City

Staff Presentation:

Carly LeDuc, Planner to present

Background:

There is a “gray area” when referring to the definition of Common Household. The term is found under the definition section of family in the development code. In the past, staff has defined it as sharing a common home facility, either kitchen or laundry. Staff has also concluded that sharing a Common Household incorporates both parties accessing the home through the main entrance.

Family definition:

(20) Family -- An individual or two or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a **common household**. A family may include two, but not more than two, non-related persons living with the residing family. The term “family” shall not be construed to mean a group of non-related individuals, a fraternity, club or institutional group.

This definition is important when building plans for additions to homes are submitted or when evaluating a possible illegal apartment. The term “Common Household” is too vague to successfully access these types of situations. Staff feels that having defined language clarifying this term will help in day to day processes.

Proposed Action:

That the Planning Commission define Common Household.

Legal Authority:

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

Fiscal Impact:

- N/A

List of Attachments:

- None