

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, January 14, 2010 in the Lehi City Council Chambers.

Voting Members: Kerry Schwartz, Carolyn Player, Carolyn Nelson, Derek Byrne, Marilyn Schiess, Jason Willes, Ed James, Kordel Braley

Non-voting Members: None

Members Absent: Chris Bleak - excused

Others: Kim Struthers, Noreen Edwards, Christie Hutchings, Brad Kenison, Frankie Christofferson

Meeting began at 7:03 p.m.

REGULAR AGENDA

3.1 ELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR FOR 2010.

Jason Willes announced that as of tonight he would be resigning from the Planning Commission. He stated that in his profession he has occasion to work with a lot of city staffs and the citizens should consider themselves lucky to have such a fine planning staff but due to other commitments he will need to resign. He thanked the Planning Commission members for the time spent with them. He then opened the floor for nominations and excused himself.

Carolyn Player nominated Derek Byrne as Chair.

Derek Byrne asked to withdraw due to commitments because of the legislature at the first part of the year.

Carolyn Player nominated Kerry Schwartz. Vote was unanimous.

Carolyn Nelson nominated Marilyn Schiess as Vice Chair.

Marilyn Schiess nominated Carolyn Nelson as Vice Chair. Vote 5-2 in favor.

Kerry Schwartz was nominated as Chairman for 2010 and Carolyn Nelson was nominated Vice Chair for 2010.

Kim Struthers mentioned staffs appreciation to Jason Willes – and his perspective.

3.2 REVIEW OF PLANNING BY-LAWS.

Discussed the By-Laws.

Derek Byrne moved to adopt the Planning Commission By-Laws for 2010. Second by Carolyn Player. Motion carried unanimous.

3.3 DAVE KLOCK – REQUESTS REVIEW AND RECOMMENDATION OF A MINOR REVISION TO THE AMENITIES FOR QUAIL RUN TOWNHOMES, PART OF THE SPRING CREEK RANCH DEVELOPMENT LOCATED AT APPROXIMATELY 1630 SOUTH 850 EAST IN A PLANNED COMMUNITY ZONE.

Christie Hutchings presented the request and stated that there was a swing set and pavilion that still needed to go in but the HOA asked that they not have the swing set due to the insurance and liability issues. They had already had a larger pavilion built in another area by the creek – the previous was 20'x20 and the new one is 24' across in an octagon shape.

Dave Klock was present for the request on behalf of both associations and as the developer. He said there is one association for the town homes but it is also under the master HOA. He said there were a number of people that were concerned with their children being split between the two play areas. They felt that the pavilion would better serve the public where it is now located.

Kordel Braley asked about the letter from the Quail Run Association was more of a board or executive decision.

Dave Klock said that it was initiated more from the mothers.

Kordel Braley asked if there are people that will be expecting this to be there and then being disappointed when the swings are not put in there.

Dave Klock said that he doubts that anyone will complain especially when they get the City park put in down further.

Discussed access to that larger pavilion and the trails that connect.

Ed James asked about the contact process with the HOA's.

Dave Klock said that with the town homes – Ryan Barker was the contact for that. He said that he will be deeding the trail area over to the City. If they choose not to take ownership then it will get turned over to the HOA.

Kordel Braley said maybe as a condition we could have the board write another letter including the swing set.

Ed James said he would like a letter from them as well.

Ed James moved to recommend approval of Dave Klock's request for a minor revision to the amenities for Quail Run Townhomes, part of the Spring Creek Ranch development located at approximately 1630 South 850 East in a Planned Community zone with the condition that the City receives a letter indicating that both HOA's are in favor of this revision. Second by Carolyn Nelson. Motion carried unanimous.

PUBLIC HEARINGS

4.1 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION ON PROPOSED REVISIONS TO THE LEHI CITY ANNEXATION POLICY PLAN AND EXPANSION AREA MAP.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and stated that this is the second of three meetings required. The plan is being amended to include 2 new areas.

Ed James asked if the entities involved were notified and if we've had any response.

Kim Struthers said he has had phone calls on this from other cities and most of them were just curious to know what we were doing.

Public Hearing closed at 7:42 p.m.

Kordel Braley moved to recommend approval of Lehi City's request on proposed revisions to the Lehi City Annexation Policy Plan and Expansion Area Map as revised. Second by Ed James. Motion carried unanimous.

4.2 JARED PETERSON – REQUESTS REVIEW AND RECOMMENDATION ON A CONDITIONAL USE PERMIT TO ALLOW TWO MONUMENT SIGNS ON ONE STREET FRONTAGE AS A SPECIAL EXCEPTION FOR ALL ABOUT FUEL LOCATED AT 1750 WEST MAIN IN A COMMERCIAL ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and covered item 4.2 and 4.3 together. She said if there is more than one business on a site they can request more than one sign – there is already one sign now for the gas station – the second request it to put the EMD in for the gas prices.

Tom Scribner, a local attorney said that when this issue was brought in a few weeks ago they didn't feel that they needed an exception as the ordinance is written right now.

Jared Peterson and Pat Day were present for the request as well.

Ed James asked about the wall signage allowance.

Jared Peterson said that they have pretty much maxed out the city ordinance for wall signs.

Brad Kenison said that one thing the DRC wants us to know is whether or not another sign is expected or planned on 1700 West.

Tom Scribner said that at this time there are no plans.

Kerry Schwartz said that in the motion we need to specify that this sign would be in lieu of a sign on 1700 West.

Tom Scribner said that years down the road when 1700 West is busier – they may decide to do a sign there. We don't want to give up that sign on 1700 West we just want an exception for two signs on Main Street.

Derek Byrne said we need to be clear that this is in lieu of a sign on 1700 West.

Public Hearing closed at 8:04 p.m.

Discussed that we were under the impression that this was in lieu of one on 1700 West.

Kim Struthers said that it could go either way with the way it is written with the exceptions clause.

Kordel Braley said that we need to make a decision on it tonight – he doesn't see a problem with the two signs on Main and with also having one on 1700 West.

Marilyn Schiess agrees with Kordel to allow the two signs on Main Street now and if it arises to have one on 1700 West also.

Ed James moved deny Jared Peterson's request for Conditional Use to allow two monument signs on one street frontage as a Special Exception for All About Fuel located at 1750 West Main Street in a Commercial zone.

Motion died for lack of second.

*Kordel Braley moved to recommend approval of Jared Peterson's request for a Conditional Use permit to allow two monument signs on one street frontage as a Special Exception for All About Fuel located at 1750 West Main Street in a Commercial zone finding that the purpose of the sign exceptions are not in conflict with this chapter and the proposed signs are in architectural harmony with the development; with the understanding that the intent is to **not** preclude a sign being placed on 1700 West. Second by Marilyn Schiess. Motion carried 5-2 with Ed James and Derek Byrne opposed.*

4.3 JARED PETERSON – REQUESTS CONDITIONAL USE APPROVAL TO ALLOW AN ELECTRONIC MESSAGE DISPLAY WITHIN ONE OF THE MONUMENT SIGNS FOR ALL ABOUT FUEL LOCATED AT 1750 WEST MAIN STREET IN A COMMERCIAL ZONE.

Public Hearing opened at 7:03 p.m.

Discussion included under item 4.2.

Public Hearing closed at 8:04 p.m.

Ed James moved to grant final approval for Jared Peterson's request for Conditional Use approval to allow an electronic message display within one of the monument signs for All About Fuel located at 1750 West Main Street in a Commercial zone with the monument sign identified as #2 and part of that is to include all DRC comments and any ordinance requirements on the intensity levels of the electronic sign. Second by Carolyn Player. Motion carried unanimous.

4.4 LEO GARCIA – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL TO OPERATE BALANCED CANINES KENNEL FROM AN EXISTING HOME LOCATED AT 949 WEST 300 NORTH IN AN A-1 ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and stated that kennels are allowed in an agriculture zone. The applicants are renting and do have a letter from the landlord. She said the majority of their business is dog training and want approval to board up to 15 dogs. They do exercise and crate train the dogs to help eliminate the noise to the neighbors. DRC had concerns with them using that gate in the back because there is no legal access to the back of that property – it is a private access road.

Leo Garcia was present for the request and said that they will have dogs boarded while they are trained. They will all be cage/ kennel trained inside. We would keep them inside the garage right now. We don't want to create any bad behaviors while we're not around. Our main focus is on training but we will do some boarding. 15 is a really high number for how many we may be boarding. He said this will not be

loud. We will not be using the ball park for training but will have leashed walks through the main roads and we do pick up any messes they make.

Kordel Braley asked about other employees.

Leo Garcia said that it's just him and his wife. He has been doing dog training for the past 10 years pro bono and decided to do it as his business.

Kerry Schwartz asked if it was a possibility to keep the dogs quiet after hours.

Leo Garcia said that they make sure that they are following the rules – there will be an occasion when there is just a young dog in the beginning when they're learning.

Jeff Mercer, north of this, has livestock and doesn't want more dogs in that area killing his animals.

Dianna Mercer lives in the house to the north and said that they have had a lot of problems with neighbors' dogs. We do have animals that we're raising and in the past our little lambs have been killed by dogs – this is a concern to have this in this neighborhood.

Public Hearing closed at 8:32 p.m.

Leo Garcia said he takes full responsibility for the dogs he will be training and they will always be supervised. He is certified through the IACP. IACP also offers liability insurance but we are waiting for this to be approved before we get that insurance.

Ed James moved to grant final approval for Leo Garcia's request for Site Plan and Conditional Use to operate Balanced Canine Kennels from his home located at 949 West 300 North in an existing A-1 zone with the following conditions: 1) meet DRC comments, 2) that there be no dog training activity in the front part of the property, 3) the owner shall provide documentation that they have obtained liability insurance for the kennel, 4) and no more than 10 dogs be allowed on the site at one time. Second by Derek Byrne.

Kordel Braley is worried about the enforcement of the motion. It could cause problems if he has his own dogs in the front.

Carolyn Nelson asked if we had the ability to make him get liability insurance.

Motion failed 3-4 with Kerry Schwartz, Marilyn Schiess, Carolyn Player and Carolyn Nelson opposed.

Ed James moved to amend his motion to raise the number of dogs allowed to 15 dogs total on site at any one time and take out that there be no dog training activities in the front part of the property. Second by Carolyn Nelson. Motion carried 6-1 with Kordel Braley opposed.

4.5 BRANNON LUCAS – REQUESTS CONDITIONAL USE APPROVAL FOR A FLAG LOT LOCATED AT 1910 NORTH 600 WEST IN AN RA-1 ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and stated that we do have a new ordinance that they come through for Conditional Use and then if approved they come through as a subdivision. The existing home is to the rear and the new lot will be out front. The length of the flag does not determine the lot in the rear because the house already exists there. The front lot would be just under 20,000 and the back lot would be over an acre so the back lot would have animal rights.

Brannon Lucas was present for the request.

Hal Lucas was also present and said that the little strip of property to the east is about 11 ½ ft wide. He kept that piece because that's where his irrigation water once came through. He said that neither property owner wants that property now that they aren't using the irrigation there now anyway.

Public Hearing closed at 8:59 p.m.

Derek Byrne moved to grant final approval of Brannon Lucas's request for Conditional Use approval for a flag lot located at 1910 North 600 West in an RA-1 zone with the following condition that the property on the 500 West side be dedicated to the City and include DRC comments. Second by Ed James. Motion carried unanimous.

4.6 STEPHEN PHILLIPS – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR FLAVORS GOURMET, A LIGHT MANUFACTURING AND ASSEMBLY BUSINESS LOCATED AT 400 SOUTH MILL POND ROAD, UNIT B IN A COMMERCIAL ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and said that the applicant had been operating at Emmett's. It's a small operation where he is mixing flavors for food – he has out grown the Emmett's location.

Stephen Phillips, general manger of Flavor Gourmet, was present and said that they will not be signing the lease at this time because they will not be in Unit B but in Unit D.

Lynn Rindlisbacher said that Club Crush will not be there any more and this will be moving in unit D.

Stephen Phillips said that his wife and neighbor are the owners. We have one project that we're working on where we have 10 part time employees but the normal filling and mixing will be just the two owners of the company.

Lynn Rindlisbacher said that in the lease agreement there are 3 parking spaces allocated for that business.

Public Hearing closed at 9:07 p.m.

Kordel Braley moved to grant final approval for Stephen Phillips' request for Site Plan and Conditional Use approval for Flavors Gourmet, a light manufacturing and assembly business located at 400 South Mill Pond Road in a Commercial zone including DRC comments and the condition that he be allowed 3 stalls for the business. Second by Marilyn Schiess. Motion carried unanimous.

4.7 DANIELA LARSEN – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR TJED ACADEMY LOCATED AT 98 WEST MAIN STREET IN A MIXED USE ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and stated that they want to add a school to their use similar to the school at the Colonial House where students that are home schooled come for additional instruction. The classes are generally 1-2 hours long and max 12 hours a week with 16 students max. They were using the upstairs but they may be moving downstairs because of fire codes.

Daniela Larson was present and stated that this was a book store and it has evolved into a school. The Fire Dept. did have them make changes and it has since been deferred to the State Fire Marshal. We are using the whole building. We have moved an office upstairs and we are using the class room space upstairs and downstairs. She said that they just got their preliminary approval today from the State Fire Marshal with the final conditions and 60 days to get the fire alarm system installed. She said most of the kids get dropped off and we have anywhere from 8 – 17 year olds in our classes.

Public Hearing closed at 9:19 p.m.

Carolyn Player moved to grant final approval for Daniela Larsen's request for Site Plan and Conditional Use approval for TJ Ed Academy located at 98 West Main Street in a Mixed Use zone including all DRC comments and specifically that the conditions that the State Fire Marshal put on the inspection be completed. Second by Marilyn Schiess. Motion carried unanimous.

4.8 SCOTT THOMPSON – REQUESTS SITE PLAN APPROVAL FOR AMERICA FIRST FEDERAL CREDIT UNION LOCATED AT 1238 EAST SR-92 IN A COMMERCIAL ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and stated that a year and a half ago the applicant came through for Concept and Conditional Use approval for financing reasons. So tonight they are only coming through for Site Plan. There are a couple differences – one condition was to move the access to the east and in so doing the parking was re-distributed, the 2nd change came as a result of negotiations with UDOT; they need to take additional property from the site. She said that as a result of that their landscaping has changed but their over all landscaping is in excess of what is required. She said that maybe have them submit a new landscaping plan once the exchange with UDOT had taken place. There is a pylon sign that will be located on site for the Smith's Market Place.

Discussed the drive approach.

Jeff Randall with Great Basin Engineering said that there was a traffic impact study done for the whole center – this access point was shifted back to meet the City's policies.

Discussed different parking and stacking issues.

Kordel Braley said you could add another foot to each stall to make it easier to get in and out with the narrow drive areas.

Jeff Randall said that would take them down to 57 parking stalls which we could do.

Public Hearing closed at 9:38 p.m.

Jeff Randall said that with the property that UDOT is taking the back of sidewalk is 1 foot inside that right of way line and as it goes up past that detention pond it takes about 1/3 of the pond out. The original plan takes into account the highway water and with the change that will not be taking any highway drainage in.

Brad Kenison said to include in the motion to receive updated drainage calcs on this.

Ed James moved to grant final approval of Scott Thompson's request for Site Plan approval for America First Federal Credit Union located at 1238 East SR-92 in a Commercial zone with the conditions as outlined in the DRC comments and with the additional condition that the applicant keep the City

informed on flood retention requirements in regard to SR-92 and to move the access on the south an additional 70-100 ft to the east.

Motion died for lack of second.

Derek Byrne moved to grant final approval of Scott Thompson's request for Site Plan approval for America First Federal Credit Union located at 1238 East SR-92 in a Commercial zone with the conditions as outlined in the DRC comments and with the additional condition that the applicant keep the City informed on flood retention requirements in regards to SR-92 and to widen the parking stalls to wider than 9' where possible in order to grant the exception for the 60.5' module width which is less than the standard of 62' and considering the UDOT taking- the applicant needs to provide a new landscaping plan and grant the exception for the 25 ft landscaping buffer. Second by Carolyn Player. Motion carried 6-1 with Ed James opposed.

Marilyn Schiess moved to take a 5 minutes break at 9:55 p.m. Second by Carolyn Player. Motion carried unanimous.

Meeting reconvened at 10:02 p.m.

4.9 PERRY HOMES/ BRANDON DYER – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR TRAVERSE MOUNTAIN OFFICE PARK, A 9-LOT COMMERCIAL DEVELOPMENT LOCATED AT APPROXIMATELY 3900 NORTH MORNING GLORY WAY IN A PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:03 p.m.

Christie Hutchings presented the request and stated that there is a proposed concept to change the density to MDR but it was never finalized. The applicant has said there is no intent to actually build on these lots at this time but they do want to have a grading permit. They have to have a preliminary subdivision plat approved in order to get a grading permit.

Discussed whether the concept plan is still good – and if this is approved can it go either way – this is currently set aside for professional office.

Brandon Dyer with Perry Homes was present for the request.

Kordel Braley asked why we need to subdivide it to do what you want to do.

Brandon Dyer said that this is what we need to do to grade – we just want to get the property graded so it can be developed at any future point.

Mark Johnson said you have to consider this as a professional office plat – you can not consider this as residential because that's not what's before you.

Ed James asked why there is a large area for a private lane to service a lot to the back.

Ron Paul with Focus Engineering and Surveying was present and said that it will access the lots on the back so they don't have to access onto Morning Glory Road. The phased grading plan is more for a visual barrier.

Public Hearing closed at 10:22 p.m.

Discussed the time period for grading.

Ron Paul said that the reason we are looking at this for 9 lots is that if someone wants to come in and buy 4 lots to building one big building then they have the flexibility to do that; or they can just buy 2 to 3 lots; or just one small lot.

Derek Byrne moved to extend the meeting for 15 minutes at 10:30 p.m. Second by Carolyn Player. Motion carried unanimous.

Kordel Braley moved to recommend approval of Perry Homes/ Brandon Dyer's request for Preliminary Subdivision review for Traverse Mountain Office Park, a 9-lot commercial development located at approximately 3900 North Morning Glory Road in an existing Planned Community zone. Second by Carolyn Nelson. Motion carried unanimous.

CITY BUSINESS

Kim Struthers said that there is a billboard that's being reconstructed north of the High School. It's being replaced with a taller one. We've fought it but because of State legislation they can raise the height of the billboard. Just so you know we have dealt with it and they have agreed to take the one down on the Powell's property. He said we also had a discussion on code enforcement the other night at City Council. Jamie Davidson prepared a document on how the City wants to proceed with zoning enforcement.

APPROVAL OF MINUTES

6.1 APPROVAL OF MINUTES FROM DECEMBER 3, 2009.

Marilyn Schiess moved to approve the minutes from December 3, 2009. Second by Carolyn Nelson. Motion carried unanimous.

ADJOURN

Carolyn Nelson moved to adjourn. Second by Marilyn Schiess. Motion carried unanimous.

Meeting ended at 10:40 p.m.

Date Approved_____

Chairman_____

Secretary_____