

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, January 26, 2006 in the Lehi City Council Chambers.

Members Present: Kerry Schwartz, Marlin Peterson, Derek Byrne, Janys Hutchings, Marlin Peterson, Marilyn Schiess, Carolyn Player, Vaughn Bradley

Members Absent: Ron Smith – excused

Others: Dianna Webb, Frankie Christofferson, Christie Hutchings, Lorin Powell, Noreen Edwards, Council Member Mark Johnson

Meeting began at 7:05 p.m.

REGULAR AGENDA

3.1 JODENE JACKSON – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION TO OPERATE FIRST EAST GROOMING, A PET GROOMING BUSINESS FROM HER HOME LOCATED AT 80 SOUTH 100 EAST IN AN EXISTING R-2 ZONE.

Christie Hutchings presented the request.

Jodene Jackson was present and stated that the hours of operation would probably be from about 9:00 a.m. to 6:00 p.m.

Carolyn Player moved to approve Jodene Jackson's request for a major home occupation to operate First East Grooming, a pet grooming business from her home located at 80 South 100 East in an existing R-2 zone. Second by Marilyn Schiess. Motion carried unanimously.

3.2 EVANS & ASSOCIATES ARCHITECTURE – REQUEST CONCEPT PLAN APPROVAL FOR A NEW LDS MEETINGHOUSE LOCATED AT 860 SOUTH CENTER STREET IN A PROPOSED R-1-22 ZONE.

Christie Hutchings presented the request and stated that this property has not been recorded as far as the annexation. The church just wanted to make sure they have the right amount of property for when they come in for site plan. They are requesting a reduction in landscaping.

Kerry Schwartz asked Lorin Powell about 860 South becoming a road. The previous plat showed only half a road.

Lorin Powell stated that it will have two full lanes, the only thing left off is the curb and parking on the one side. When they do the plat it will show up.

Paul Evans with Evans & Associates, representing the LDS church, was present and stated that this is just a regular meeting house not a stake center building.

Marilyn Schiess mentioned the amount of growth in that area and if they thought this would be big enough.

Paul Evans stated that the church takes growth into account. He also stated that the developer is unwilling to give the church any more ground. This property is about 2.97 acres and on a corner. They usually have about ¼ acre more so the parking will also be a little less. They are requesting a 10' on the north and west with 25' on the south side for a buffer. It is a reduction of 15' on the north and west sides.

Chairman Roll took public comment on this item.

Dell Willis is concerned with the road and with the entrances. He wants to make them aware of the agricultural use in the area.

Dean Willis stated that he is concerned with the lighting. He would like it to be cased in and facing down.

Discussed the road issue and how it jogs over. This is contingent on subdivision approval.

Paul Evans stated that he would let the church know whether this will work or not and they will go from there.

Janys Hutchings moved that we recommend approval with the recommendation that it be noted that this is an agricultural area with special considerations given to such things as the lighting, building season, etc. and that the concept be tied to the subdivision plat being accepted and recorded and to include DRC comments. Second by Marlin Peterson. Motion carried 6-1 with Kerry Schwartz opposed.

PUBLIC HEARINGS

4.1 W. DOUGLAS HORNE – REQUESTS REVIEW AND RECOMMENDATION ON AN AMENDMENT TO THE LEHI CITY GENERAL PLAN ON APPROXIMATELY 6 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 600 EAST 450 SOUTH FROM LDR AND COMMERCIAL DESIGNATIONS TO AN MDR LAND USE DESIGNATION (Continued from January 12, 2006).

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request.

LeGrand Woolstenhulme was present for the request and stated that they had withdrawn their original request for high density and are asking for medium density. They want to build a twin home development. He understands the concerns of the neighbors about the traffic. He feels that the smaller twin homes will be mostly older people which will generate less traffic. He stated that they have talked to the sewer department and they said there is plenty of capacity in the line there, so he's not sure what the problem is right there.

Marlin Peterson asked about such a small number of twin homes being managed by a Home Owners Association.

Dave Klock representing his partner with property across on 850 East stated that his partner feels that this is a prime commercial area.

Kurt Walker is concerned with the traffic and the sewer. He stated that there is a smell. They would like to see the low density residential in there.

Emily Mortimer representing her mother is against this. She feels this area needs to stay commercial. 600 East should be kept as the barrier.

Danny Patten on 200 South 670 East would like to see it stay commercial. He said the sewer is a problem in that area. Also with Peck Trucking down the street using this as their access, it would be an issue with more homes with kids there.

Judy Evans 309 South 600 East would like to see it stay commercial.

Public Hearing closed at 7:50 p.m.

Kerry Schwartz stated that he is a neighbor and clarified that they want to see the commercial stay in tact with 600 East staying low density. They are opposed to the medium density.

Janys Hutchings moved to recommend denial of W. Douglas Horne's request for an amendment to the Lehi City General Plan on approximately 6 acres of property located at approximately 600 East 450 South from LDR and Commercial designations to an MDR land use designation based on the fact that it is not consistent with the neighborhood or with how the General Plan is laid out for us. Second by Kerry Schwartz. Motion carried unanimously.

4.2 THE ESSENCE GROUP – REQUESTS CONDITIONAL USE AND SITE PLAN APPROVAL FOR A CONVENIENCE STORE WITH GASOLINE SALES AND DRIVE UP WINDOW LOCATED AT 1200 WEST 2600 NORTH IN A COMMERCIAL ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request.

Robert Fox was present for the request. He stated that they employed an outside company to see what the best use of the property would be. He stated that they indicated to them that the best business would come from the neighborhood not from the freeway. He said it would be a brick structure with a pitched roof with a canopy over the gas pumps and the car wash with the same architecture. He stated that the hours of operation would be from 6:00 a.m. to about 10:30 p.m. They would be putting in double walled tanks with double walled piping. Everything would be state of the art. We have employed LS Lighting that would be doing the lighting for the store. Robert explained the 'foot-candles' for the sight. He stated that color schemes would be more earth tones on the brick.

Rick Parry of 2569 Sunset Drive is concerned about the City owning this property and that 'The Essence Group' is not a licensed entity. He stated that he had talked to Rod Olsen about the location to the substation and also to Wood (Woody) Berry about sparks coming from the substation. He is concerned about the sparks setting off any gas that comes from there. He thinks it is an ill advised site. He is worried about the re-supplying of the gas with the trucks going up that road. He would like to see the road widened before this is built. He is worried about the lighting contamination. He would

recommend more severe limited hours. He is concerned with the lighting over the canopy. He is concerned with gas fumes. He brought up a study that had been done back east (he handed out a copy of the study).

Mike McCormick said that they had just moved in on Deer Meadow Drive and he can't imagine how the City allowed a new subdivision to go in with home values of around \$300,000 to \$400,000 just to have them affected by this instead of a starter home area. He stated that you can't let some one go in if it's going to affect the value of the surrounding property. He thinks there must be some kind of a sweet heart deal about this. He said that he just moved from Draper and Draper would never allow something like this to take place. He would like to have an opportunity to make an offer on this property. He would like to see where these numbers come in. He can't imagine how this proposal would even fit on this property. He would like to know who paid to fill and compact the site that can be expensive. He would like to see a compaction test on this property.

Brian McEwen lives in Deer Meadow Estates and is concerned with the relationship of The Essence Group and Lehi City. He wants to know where the tax dollars are going and coming from. He would like to know about the potential with the car wash and also with leakage of the tanks. He is concerned with the substation being so close. He stated that 1200 West doesn't have sidewalks and is concerned with kids wanting to walk to the store. 1200 West needs to be widened. He would like to see a traffic study done and asked about the new school that's coming in above there. He would like to see something addressed about the gas pumps being put by an electric facility. He asked what the back-up plans are if this company goes out of business and they're stuck with an eye sore.

Earl Lelegren has a farm and ranch north of this and stated that people up there have to go to gas stations and have to go quite a ways now. He stated that they need a gas station in that general area and he thinks this will be convenient. He also stated that what was brought up about the hazard of having the sparks from the substation ignite the fumes would surely be addressed before it was built. When Ivory gets its homes in there it will be good thing to have this there.

Terry North on Sunset Drive is concerned with the lighting. He stated that it will still be very bright. He is disturbed about gas tankers transporting fuel in and out of there and having leaks. He is concerned with the static in the area.

Kaleen Parry wanted to address the fumes and stated that she works next to Walkers. She said it takes 3 days to get the fumes out of their buildings from the tanks being filled up. She also is concerned about what will happen if they hit the substation.

Mark Johnson stated that none of the commissioners with the exception of the chairman knew that this was City owned property. He stated that we wanted this looked at objectively. The City does own this and it will be leased out. There is an exception in this case where the City has a responsibility to the citizens to provide services in case of an emergency. Right now the City has no way to take care of that. The only gas available would be what's in the gas tanks at the time. The City doesn't have any interest in selling gas; this facility would have the ability to provide gas by use of a generator. He stated that this is not property that the City purchased for this use. It is just excess property in a commercial zone. He stated that he would encourage the Commissioners to listen to the comments and make any mitigation that they feel is necessary. If there is concern with the power company then Rod Olsen needs to review this.

Rick Parry stated that he knew what this was for and didn't say anything – but if there was an earthquake this would not be usable anyway.

Mike McCormick stated that he would love to have a councilman argue something he brought in for approval. He asked if Mark would do the same for him if he (Mike) were to buy it.

Earl Lelegren stated that it was suggested that they could put it up where Ivory Homes is going in where the homes are closer together, but he feels this place has a buffer with the Railroad tracks.

Brian McEwen stated that this is a terrible idea - throwing the City disaster center next to Railroad tracks on top of 10,000 gallons of fuel. He feels deceived by this being kept secret.

Terry North said he doesn't see how the City is going to put a command center under ground next to fuel tanks.

Danny Patten stated that he owns the property south. His family also owns the Chevron on State Street and his suggestion would be to pick another site for this and to have a fueling station where the City would have its emergency fuel. He said this could be a fire station or a paramedics' station.

Brian McEwen requested a study be done on the frontage of other gas stations in Lehi compared to this one.

Robert Fox stated that a gas station is regulated by the State and by County Health. We can't put one in just anywhere. He stated that sparks from the substation would not set this off. If there was a chance that it could, it would be noted by the County Health or the State. He stated that we have gone through a number of reviews before it got to this point. At the standpoint of a command center we are looking at it as a way for the City to get supplies. Also the state regulates and performs monthly tests as to leakage from the tanks. There is a fund that protects surrounding properties from any leakage. They have looked at things such as earthquakes, etc and this would be built with that in mind. And as far as the study done on stations back east; there are stations that are grandfathered in. Also in regards to this not fitting – this property is adequate to support this project. It would provide the City with a months worth of fuel with a stand by generator that will run the station, the pumps and a command center in case it's needed. This is on City property and the City will have access to the basement but a 3rd party will run the station.

Kaleen Parry asked how many stations are built next to a power substation.

Public Hearing closed at 9:13 p.m.

Janys Hutchings would like to see something on power substations next to gas stations.

Marlin Peterson stated that the generator will have to have air flow across it.

Mark Johnson stated that the generator would have to be outside.

Robert Fox said that the generator will be dual fueled.

Mark Johnson will check with TSSD on their generator.

Vaughn Pickell stated that properties always have impact whether positive or negative – you have to be pretty much a total taking of the property to be liable.

Janys Hutchings stated that we have several commercial nodes in the middle of residential with the intent of gas stations going there.

Steve Roll stated that the leasing of property is not uncommon at all – it does not violate any laws.

Kerry Schwartz stated that tonight we are looking at a site plan approval not a lease approval.

Marlin Peterson stated that he isn't concerned about the electric arch from the sub station jumping that far – it would go to ground.

Derek Byrne stated that he is bothered by this and prefers that it be an outside person to do the study on the substation. He is extremely disappointed that the City didn't let the commission know first hand about this even though we do need to take an objective look.

Janys Hutchings wants to table it to get more information.

Kerry Schwartz stated that it bothers him in a different way; who owns a property doesn't matter. We are looking at a conditional use with site plan approval, but on a personal note, he would like to know who owned it, but our job is to look at and take action on the site plan. He stated that we haven't even dealt into the issue of the site plan itself. He would like to hear comment on how it's laid out, etc. He had concerns with landscaping and access. He asked about landscaping with the spruce trees being in the planter strips.

Robert Fox stated that they are changing the type of tree and going with one that won't grow too large for the area.

Kerry Schwartz asked about the big trucks delivering fuel and the access points especially during busy business hours.

Robert Fox stated that there are 3 entrances and they can request delivery times.

Marilyn Schiess asked about putting some kind of buffer along the Railroad tracks.

Robert Fox stated there could be a chain link fence if the Commission suggests it. They can also put in trees. He stated there is 150 foot buffer to the houses.

Janys Hutchings asked about contacting UTA or the police about having it open or with a fence along the right of way by the tracks.

Kerry Schwartz asked about a generator.

Robert Fox stated that it would be by the detention area. It is a self-contained unit with a muffler on it so it would be quiet.

Janys Hutchings asked about the detention pond.

Robert Fox stated that it would be fenced – it will be private.

Lorin Powell stated that 1200 West is in the budget for this year or next year. We want to widen it to at least 24 feet.

Robert Fox stated that there would be a 20,000 gallon and 8,000 gallon tanks.

Derek Byrne asked about the generators and if they consider putting a wall around it.

Discussed the propane and natural gas generator.

Janys Hutchings moved to continue this item so the applicant can: 1) bring back an independent study showing us what we could expect on an electric facility being placed next to a gas facility, 2) have something from the police or UTA on whether to have some type of fencing or a natural corridor on the UTA access along the tracks, 3) get information on outdoor generators, 4) take care of any applicable DRC comments that can be cleared up before this comes back. Second by Marlin Peterson. Motion carried 5-2 with Steve Roll and Kerry Schwartz opposed.

Christie Hutchings stated that there won't be any public notices sent out again.

4.3 THE ESSENCE GROUP – REQUESTS CONDITIONAL USE AND SITE PLAN APPROVAL FOR A 25-FOOT HIGH POLE SIGN LOCATED AT 1200 WEST 2600 NORTH IN A COMMERCIAL ZONE.

Public Hearing opened at 7:05 p.m.

This item was not discussed at this time due to the continuation of the previous item.

Derek Byrne moved to continue item 4.3. Second by Janys Hutchings. Motion carried 5-2 with Steve Roll and Kerry Schwartz opposed.

4.4 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION ON AMENDMENTS TO THE LEHI CITY DEVELOPMENT CODE INCLUDING:

- a. **SECTION 12.060 – INFRASTRUCTURE PROVISIONS AND ENVIRONMENTAL CRITERIA, ADDING PROVISIONS FOR SLOPE EASEMENTS ON AREAS OF STEEP SLOPES.**
- b. **SECTION 18.030 – MINIMUM MITIGATION REQUIREMENTS, CLARIFYING FENCING REQUIREMENTS FOR NEW DEVELOPMENTS ADJACENT TO AGRICULTURAL PROPERTY.**
- c. **CHAPTER 23 – SIGNS, ADDING AND/OR AMENDING VARIOUS SIGN REGULATIONS AND REQUIREMENTS.**

Public Hearing opened at 7:05 p.m.

Discussion of 4.4a.

Christie Hutchings stated that this gives the City discretion on slopes easements on slopes of 30% or greater.

Vaughn Pickell suggested that we change it to say that the City Council or Planning Commission may require dedication of a slope easement.

Lorin Powell stated you may want to change it to say just Planning Commission; some things don't go to City Council.

Steve Roll suggested that it reflect Planning Commission and not City Council.

Vaughn Pickell suggested having it state that 'the City' may require dedication of a slope easement.

Public Hearing closed at 9:45 p.m.

Janys Hutchings moved to recommend approval of Lehi City's request for an amendment to the Lehi City Development Code Section 12.060 with the following change; that under number 1 it state that the City may require dedication of a slope easement. Second by Marlin Peterson. Motion carried unanimously.

Discussion of 4.4b.

Christie Hutchings stated that this is a deficiency that staff noted. This just clarifies where fencing needs to be placed.

Marlin Peterson would like language added about looking at the adjacent property and the elevation.

Earl Lelegren stated that he would suggest that we continue to have the same requirements when there's agricultural property being used for that purpose when there's developing going on around it.

Dell Willis suggested that there be language in the code as to additional fill such as it needs to be 6 feet from the new elevation not the existing. The language needs to provide for the type and height of the fence as it pertains to different types of agricultural uses; such as a certain height sight obscuring fence for mink ranches.

Steve Roll suggested that as a minimum standard we maintain what we've got as a 6 foot no climb for general purposes but if something approximates a mink farm or something other that would require a higher fence and sight obscuring materials that we allow for that flexibility.

Public Hearing closed at 9:50 p.m.

Janys Hutchings moved to recommend tabling this item in order to clarify the language. Second by Kerry Schwartz. Motion carried unanimously.

Discussion of 4.4c.

Christie Hutchings stated that this is the sign ordinance that's been gone over before.

Public Hearing closed at 9:55 p.m.

Kerry Schwartz moved to recommend approval of Lehi City's request for an amendment to the Lehi City Development Code Chapter 23. Second by Marilyn Schiess. Motion carried unanimously.

CITY BUSINESS

Dianna Webb stated that Dave Klock would like to give an update on a previous subject.

Dave Klock stated that there was a Charter School approved at the last meeting and we have had an offer to put in a preschool next to it. He mentioned the parking problem up there and that Mr. Lanst (sp?) is willing to add a greater number of parking stalls to accommodate the after school activities on the preschool lot. We would be adding about 45 stalls and he would have a parking and driveway agreement with the Charter School.

John Lanst with Learning Dynamics was present and stated that this would be the 3rd preschool that they have done.

Vaughn Pickell mentioned that you could have a parking easement that could be recorded with the land instead of just an agreement between parties.

The general consensus of the Planning Commissioners was in favor.

APPROVAL OF MINUTES

6.1 APPROVAL OF THE MINUTES FROM THE REGULAR MEETING HELD NOVEMBER 17, 2005.

Kerry Schwartz stated that on page 5 at the bottom it needs to say that we need 'clarification' of the State law.

Kerry Schwartz moved to approve the minutes from the regular meeting held November 17, 2005 as amended. Second by Carolyn Player. Motion carried unanimously.

6.2 APPROVAL OF THE MINUTES FROM THE WORK SESSION HELD JANUARY 5, 2006.

Kerry Schwartz moved to approve the minutes from the work session held January 5, 2006. Second by Marlin Peterson. Motion carried unanimously.

6.3 APPROVAL OF THE MINUTES FROM THE REGULAR MEETING HELD JANUARY 12, 2006.

Derek Byrne moved to approve the minutes from the regular meeting held January 12, 2006. Second by Janys Hutchings. Motion carried unanimously.

ADJOURNMENT

Janys Hutchings moved to adjourn. Second by Derek Byrne. Motion carried unanimously.

Meeting ended at 10:05 p.m.

Date Approved _____

Chairman _____

Secretary _____