

## LEHI CITY PLANNING COMMISSION MEETING

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

Members Present: Kerry Schwartz, Ron Smith, Marilyn Schiess, Janys Hutchings, Derek Byrne, Jason Willes, Marlin Peterson, Vaughn Pickell

Member Absent: Carolyn Player – excused

Others: Dianna Webb, Frankie Christofferson, Kim Struthers, Noreen Edwards, Council member Mark Johnson, Lorin Powell

Meeting began at 7:05 p.m.

### REGULAR AGENDA

#### **3.1 JENNIFER CLARK – REQUESTS A MAJOR HOME OCCUPATION TO OPERATE A BABY ACCESSORY BUSINESS FROM HER HOME LOCATED AT 2469 WEST 2300 NORTH IN AN EXISTING R-1-8 PUD ZONE.**

Kim Struthers presented the request and said that the applicant would like 3 on site employees. We can allow that as long as there won't be any impact on the neighborhood. You will also need to make this contingent on the safety inspection passing.

Jenny Clark was present and stated that there would be no clients coming to her home. She would only have 2 other people helping her, her neighbor and her mom. They will be doing items that will be sold in boutiques only made in the home.

*Janys Hutchings moved to grant final approval of Jennifer Clark's request for a Major Home Occupation to operate a baby accessory business from her home located at 2469 West 2300 North in an existing R-1-8 PUD zone based on the fact that it does fit with the criteria of the code and making this contingent on her safety inspection passing and with the exception made so she can have one additional employee. Second by Marilyn Schiess. Motion carried unanimously.*

### PUBLIC HEARINGS

#### **4.1 CABELA'S CONDOMINIUM – REQUESTS REVIEW AND RECOMMENDATION OF CABELA'S CONDOMINIUM PLAT, 3-UNITS LOCATED WITHIN THE CABELA'S STORE LOCATED AT APPROXIMATELY 2502 WEST GRAND TERRACE PARKWAY IN AN EXISTING PLANNED COMMUNITY ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that the interior of the Cabela's building will be divided in ownership. The different display areas would be under different ownership.

Dianna Webb said the attorney went through and approved the papers and gave them back.

Troy Harold with CLC, representing Cabela's, was present for the request.

Kerry Schwartz said on page 4 under 4.3 & 4.4, there needs to be some clarification on the limited common area versus exclusive use.

Troy Harold said he would have to have legal counsel look at that. He said they may want to make that part of the motion.

Janys Hutchings asked about the maintenance, repair and improvements and if everyone shares in the cost.

Mark Johnson said that it depends on how it is described.

Janys Hutchings asked if it was set up like an HOA where the City has some sort of a reserve fund.

Mark Johnson said he needs to find out.

Janys Hutchings said in the By-laws, page 2, 2.7 it seems that no matter what happens unit 3 will always win.

Marilyn Peterson asked if any of this affects the outside of the store.

Troy Harold said that is explained in under Article 9.2, exterior expenses.

Mark Johnson stated that this is something we need to discuss in City Council. As far as the issue with the votes and the rest, we just need to make sure those concerns are put in the motion so council can address them.

Derek Byrne said if some day they want to do renovations it makes it seem like they could have the City provide some of the funds.

Troy Harold will get the comments back to legal council.

Public Hearing closed at 7:25 p.m.

*Vaughn Pickell moved to recommend approval based on a few conditions; 1) that the voting ratio in the by laws section 2.7 be looked at by the City Council to determine whether that is fair or not, 2) in section 4.3 of the declaration, the wording about limited common area and the exclusive use seems to be a dichotomy and recommend that the applicant look at revising that, the City Council might want to note that section, 3) the floor and ceiling elevations be shown on the plat so we define the interior space by volume not just by area, 4) that there be an appropriate funding mechanism for maintenance costs for common areas which is in section 9.1 of the declaration, 5) include DRC comments. Second by Janys Hutchings. Motion carried unanimously.*

**4.2 KENT MINER – REQUESTS REVIEW AND RECOMMENDATION ON A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON THE TONY KOGIANES PROPERTY, APPROXIMATELY 11 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1933 WEST 900 NORTH FROM AN EXISTING A-1 ZONE TO A PROPOSED R-1-22 ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and said there are some potential wetlands on the area. We would suggest that they have a study done to determine whether there are wetlands there.

Kent Miner was present for the request and said there was a study done and they have received it back from the Corp of Engineers.

Public Hearing closed at 7:35 p.m.

*Derek Byrne moved to recommend approval of Kent Miner’s request for review of a Zone District and Zone District Map Amendment on the Tony Kogianes property, approximately 11 acres located at approximately 1933 West 900 North from an A-1 zone to an R-1-22 zone seeing that it meets all applicable criteria of the Development Code and to include DRC comments. Second by Ron Smith. Motion carried unanimously.*

**4.3 CAROLINE FOX – REQUESTS REVIEW AND RECOMMENDATION ON A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 15 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4000 NORTH FRONTAGE ROAD FROM A PLANNED COMMUNITY TO A COMMERCIAL ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and said that this property was originally thought to be purchased and part of the Cabela’s project. That did not work out. This is just part of the Commercial on the General Plan. If it is not rezoned it will stay in the Planned Community zone.

Caroline Fox was present for the request.

Public Hearing closed at 7:38 p.m.

*Janys Hutchings moved to recommend approval of Caroline Fox’s request for review of a Zone District and Zone District Map Amendment on approximately 15 acres of property located at approximately 4000 North Frontage Road from a Planned Community to a Commercial zone seeing that it does meet the criteria for the commercial zone and fits in the General Plan and include DRC comments. Second by Marilyn Schiess. Motion carried unanimously.*

**4.4 JEANA BODINE – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION OF BLOSSOM HOLLOW SUBDIVISION, A 3-LOT RESIDENTIAL SUBDIVISION LOCATED AT APPROXIMATELY 600 EAST 600 SOUTH IN EXISTING R-1-10 AND TH-5 ZONES.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and said they are requesting 3 lots. The TH-5 area would be part of lot 1. They will have to put the street improvements in along the frontage.

Discussed the power on 400 South and the storm drain.

Kim Struthers said there is no storm drain available so they will have to retain on site for now.

Lorin Powell said it turns before it gets to here.

Jeana Bodine was present for the request said that the back part is just being used for horses. She said her parents live on the property to the north. She said they will be building on lot 1 and have animals on the back of their property. So they're keeping that part TH-5. There is a dirt lane that wraps around this property so we feel that there will be some type of a road that will touch that TH-5 property some time in the future.

Public Hearing closed at 7:48 p.m.

Jason Willes said the only issue he has is with the access to the TH-5 parcel; but with relatives to the north they can probably cross that property.

Dianna Webb said that lot one includes all the TH-5.

Jason Willes said that's not an issue then.

*Ron Smith moved to recommend approval of Jeana Bodine's request for Preliminary Subdivision review of Blossom Hollow, a 3-lot residential subdivision located at approximately 600 East 600 South in existing R-1-10 and TH-5 zones and to include DRC comments. Second by Vaughn Pickell. Motion carried unanimously.*

**4.5 SIGNZ & LIGHTZ – REQUESTS CONDITIONAL USE AND SITE PLAN APPROVAL FOR A 25' HIGH POLE SIGN FOR MCCOY FURNITURE LOCATED AT APPROXIMATELY 795 NORTH 400 EAST IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and said that the sign would actually have to go on the site that the building is located on or it is classified as an off-premise sign which is not legal.

Janys Hutchings asked if they were going to remove the truck on State Street.

Gayle McMurray with Signz & Lightz was present for the request.

Vaughn Pickell asked about the plans submitted – and what they would do to protect the pole.

Gayle McMurray said that there isn't a sleeve but they can do different things such as a pole cover.

Vaughn Pickell asked if he would consider altering his plan to include a pole cover.

Gayle McMurray said yes, but the owner would just have to pay more.

Kerry Schwartz asked about relocating the sign.

Gayle McMurray would have to talk to the owner but he's sure it will work over there.

Kim Struthers said as long as it doesn't over hang onto the sidewalk.

Brian Rollins owns property south of the parking lot on the corner and said that he thinks a sign on the other side makes more sense. He said having it on the same property as the building would be intrusive and you'd have cars backing into it.

Jason Willes asked if this could go to the Board of Adjustments to have a variance granted.

Dianna Webb said the Board of Adjustments doesn't have authority with signs.

Vaughn Pickell said that because of the shape of the lot and it not being their fault that I-15 is on that kind of an angle, we should be able to do something where there is some unique hardship with how the building is on the lot and the shape.

Public Hearing closed at 8:08 p.m.

Jason Willes said that if people are parking on that piece as part of the business why can't they put a sign on there.

Marlin Peterson asked about the City selling that road right of way parcel so its' all one piece.

Kerry Schwartz asked if they couldn't make it so the sign is tied to that property some how.

Janys Hutchings said that they could make the sign 35 feet high, and then it would go above the building.

Lorin Powell said we could trade some ground so there would be a bulb out on the end of the property.

Marilyn Schiess thinks we should table this so he can go back and talk to the owner of the property.

Vaughn Pickell said the sign is offsite and doesn't comply with our code as it is.

Jason Willes said we could approve it with the condition that the sign be put on the site that the building is on – and if not then he can come back and request some other way.

Discussed connecting the two parcels some how – or doing a trade.

*Derek Byrne moved to table Signz & Lightz request for Conditional Use and Site Plan review of a 25' high pole sign for McCoy Furniture located at approximately 795 North 400 East in an existing Mixed Use zone to allow Mr. McMurray time to discuss with both the property owner and the business owner some other alternatives as mentioned here tonight. Second by Marilyn Schiess. Motion carried unanimously.*

- 4.6 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF THE FOLLOWING AMENDMENTS TO THE LEHI CITY DEVELOPMENT CODE:**
- A. SECTION 03.040 – REMOVING THE REFERENCE TO SPECIAL EXCEPTIONS LISTED UNDER THE DUTIES OF THE BOARD OF ADJUSTMENTS.**
  - B. SECTION 10.050 – REMOVING SPECIAL EXCEPTIONS FROM THE LISTED APPLICATIONS.**
  - C. SECTION 26.060 – ALLOWING HANDICAP ACCESS FACILITIES THAT ENCROACH INTO REQUIRED SETBACK AND YARD AREAS TO BE AUTHORIZED BY THE PLANNING COMMISSION AS A CONDITIONAL USE.**
  - D. SECTION 27.070 – AMENDING ITEMS RELATED TO WATER RIGHTS CONVEYANCE REQUIREMENTS.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and said this just clears up items that resulted in the changes made with special exceptions.

Public Hearing closed at 8:25 p.m.

*Derek Byrne moved to recommend approval of Lehi City's request for review of an amendment to the Lehi City Development Code, Section 03.040, removing the reference to Special Exceptions listed under the duties of the Board of Adjustments. Second by Janys Hutchings. Motion carried unanimously.*

*Vaughn Pickell moved to recommend approval of Lehi City's request for review of an amendment to the Lehi City Development Code, Section 10.050, removing Special Exceptions from the listed applications. Second by Derek Byrne. Motion carried unanimously.*

*Janys Hutchings moved to recommend approval of Lehi City's request for review of an amendment to the Lehi City Development Code, Section 26.060, allowing handicap access facilities that encroach into required setback and yard areas to be authorized by the Planning Commission as a Conditional Use. Second by Marilyn Schiess. Motion carried unanimously.*

*Ron Smith moved to recommend approval of Lehi City's request for review of an amendment to the Lehi City Development Code, Section 27.070, amending items related to water rights conveyance requirements. Second by Vaughn Pickell. Motion carried unanimously.*

**CITY BUSINESS**

Lorin Powell stated that he was in a meeting today on the new Mountain View Corridor. He said they have 1500 South as a new option. It would be raised. He said we were very adamant that it stay along 1900 South as far south as possible. We could give densities and things and have that habitat to the south and housing to the north. If they go with the one on 1500 it would put it extremely close to the one on 1000 South. If they put it to the south you don't have to worry about the crossings underneath.

Lorin Powell said that regarding the Nuttal property that was here a few times, Kim and I have worked with him and we came up with another idea to have two flag lots come up to the road. The main road would stay the same and the private roads would be fairly steep. This was a compromise he was willing to work with and the flag stems would be back to back and off set from the corner.

Dianna Webb asked about holding a meeting the last week of November. The commissioners said we'd have to just look at the schedule to see if we need one. She said that the books they received tonight are for the Downtown Revitalization meeting that will be discussed next week at the work session.

**APPROVAL OF MINUTES**

**6.1 APPROVAL OF THE MINUTES FROM THE OCTOBER 12, 2006 PLANNING COMMISSION MEETING.**

Kerry Schwartz had a list of changes.

Derek Byrne had a change.

Marlin Peterson had a correction.

*Ron Smith moved to approve the minutes from the October 12, 2006 regular meeting with the corrections. Second by Marilyn Schiess. Motion carried unanimously.*

**ADJOURN**

*Janys Hutchings moved to adjourn. Second by Ron Smith. Motion carried unanimously.*

Meeting ended at 8:38 p.m.

Date Approved \_\_\_\_\_

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_