

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, April 12, 2007 in the Lehi City Council Chambers.

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

Members Absent: Derek Byrne – excused

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

Meeting began at 7:05 p.m.

REGULAR AGENDA

3.1 DONNA LISA BROWN – REQUESTS A MAJOR HOME OCCUPATION PERMIT TO OPERATE LITTLE ONES DAYCARE FROM HER HOME LOCATED AT 705 NORTH 400 EAST IN AN EXISTING MIXED USE ZONE.

Kim Struthers presented the request and stated that she may have one employee.

Donna Brown was present for the request and said the kids can be dropped off in the driveway. If more than one shows up they can park on the gravel facing the house. The hours of operation would be Monday – Friday from 7-6. She said the back yard is fenced and they will be putting a gate on the one side. She said she would have 5 kids.

Marilyn Schiess moved to grant final approval for Donna Lisa Brown's request for a Major Home Occupation permit to operate Little Ones Daycare from her home located at 705 North 400 East in an existing Mixed Use zone subject to her passing the state inspection and that she have no parking on the sidewalk. Second by Jason Willes. Motion carried unanimously.

3.2 SCENIC DEVELOPMENT – REQUESTS SITE PLAN APPROVAL FOR THE MILL POND BUSINESS PARK LOCATED AT APPROXIMATELY 1000 EAST MILL POND DRIVE IN AN EXISTING COMMERCIAL ZONE.

Kim Struthers presented the request and stated that there would need to be an exception made to the landscaping buffer between the parking lot and the property line. They have met the parking requirement and have broken it down; parking for the office and then some for the warehouse. There are about 58 additional stalls above and beyond what is required for the offices. He said we are just approving a commercial building shell – as each use comes in they would be approved separately as either a permitted or a conditional use.

Josh Rindlesbacher was present for the request.

Marilyn Adams asked if they had checked into traffic issues.

Janys Hutchings asked about the access to the garbage dumpster and if one would be enough for all the businesses.

Josh Rindlesbacher said that if they come in the north side entrance they can get to it easily. He said if they need to they can paint out the stall next to it. He said they have a site in Bluffdale and the one dumpster is enough for that. The businesses would be required to keep everything within their own space and keep the parking lot clean.

Discussed the exception on the 25' landscape buffer.

Josh Rindlesbacher stated that the traffic depends on the use of the building – the building in Bluffdale may use about 4 stalls per unit.

Lynn Reynolds was present and stated that a larger buffer area along the back doesn't seem appropriate where they're up against another business. If it was up against residential it would be different.

Jason Willes said that in a commercial zone a 50' buffer is not necessary between two businesses; maybe a 3–4 foot planter strip would be enough.

Janys Hutchings moved to grant final approval of Scenic Development's request for Site Plan approval for the Mill Pond Business Park located at approximately 1000 East Mill Pond Drive in an existing Commercial zone and to include all of the applicable DRC comments and also grant an exception noting the planter strip needs to be at least 4' wide along the entire west side boundary. Second by Carolyn Player. Motion carried 5-2 with Marilyn Schiess and Ron Smith opposed.

3.3 LORIN NEWTON – REQUESTS REVIEW AND RECOMMENDATION ON AMENDMENTS TO THE TRAVERSE MOUNTAIN MASTER CC&R'S.

Kim Struthers presented the request and stated that the CC&R's they have provided are marked where the revisions are. The City Attorney has reviewed these in detail.

Janys Hutchings asked Dianna that if the Master Declaration failed to enforce something what is the City's responsibility.

Dianna Webb said that the City may step in if it's something serious enough.

Cheryl ??, property manager, was present for the request and said the major concern with DRC was that these only apply to the home owner not the builder. She explained the corrections. She stated that there were some problems and the HOA is trying to make the changes to correct any problems that have come up. The grandfathering changes include everyone who lives there now. If they rent the property it will not affect them. If the property is sold it would fall under these new documents. She said that 10% of the entire area is rented out right now; 80% of it is in Heather Moore. This does not affect the condos or the stacked units; this only applies to single family residential. All the merchant builders know that this will affect them in the future.

Jason Willes said that these are more for covering the problems when the complaints come in – this needs to be in place so they have something to go against when there are violators.

Cheryl ?? explained that Broadweave was supposed to have cable, internet and phone but they are not ready and don't have the cable run yet so satellite dishes and the antennas are allowed right now because the cable is not online – when the cable is ready the residents will have one year to transfer over to Broadweave.

Janys Hutchings asked about page 68 – and if they have stacked units – will they have to come before us to approve the densities.

Cheryl ?? said that was one of the sections that the City Attorney wanted left in.

Dianna Webb said it would be an amendment to the area plan.

Jason Willes moved to recommend approval of Lori Newton's request for review of amendments to the Traverse Mountain Master CC&R's. Second by Ron Smith. Motion carried unanimously.

Kim Struthers said this will eventually come back as a chapter in the revised area plan.

PUBLIC HEARINGS

4.1 DAVID BUTTERFIELD – REQUESTS REVIEW AND RECOMMENDATION OF A PROPOSED GENERAL PLAN AMENDMENT ON APPROXIMATELY 1 ACRE OF PROPERTY LOCATED AT APPROXIMATELY 1200 EAST 3200 NORTH FROM A COMMERCIAL NODE TO A LOW DENSITY RESIDENTIAL LAND USE DESIGNATION. (Tabled from March 29, 2007)

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that at the last meeting there were some questions about that being a commercial node. He said that our recommendation along with the City attorney's advice would be that we can zone it A-1 with the understanding that it is temporary zoning and at a future date they could come back and have the commercial zoning; if there were reasonable reasons for not complying with the General Plan at this time and if it's justified. This would take care of his problem and allow him to connect to the city utilities.

Kerry Schwartz read from the code that says we cannot go against City Code and if this not consistent with the General Plan then we can't do it.

Kim Struthers said we would have to show a lot of findings showing why we went with this and went against the General Plan.

Discussed having the General Plan advisory in nature instead of HAVING to comply with it – or having over lay nodes.

David Butterfield was present for the request. He said he is more interested in keeping the home. He said if he has to move his business then he can make arrangements. He said if he wanted to go commercial he'd be doing it right now, eventually if someone wants to take it commercial he'd like to see that too.

Public Hearing closed at 8:25 p.m.

Discussed what to do with that corner.

Dianna Webb said you could make the interpretation that the commercial node is an overlay zone.

The commission determines this to be an overlay so he would need to come back with a zone change that complies with the VLDR.

Vaughn Pickell moved to recommend denial of David Butterfield's request for a General Plan Amendment on approximately 1 acre of property located at approximately 1200 East 3200 North from a Commercial Node to an LDR land use designation finding that the applicant has stated that VLDR is adequate for him and also finding that the commission recognizes the Commercial Node as an overlay

with an underlying land use designation and from the surrounding areas the future zone will likely comply with the existing VLDR land use designation.

Dianna Webb said that he has the opportunity to withdraw this application and reapply for zone change – he could apply his fees paid for the General Plan Amendment towards the Zone Change.

David Butterfield would like A-1 zoning.

Second by Ron Smith. Motion carried unanimously.

4.2 PEGGY WILLIAMS – REQUESTS REVIEW AND RECOMMENDATION FOR A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 1 ACRE OF PROPERTY LOCATED AT APPROXIMATELY 1214 NORTH 1700 WEST FROM AN A-1 TO AN RA-1 ZONE.

Public Hearing opened at 7:00 p.m.

Kim Struthers presented the request and said that there is a clause that states that if the request is less than 2 acres in size they can request the RA-1 zone even though it's in the VLDR.

Tony Trane was present for the request and said that if it was subdivided the lots would be close to ½ acres, even if it's split down the middle with the road dedication it would take the lots just under 22,000 sq. ft.

Public Hearing closed at 8:40 p.m.

Janys Hutchings moved to recommend approval of Peggy Williams' request for a Zone District and Zone District Map Amendment on approximately 1 acre of property located at approximately 1214 North 1700 West from an A-1 to an RA-1 zone based on the finding that it is consistent with the land use around it and also because of the small acreage and include the DRC comments. Second by Marilyn Schiess. Motion carried unanimously.

4.3 BRENT OVERSON – REQUESTS REVIEW AND RECOMMENDATION FOR A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT FOR PROPERTY LOCATED AT APPROXIMATELY 61 WEST STATE STREET FROM AN R-2 TO A MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that there are some flood plane issues that will need to be dealt with at some point. They would have some commercial lots in the Mixed Use zone and residential in the back – this does fall into the restrictions of the duplex ordinance.

Lorin Powell said that with the canals there they are going to have to determine the volume of water – this has not been resolved.

Brent Overson was present for the request and said that lot 5 would need to be modified so it's not in split zoning. Lots 1 and 7 would be commercial the others would be residential. He mentioned the flood area and stated that they would have to work out a water management plan - there have been soils tests done. He said they are aware of the high water table. He said that the business would be an office – no storage – just office use – there may be construction vehicles coming in and out.

Public Hearing closed at 8:55 p.m.

Janys Hutchings asked if this is what we pictured for Mixed Use.

Kerry Schwartz said that this piece is a little more difficult to develop.

Janys Hutchings said lot 7 is small and the site triangle on that corner is bad enough as it is - it would be hard to fit commercial on it.

Discussed the flood way and the flood plane – need State, County and FEMA input.

Janys Hutchings is concerned with a new business and new homes going in. She said she would rather see all business or all residential.

Marilyn Schiess would like to eventually see all business up on State. She said that this does put the residential back by the school.

Vaughn Pickell is concerned about our Downtown Revitalization plan.

Discussed the trails and if we can implement it through this – discussed that it will not try to go through here.

Jason Willes said that right here would be better for residential – but you could put the business on lot 7 with parking on the flood plane and the rest could be residential in the cul-de-sac.

Brock Burns said that State Street and residential aren't very good together. He said he would rather have that as commercial but it's zoned R-2.

Carolyn Player is ok with the zoning.

Jason Willes is not comfortable with it as is.

Janys Hutchings is not comfortable with it as is.

Vaughn Pickell said he is fine with it and it is consistent with the General Plan.

Marilyn Schiess and Ron Smith are fine with it.

Kerry Schwartz, Janys Hutchings and Jason Willes would be fine if it was all Mixed Use.

Lorin Powell said that once you change it – something else can go in.

Vaughn Pickell moved to recommend approval of Brent Overson's request for a Zone District and Zone District Map Amendment for property located at approximately 61 West State Street from an R-2 to a Mixed Use zone as shown finding that it complies with the General Plan and to include DRC comments. Second by Marilyn Schiess. Motion carried 4-3 with Jason Willes, Janys Hutchings and Kerry Schwartz opposed.

4.4A BRENT OVERSON/ BROCK BURNS – REQUESTS CONCEPT PLAN REVIEW AND RECOMMENDATION FOR WALKER SUBDIVISION, A COMMERCIAL/ RESIDENTIAL PROJECT ON 3.65 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 61 WEST STATE STREET IN R-2 AND MIXED USE ZONES.

Discussion included under item 4.4.

Vaughn Pickell moved to recommend approval of Brent Overson/ Brock Burns request for Concept Plan review of Walker Subdivision, a commercial/ residential project on approximately 3.65 acres of property located at approximately 61 West State Street in R-2 and Mixed Use zones as proposed and include the DRC comments. Second by Ron Smith. Motion carried 4-3 with Jason Willes, Janys Hutchings and Kerry Schwartz opposed.

4.4 CLINT HARDMAN – REQUESTS CONDITIONAL USE APPROVAL TO OPERATE A CUSTOM CAR INSTALLATION BUSINESS AT APPROXIMATELY 1603 NORTH STATE STREET IN AN EXISTING MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that this is out of an existing building. There would be 2-4 employees and maybe 5–10 clients per day.

Clint Hardman was present for the request.

Janys Hutchings asked about parking stalls.

Clint Hardman said that there are designated stalls per unit - there is room for 3 vehicles inside the building. The retail sales area would be by the office and there would be about 900 sq ft for the showroom. He said the delivery vehicles are all small, fed-ex or pick ups.

Public Hearing closed at 9:30 p.m.

Ron Smith moved to grant final approval of Clint Hardman's request for Conditional Use approval to operate a custom car installation business at approximately 1603 North State Street in an existing Mixed Use zone subject to DRC comments. Second by Marilyn Schiess. Motion carried unanimously.

4.5 DEE FOWLER – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION OF D & K PLAZA, A 2-LOT COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 1200 EAST MAIN STREET IN AN EXISTING COMMERCIAL ZONE.

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that they mainly want to split those two businesses and create a lot line in between the two buildings - all the infrastructure is already in.

Dee Fowler was present for the request.

Janys Hutchings said that each lot would need its own parking area instead of having it shared.

Dee Fowler said that they would have a cross easement where they can share parking lots.

Kim Struthers said that they could add a note on the plat that they have a shared easement.

Kerry Schwartz said that they would have to do the same thing for the sign.

Public Hearing closed at 9:35 p.m.

Marilyn Schiess moved to recommend approval of Dee Fowler's request for Preliminary Subdivision review of D & K Plaza, a 2-lot commercial subdivision located at approximately 1200 East Main Street in an existing Commercial zone with DRC comments and make sure the shared parking easements are recorded on the plats. Second by Ron Smith. Motion carried unanimously.

4.6 MIKE DAVEY – REQUESTS CONDITIONAL USE AND SITE PLAN APPROVAL FOR A NEW LDS CHURCH BUILDING TO BE LOCATED AT 127 EAST 3200 NORTH IN A PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that this was shown on the area plan. There is a walking path that goes in front of the church.

Mike Davey with Dennis Butler Architects was present for the request.

Public Hearing closed at 9:40 p.m.

Ron Smith moved to grant final approval of Mike Davey's request for Conditional Use and Site Plan approval for a new LDS church building to be located at 127 East 3200 North in a Planned Community zone with DRC comments. Second by Carolyn Player. Motion carried unanimously.

4.7 SCENIC DEVELOPMENT – REQUESTS PRELIMINARY REVIEW AND RECOMMENDATION FOR THE MILL POND BUSINESS PARK COMMERCIAL CONDO LOCATED AT APPROXIMATELY 1000 EAST MILL POND DRIVE IN AN EXISTING COMMERCIAL ZONE.

This item was withdrawn by the applicant.

CITY BUSINESS

Frankie Christofferson said that we would like a determination on the agricultural fences along 3200 North and Bull River Road. There were fencing requirements and before the fencing was installed the property owner to the west rezoned his property. Staff determined that we couldn't require that fence.

The Commission agreed that the fence is not needed any longer.

Frankie Christofferson said in Northlake a fence went up and the property to the north is being developed as R-1-22 with animal rights. The owner wants to take the agriculture fence down He said it may be 4 inches on his property anyway so he should be able to take it down.

Marilyn Schiess said that this should be between the owner and the developer.

The Commission feels that it's ok to not require the fence if a development goes in where there was agricultural uses before.

Lorin Powell said we need to have some wording that will allow that to occur – the bond has been set with that fence included.

Discussed that if another zone is created adjacent to it before it's built then they could eliminate the agriculture fencing requirement.

Dianna Webb said she talked with Bruce Parker on the new ordinance for the sports and entertainment zone. He said we have a lot of loop holes and thinks that it will take 30-40 days to do it.

Mark Johnson said we probably need to write an ordinance specifically for that project and refine it as we go. We may be trying to do it too general where we need to be more site-specific.

Dianna Webb said she just needs to know so she can give Bruce some more direction.

Mark Johnson said that he told Ed Collins that the traffic needs to be studied before we study the density. Ed said he told the developer that if the traffic cannot handle it then they may not get that density they want.

6.1 APPROVAL OF THE MINUTES FROM THE MARCH 29, 2007 REGULAR MEETING.

Ron Smith moved to approve the minutes from the March 29, 2007 regular meeting. Second by Vaughn Pickell. Motion carried unanimously.

ADJOURN

Carolyn Player moved to adjourn. Second by Jason Willes. Motion carried unanimously.

Meeting ended at 10:00 p.m.

Date Approved _____

Chairman _____

Secretary _____