

LEHI CITY PLANNING COMMISSION MEETING

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

Members Present: Kerry Schwartz, Vaughn Pickell, Carolyn Player, Marlin Peterson, Jason Willes, Marilyn Schiess, Derek Byrne

Members Absent: Janys Hutchings – excused, Ron Smith – excused

Others: Dianna Webb, Frankie Christofferson, Christie Hutchings, Noreen Edwards, Lorin Powell

Meeting began at 7:04 p.m.

REGULAR AGENDA

3.1 STACY COUCHMAN – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION TO OPERATE A NAIL SALON FROM HER HOME LOCATED AT 2032 WEST 1040 SOUTH IN AN EXISTING R-1-12 ZONE.

Christie Hutchings presented the request.

Stacy Couchman was present and said that her hours of operation would be from 9-6. She said she will be the only employee.

Marilyn Schiess moved to approve Stacy Couchman's request for a Major Home Occupation to operate a nail salon from her home located at 2032 West 1040 South in an existing R-1-22 zone pending the verification of the safety inspection. Second by Carolyn Player. Motion carried unanimously.

3.2 KERRI GRAY – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION TO OPERATE A DAYCARE FROM HER HOME LOCATED AT 373 NORTH 400 EAST IN AN EXISTING R-1-8 ZONE.

Christie Hutchings presented the request and stated that the applicant is renting and has approval from her landlord.

Kerri Gray was present for the request and stated that the new inspection from the state is in the process of being renewed.

Marlin Peterson moved to grant final approval of Kerri Gray's request for a Major Home Occupation to operate a daycare from her home located at 373 North 400 East in an existing R-1-8 zone pending verification of the safety inspection. Second by Marilyn Schiess. Motion carried unanimously.

3.3 TRACEE SHELTON – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION TO OPERATE A DAYCARE FROM HER HOME LOCATED AT 584 WEST 2280 NORTH IN AN EXISTING R-1-8 ZONE.

Christie Hutchings presented the request.

Tracee Shelton was present for the request and said that she is in the process in getting a State license.

Jason Willes moved to approve Tracee Shelton's request for a Major Home Occupation to operate a daycare from her home located at 584 West 2280 North in an existing R-1-8 zone subject to verification of the safety inspection and obtaining a license. Second by Carolyn Player. Motion carried unanimously.

3.4 BOX ELDER PROPERTIES – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR THE NORTH BENCH BUSINESS PARK EXTENDED STAY SUITES LOCATED AT APPROXIMATELY 1500 WEST BULL RIVER ROAD IN AN EXISTING BUSINESS PARK ZONE. (tabled from the 6/14/07 Planning Commission meeting)

Christie Hutchings presented the request and stated that this was tabled so we could have information brought forward. She went through the timeline of when applications were filed and went over the 4 issues that were brought up at the last meeting.

Ken Rushton was present and stated that one of the tasks that the Planning Commission has is to sort out information for this application. There are provision in the Development Code – those issues that are before you are covered in Section 12, specifically section 12.140B which deals with hotels and motels and the conditions that are imposed for successful approval. In Section 9.050 it lists findings and conditions in order to grant a Conditional Use permit. There have been questions raised by perhaps staff and members of the public about the time line and the vesting issue; it is my judgment that it is not a relevant issue. It is his understanding that they do meet the ordinance and there is no reason that these two uses can't coexist in this zone. He went through Section 09.040 and said that it is the commissions' duty to determine if there are conditions or problems that can be mitigated to make this use compatible in this location. He brought up the findings and conditions that should be made in every Conditional Use approval.

Discussed Section 12 – specific conditions that relate to the location of the motel in relation to the school.

Kerry Schwartz asked if other businesses want to locate in this same area, in a Business Park zone, what conditions can be imposed on them.

Ken Rushton said that you would look at each use on its own merit - there may be some circumstances that the same type of conditions would not be appropriate for another type of business.

Kerry Schwartz asked Ken Rushton what the Planning Commission's authority is in this situation, since we are appointed by the Mayor.

Ken Rushton said that the Planning Commission has the authority and the responsibility to make those final approvals. The City Council does not have approval on Conditional Uses.

Sgt. Jeff Swenson and Det. Brian Larson were present for the Police Department. Jeff Swenson said that they were asked to present a map showing the location of the sex offenders in Lehi. This information is on the internet as well. Jeff said that some of the security measures that can be taken for the hotels are lighting, fencing, and cameras in parking lot (we don't know if that's been done). Most of the motels have their maids go in and out on a daily basis. We like to have a good relationship with the people that run the motel and we go in and talk with them and the maids about the different things that can be found and what to look for. Jeff went over the data from the calls for the motels for the past year. He said that the Police frequent the motels quite a bit throughout the day and night to make their presence known and to stay pretty visible. He said that from the list of sex offenses for the last year, there has not been one at a hotel. He said the crime is higher in hotels but it's more like alcohol, domestic situations, etc.

Kerry Schwartz asked if in their training and in going through discussions on pedophiles were extended stay hotels brought up or is it mainly residential.

Brian Larson said they do not target them from hotels (from his experience) but he doesn't know of any study to back that up.

Vaughn Pickell said that Motel 6 has a larger number of calls than the others.

Brian Larson said that it is usually issues with the staff – they are not as good to report it as the other hotels. He said it is also possible the rate of the room has an effect on that but he has no data on that.

Christie Hutchings said that she had contacted some extended stay hotels to get their room rates and asked them what type of clientele stay there – she was told that most of them are families so they can have a kitchen - they stay for a typical vacation amount of time and she didn't notice any particular type of crime.

Jeff Swenson said that we are up to about 7200 dispatched cases for this year from January until the end of June. He presented the list that was specific to the hotels and said that in the 14 years he's been here they have not had a meth lab at a hotel.

Brian Larson said that he can't recall any at motels – it is more of a mobile operation now – in RV's, etc.

Jason Willes asked if they talked with other Police Departments and if hotel crime is something that gets discussed with other police forces.

Brian Larson said that the majority of the problems at hotels are under age kids and alcohol parties.

Marlin Peterson asked Ken Rushton if the City could be held responsible if something were to happen with the school and hotel being there together.

Ken Rushton said the City would not be responsible.

Derek Byrne asked if there were any downward crimes in hotels.

Brian Larson said there have not been any spikes in any specific crimes.

Dave Holdaway with the Alpine School District was present and went over the brief history of the purchase of the property and the negotiation with Box Elder Property in doing the property exchange. He reviewed the time line and said this would not have been the first preference if they could have found a more level site but this was what was available. He said the zoning would be Business Park when they annexed. He said they had discussion with the City whether the use would be permitted in that zone. He said it was a Conditional Use. They started construction in 2005 and have now had a complete school year in that building. He said they received a request from Box Elder Properties for a property exchange in about June or July of 2006. The school district felt it would be better for the playground if it was more contiguous to the school next. We were aware that there was an application for a hotel so we tried to get the playground away from the hotel as far as we could. He said they do have comments in terms of mitigation to have this compatible with our school. There is a proposed 6 foot concrete fence on the south and we would recommend that it be at least 8'- 12', 12 feet preferably.

Kerry Schwartz said that would possibly be a separate process.

Dave Holdaway said that they did not see a fence shown on the west side of the hotel property – we would recommend at least a chain link fence. He said on the hotel elevations there are rooms on the south side that would have views to the playground, he suggested planting tall trees maybe evergreens. He said that they are concerned with alcohol or tobacco sales. Those are restricted for a certain distances from the school. He said that when the students are out in the playground area there is always adult supervision. He said they have also noted on the plans that there is a proposed outflow from the detention basin on the south side of the property. He is wondering how they plan to get that water to the ditch – if a structure needs to be there we would recommend that it be on the property line and not in the playground. He said that those are the basic issues and as far as the school district is concerned they realize this is not a decision they can make. He said the timing was close as far as the Conditional Use permits. He said they are committed to any suggestions for mitigation on potential problems. He said virtually all of our playgrounds adjoin private property and those fences that separate them are not site obscuring. There are thousands of opportunities for harm with private homes as well and we don't feel this is any worse than that. We realize that some of the other schools have traffic issues and we have tried to take measures to protect the kids. He said they are willing to look at issues to help make things safer.

Vaughn Pickell asked about the issue with the storm drain.

Dave Holdaway said it is in an easement on the school property (C4), an outlet from the detention basin - it is about 20' out in the playground on the southwest corner - we would be concerned about the location and how it would be designed.

Lorin Powell said we would have to look at that.

Dave Holdaway said speaking for the school district – they have taken a neutral stance on this. They feel like we can deal with the situation. He said that Dianna Webb had told him that there was potential for a hotel on the property and we felt that we could take measures to make it work. There are going to be problems in any neighborhood and that's the reason for our safety procedures – we don't have major concerns about this.

Kerry Schwartz asked about the traffic or additional traffic. Is it fair to place mitigation on this project for the traffic issues that may be up there for that whole Business Park area?

Ken Rushton said that if you can mitigate the concerns then you should do it.

Kerry Schwartz asked if it was fair to put the burden on one business when there will be others that will be located there.

Vaughn Pickell asked Lorin if there was a particular traffic issue.

Lorin Powell said that he is not aware of one. He said that currently we have a design for that connection up to SR-92 and we have covered the canal. There is a signal to go in at that location and at that time the intent is to eliminate as many connections to SR-92. This would be cul-de-saced. That is what UDOT is requiring anyway. It was part of the agreement to obtain the signal and other things that will occur there.

Kerry Schwartz said that we have closed the public hearing for this item and stated that they commission has accepted additional letters up through today. He said they have read each of them. It shows there is a lot of interest on this issue and we have tried to address the issues that were brought up during the public hearing at the last meeting.

Jason Willes said that he wouldn't mind hearing from the state board representative but he recommended that we need to keep public hearing portion of the meeting closed.

Jason Willes moved to keep the public hearing closed on this item. Second by Marilyn Schiess.

Vaughn Pickell said that we have read the letters, emails and internet articles.

Jason Willes said that that the information has been a repeat of the last meeting.

Derek Byrne said that if they have one spokes person he would like to have the public comment.

Jason Willes moved to clarify the previous motion stating that it is on the redundancy of what we have heard and read and not because of the length of the agenda. Second stands. Motion carried 5-2 with Derek Byrne and Marlin Peterson opposed.

Mark Cluff, representing North Utah County Board of Education, said that safety must be maximized. He is not aware of a hotel or motel next to a school any where along the Wasatch front. He said by code schools are not allowed in industrial areas but they are in business areas. There is a reason why the majority of our schools are located with residential areas. If there is any concern or a possibility that a child may be harmed we need to maximize the safety of the children.

Vaughn Pickell stated that our job today is to look at the hotel, and an extended stay has been identified as a Conditional Use. The question is what kind appropriate conditions need to be placed. He read from the Development Code sect 9.040 and stated that he appreciated the information that we were asking for from the last meeting. We need to think about the negative impact that we might have and then think about reasonable conditions to mitigate those.

Marlin Peterson said that he has a concern with the safety of the children. He said we can't predict what will happen in the future and if we need to take more time then we need to take more time.

Jason Willes said that he is not concerned with taking the time we need to on this. He feels it's just being repetitive – going in circles and not accomplishing anything.

Marlin Peterson said that the developer and the people need to get together somewhere other than here.

Ed Collins said that he agrees with Marlin on what was said – but he does not think it would be useful for them to meet. He said they are willing to have a discussion about the zoning in the area and are willing to wait for that to happen. He said there are applications for other uses for the Business Park zone next to the school and if something else is to be considered this is the time for discussion on other zoning. He said they don't intend to withdraw the application but they are prepared to wait. He said that the only courses to take are to approve with conditions or to deny it.

Vaughn Pickell asked about the possibility to rezone.

Christie Hutchings said that the General Plan has it entirely as Business Park. They would have to change the General Plan, and then you would have to change the zoning. She said that the property on the corner has an application filed for a Business Park use right now and they are in the DRC process.

Ken Rushton said the Planning Commission is the appropriate place for the General Plan to be initiated. He said that even if you change the General Plan the existing zoning would still be in place.

Carolyn Player is not against placing conditions on the hotel.

Vaughn Pickell said that the issues really needed to be addressed at the zoning level not at the Conditional Use level.

Derek Byrne read from section 12.140 B of the Development code and brought up the things that were mentioned by the police and the school district. He said as far as conditions go we would want to follow the recommendations from the police. He said that he is very pleased with the work Lehi City Police have done to work with the hotels to alleviate the problems that could take place. He said that as a part of the conditions he is confident that the police will be a partner with the hotel.

Jason Willes said that if we were to consider amending the General Plan and if the applicant would want to rezone this property to meet the General Plan change – he would still have a similar vested right as far as densities. If that owner did not want to change the zone – then it would be even more incompatible than it is now.

Marilyn Schiess said that she doesn't think changing the zone is the answer. She said as we grow all these things are a concern – crime is not going to be only at hotels – it will be at shopping centers, etc. She said that we cannot stop growth but we do need to educate our children more and be a part of the community to ensure their safety.

Jason Willes said that he doesn't think it's the best situation but denial would have to be based on findings of fact that are tangible and reasonable – and based on what we have heard and what we've read there are a lot of 'what ifs'.

Ken Rushton handed out Richard Hills' (spokesman for the group) Midvale's police report.

Kerry Schwartz stated that it would be very difficult for this information to be reviewed tonight and that all written comment was to be turned in before tonight.

Jason Willes said to continue the point – it's difficult to do 'what if' scenarios – there are so many – it would be hard to come up with reasonable conditions that would merit denying the application. There is a valid concern that children's safety is an issue here. If there was something tangible to say that a child 'will' be harmed - there are many more things that need to be considered other than personal opinion.

Kerry Schwartz asked about other concerns that we could look at.

Jason Willes said fencing the west side should be site obscuring fencing beyond the typical chain link fence. He said that he would like an 8' fence along the south boundary. He would like to go up to 10' or 12' on the south realizing that would have to be a separate approval. He said that the suggestion of trees (evergreens) is a good one and we could go as far as to say they have to be a certain maturity level of tree.

Vaughn Pickell said a deciduous tree would be a good mix to help obscure the line of site.

Marilyn Schiess said that there are a lot of good conditions we can put on it.

Jason Willes said we need to make sure there is enough if not some additional lighting. He said that the Lehi Police are willing to be involved – they have done great at mitigating the crimes.

Vaughn Pickell asked if there was a possibility of a rezone or put conditions on the use.

Derek Byrne said he would like to table it.

Vaughn Pickell said that if it was rezoned they would want 12 units per acre – so they could possibly have apartments.

Discussed the surrounding zoning and what would be the best. An R-3 would be rentals and not a good option. Discussed that we are in need of a Business Park zone in the City – we have been careful to try and protect that zone and it has been shrinking. The R-2 would have less traffic but more than the hotel. Discussed and R-1-10 zone or Commercial.

Ken Rushton said unless it's a zone that the applicant prefers over the Business Park zone then they probably would not go with it. He said that you can make the higher fence part of this Conditional Use request.

Jason Willes said we need to have a 12 foot fence on south side with an established tree line.

Vaughn Pickell would like to make it so no windows face the south.

Jason Willes asked about having a stairwell, elevator shaft or boiler shaft or a rec. room on the south end of the building.

Ed Collins said it was a boiler plate plan for this site.

Kerry Schwartz went through section 09.050 B on the conditions #1 – we've discussed, #2 - ok with, #3 – ok, #4 – ok, #5 – ok, #6 – lighting issue – ok, #7 – not a neighborhood zone, consider having the hotel doors lock at certain hours, #8 – signs are separate permitting (anything shown on this site plan is part of this Conditional Use approval), #9 – the City already does this – it is required by the code, #10 – we'll add.

Kerry Schwartz said that having maid service on a daily basis may be unreasonable. He brought up the privacy signs that you can put on the doors.

Derek Byrne said that where the police go in and train these people then maybe it should be part of the motion.

Vaughn Pickell asked about alcohol or tobacco sold on premises.

Ed Collins said there is no consideration of that.

Vaughn Pickell asked about having them work with City staff to take care of the storm drain issue.

Vaughn Pickell moved to grant final approval for Box Elder Properties' request for Conditional Use and Site Plan approval for the North Bench Business Park Extended Stay Suites located at approximately 1500 West Bull River Road in an existing Business Park zone based upon the following findings: based on the application before us, the facts and evidence presented to us tonight and in written form from staff and from various parts of the city including the police department, and in written materials given to us from the public 1) that the proposed use and location will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience except that there might be some remote chance of a public safety concern which I will try to address with the conditions; 2) the proposed use will be located and conducted in a manner in compliance with the goals and policies of the Lehi City General Plan and the purposes of this Code; 3) that the property on which the use, building, or other structure is proposed to be established is of adequate size and dimensions to permit construction of the facilities and the conduct of the use in such a manner that it will not be detrimental to adjoining properties and the area. Some specific findings made for the record include the following: the police department brought to our attention that they have noticed that in hotels in Lehi that they have responded to over the past year only about 2% of 13,000 to 14,000 cases or responses annually were at hotels and motels. Staff made us aware of their inquiry of the Marriot Residence Inn and was told that there was no trend in any particular type of crime but it was distributed between different types of crime. The police told us that they were not aware of any meth labs in hotels in Lehi. The school district feels that the school is appropriate in a Business Park zone and they have no major problems unique to the hotel as opposed to any other particular neighbor. But recognizing that there is a potential for crimes to occur at hotels I have some safety regulations in the following conditions: 1st) there be a fence erected on the west side of the property of the applicants choosing and on the south there be a 12' wall or site obscuring fence erected preferably on the boundary line; 2nd) that there be a landscaping buffer including tall trees of various types with the intent that they be site obscuring trees as much as possible; 3rd) that the applicant work to limit the number of residential rooms with a southward view if not eliminate those in the new design; 4th) that the hotel have controlled access of the building with a key except at the front entrance where it will be monitored; 5th) that the applicant work to develop a security plan in cooperation with the City Police Department which would hopefully include some police training of hotel staff to be aware of and recognize potential problems and how to deal with them; 6th) that no alcohol or tobacco be sold on the premises; 7th) to work with City staff to relocate the storm drain to eliminate the hazard on the playground; 8th) comply with items 1-6 of the Development Code section 12.140B and to include the DRC comments. The Planning Commission approved the reduction in the landscape buffer on the property lines from the required 25 feet seeing that the total landscaped area is greater than the 25 % minimum. Second by Carolyn Player.

Derek Byrne asked if it could be amended to use site obscuring fencing on the west.

Vaughn Pickell said he didn't address that because it might be Business Park to the west.

Lorin Powell asked that we clarify the drain box.

Jason Willes asked if we could stipulate the maturity of the trees on the upper tier on the south end of the project.

Vaughn Pickell moved to amend the motion on the condition of the storm drain, it should be 'storm drain box' and the fence on the west to be site obscuring as well and to have 'mature' tall trees as part of condition #2. Second stands. Motion carried unanimously.

Vaughn Pickell moved to take a 5 minute recess at 9:35 p.m. Second by Marilyn Schiess. Motion carried unanimously.

Meeting reconvened at 9:45 p.m.

3.5 STEVE BROADBENT – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR WILLOW BROOKE PHASE 2, A 12-LOT RESIDENTIAL SUBDIVISION LOCATED AT APPROXIMATELY 950 WEST 1220 NORTH IN AN EXISTING R-1-8 ZONE. (tabled from the 6/14/07 Planning Commission meeting)

Christie Hutchings presented the request and stated that the zone change was approved in 2000 and it did include the entire property. She said that lot 39 has to be included in the subdivision but there zoning will remain the same.

Steve Broadbent was present and stated that the zoning has already been discussed. He said as far as the property along 1220 North – it is under different ownership.

Dianna Webb said that it is platted on the preliminary plat but it is not part of this.

Jason Willes said that some municipalities say that the entire area has to be part of the subdivision for improvements.

Mark Hampton was present and gave a brief history of the property. He said that there was an issue with the storm drain.

Discussed the interpretation of the subdivision of land and what needs to be shown on the preliminary plats.

Lorin Powell said that maybe we need to clarify that the preliminary needs to show everything.

Jason Willes said that if we do that, we will see that the improvements will need to be done.

Lorin Powell said that if they don't develop that future phase they would have to extend the preliminary approval if it lapses.

Kerry Schwartz said that the barn on the adjoining property is not an issue according to what the attorney tells us.

Discussed that if the barn is there first then you know it's there, so you're buying into it, unlike some one putting up a barn next to an existing home.

Marilyn Schiess moved to recommend approval of Steve Broadbent's request for Preliminary Subdivision review for Willow Brooke Phase 2, a 12-lot residential subdivision located at approximately 950 West 1220 North in an existing R-1-8 zone with the stipulation that they update the preliminary plat to include the entire subdivision and required improvements and including DRC comments. Second by Derek Byrne. Motion carried unanimously.

Derek Byrne was excused at 10:00 p.m.

3.6 ANDREW BYBEE – REQUESTS SITE PLAN APPROVAL FOR THE THANKSGIVING PARK BUILDING #1, A PROFESSIONAL OFFICE DEVELOPMENT LOCATED ON CLUBHOUSE DRIVE AND ASHTON BLVD. IN AN EXISTING RESORT COMMUNITY ZONE.

Christie Hutchings presented the request and stated that this is a permitted use in the zone so it does not require Planning Commission approval but they are requesting some variances to the Thanksgiving Point Area Plan. She said the building exceeds the height requirement and it does not have the parking islands we required in the area plan. Thanksgiving Point has granted approval subject to the City approving it.

Andrew Bybee was present for the request.

Marlin Peterson said that he has a problem with the parking. He said that even 62' from stall to stall is not very much. He said they have a hard time turning a truck in there.

Andrew Bybee said that there are some parking stalls that are smaller than that.

Discussed the parking lot islands or diamonds.

Marlin Peterson moved to grant final approval of Andrew Bybee's request for Site Plan approval for the Thanksgiving Park Building #1, a professional office development located on Clubhouse Drive and Ashton Blvd in an existing Resort Community zone taking into consideration the variance on the width for the 60' parking and the other variance regarding the building height to concur with all that the Thanksgiving Point Design Control Committee recommends and to included DRC comments. Second by Carolyn Player. Motion carried unanimously.

3.7 MOUNTAIN HOME DEVELOPMENT GROUP – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE TRAVERSE MOUNTAIN CONCEPT PLAN RELOCATING SCHOOL (Challenger) AND PARK.

Christie Hutchings presented the request and said that this is an amendment only for where the school will be.

Vaughn Pickell moved to recommend approval of Mountain Home Development Group's request for an amendment to the Traverse Mountain Concept Plan relocating school and park and included applicable DRC comments. Second by Marlin Peterson. Motion carried unanimously.

PUBLIC HEARINGS

4.1 MOUNTAIN HOME DEVELOPMENT GROUP – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR TRAVERSE MOUNTAIN PLAT D, A 4-LOT SUBDIVISION LOCATED AT TRIUMPH BLVD. AND TRAVERSE MOUNTAIN BLVD. IN AN EXISTING PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented items 4.1 and 4.1a together. She said it does need to be changed from saying charter school to private school. There will be a private drive up to the school. She said the architecture of the school ties into the sales center. She said they are changing the fencing on the back from what is on the plans. They do have an access around the entire building and have provided a safety plan which they have in place for all their schools.

Jack Hepworth with Mountain Home Development was present for the request and stated that the private drive will be for the sales center and then go on to the school – it is not a gated access.

Vaughn Pickell said that he would label lot 3 as a parcel so it's not a building lot.

Marlin Peterson asked about an easement to access to the utilities.

Lorin Powell said there's not a main line sewer – it's a lateral coming out. There is an easement across those for the water.

Jay Anderton with Challenger Schools was present and stated that this is an 'ultra' private school. They do not get money from the government – so they can have prayer and do the pledge of allegiance even though they are non-denominational. He said they do not accept school vouchers. The playground is a very effective size, the school does have multi purpose rooms and they focus more on the academics. There are a total of 26 class rooms. He discussed the safety for this type of a private school.

Vaughn Pickell is concerned that this will be bringing in kids from all over instead of being a school to service the Traverse Mountain area.

Jay Anderton said that the Alpine School District has agreed on land in Traverse Mountain for a public school.

Public Hearing closed at 10:25 p.m.

Vaughn Pickell moved to recommend approval of Mountain Home Development Groups' request for Preliminary Subdivision review for Traverse Mountain Plat D, a 4-lot subdivision located at Triumph Blvd and Traverse Mountain Blvd in an existing Planned Community zone including DRC comments, adding that they need to have the turn radius on lot 3 and provide an easement for the water line. Second by Carolyn Player. Motion carried unanimously.

4.1A JAY ANDERTON – REQUESTS SITE PLAN APPROVAL FOR THE CHALLENGER SCHOOL, A PRIVATE SCHOOL LOCATED AT 3920 NORTH TRAVERSE MOUNTAIN BLVD. IN A PLANNED COMMUNITY ZONE.

Discussion included under item 4.1.

Jason Willes moved to approve Jay Anderton's request for Site Plan approval for the Challenger School, a private school located at 3920 North Traverse Mountain Blvd in a Planned Community zone contingent upon the City Council's approval of the Traverse Mountain Plat D subdivision and including DRC comments. Second by Marilyn Schiess. Motion carried unanimously.

4.2 GREAT BASIN ENGINEERING – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR CENTER POINTE @ LEHI, A 22-LOT COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 1500 EAST SR-92 IN AN EXISTING COMMERCIAL ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that they have filed annexation on that little sliver that's not in the City yet.

Marlin Peterson moved to extend the meeting for 1 hour at 10:30 p.m. Second by Marilyn Schiess. Motion carried unanimously.

Bret Whalen with Great Basin Engineering was present for the request and stated that the frontage for the pads along SR-92 would be along SR-92. He said there won't be any back doors facing SR-92. He said they do have a preliminary approval letter from UDOT for those driveway locations.

Public Hearing closed at 10:35 p.m.

Marilyn Schiess moved to recommend approval of Great Basin Engineering's request for Preliminary Subdivision review for Center Pointe @ Lehi, a 22-lot commercial subdivision located at approximately 1500 East SR-92 in an existing Commercial zone including all DRC comments. Second by Jason Willes. Motion carried unanimously.

4.2A GREAT BASIN ENGINEERING – REQUESTS CONCEPT PLAN REVIEW AND RECOMMENDATION FOR SMITH’S MARKETPLACE, RETAIL SHOPS AND SERVICE STATION LOCATED ON LOTS 10, 19, 20, 21 & 22 OF THE PROPOSED CENTER POINTE @ LEHI SUBDIVISION LOCATED AT APPROXIMATELY 1500 EAST SR-92 IN AN EXISTING COMMERCIAL ZONE.

Discussion included under item 4.2.

Marilyn Schiess moved to recommend approval of Great Basin Engineering’s request for Concept Plan review for Smith’s Marketplace, retail shops and service station located on lots 10, 19, 20, 21 & 22 of the proposed Center Pointe @ Lehi subdivision located at approximately 1500 East SR-92 in a Commercial zone including DRC comments. Second by Jason Willes. Motion carried unanimously.

4.3 ABEL RUIZ – REQUESTS REVIEW AND RECOMMENDATION OF A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON .33 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 46 NORTH 300 WEST FROM AN R-3 TO A MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that this is adjacent to commercial uses and is consistent with the General Plan. The applicant will remain in the home but does want to run a business from there.

Abel Ruiz was present for the request and said that he does commercial construction and this would be an office. He said they are getting a building permit for a storage building that will be attached and blend in with the house.

Christie Hutchings said that it would come back for Conditional Use approval.

Public Hearing closed at 10:40 p.m.

Vaughn Pickell moved to recommend approval of Abel Ruiz’ request for Zone District and Zone District Map Amendment on .33 acres of property located at approximately 46 North 300 West from an R-3 to a Mixed Use zone finding that it complies with the General Plan Land Use Map. Second by Marilyn Schiess. Motion carried unanimously.

4.4 JERRY BRADSHAW – REQUESTS CONDITIONAL USE APPROVAL FOR A 30-FOOT HIGH POLE SIGN LOCATED AT THE PROPOSED LIBERTY LAND FUN CENTER AT APPROXIMATELY 1320 NORTH 300 WEST IN AN EXISTING MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented items 4.4 and 4.5 together.

Jerry Bradshaw was present and handed out photos of the balloon to show the height of the proposed sign.

Public Hearing closed at 10:44 p.m.

Jason Willes moved to approve Jerry Bradshaw's request for Conditional Use approval for a 30-foot high pole sign located at the proposed Liberty Land Fun Center at approximately 1320 North 300 West in a mixed Use zone finding that it is a reasonable request based on the elevation difference and to included the DRC comments. Second by Vaughn Pickell. Motion carried unanimously.

4.5 JERRY BRADSHAW – REQUESTS CONDITIONAL USE APPROVAL FOR AN 8-FOOT VINYL FENCE LOCATED AT THE PROPOSED LIBERTY LAND FUN CENTER AT APPROXIMATELY 1320 NORTH 300 WEST IN AN EXISTING MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Discussion included under item 4.4.

Public Hearing closed at 10:44 p.m.

Carolyn Player moved to grant final approval for Jerry Bradshaw's request for Conditional Use for an 8-foot high vinyl fence located at the proposed Liberty Land Fun Center at approximately 1320 North 300 West in an existing Mixed Use zone. Second by Marilyn Schiess. Motion carried unanimously.

4.6 MOTORMAX USA – REQUESTS CONDITIONAL USE AND SITE PLAN APPROVAL FOR A LIGHT MANUFACTURING AND ASSEMBLY BUSINESS LOCATED AT 1601 NORTH STATE STREET IN AN EXISTING MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that this is part of the Birch Tree Plaza. She said the parts would all be shipped in and they would just be assembled on site.

Rusty Gibson was present for the request and stated that they build little all terrain vehicles – they will be assembled and shipped out. He said they would have a show room there but everything is basically to order. There will be about 8 employees.

Public Hearing closed at 10:48 p.m.

Marilyn Schiess moved to grant final approval for Motormax USA's request for Conditional Use and Site Plan approval for a light manufacturing and assembly business located at 1601 North State Street in an existing Mixed Use zone including DRC comments. Second by Jason Willes. Motion carried unanimously.

4.7 BRIAN KNOWLTON – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION OF S&K INDUSTRIAL, A 2-LOT SUBDIVISION LOCATED AT APPROXIMATELY 500 SOUTH 850 EAST IN AN EXISTING LIGHT INDUSTRIAL ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request.

Brian Knowlton was present for the request.

Christie Hutchings said the site plan has been approved this is just for subdivision.

Public Hearing closed at 10:53 p.m.

Vaughn Pickell moved to recommend approval of Brian Knowlton's request for Preliminary Subdivision review of S&K Industrial, a 2-lot subdivision located at approximately 500 South 850 East in an existing Light Industrial zone including DRC comments. Second by Marilyn Schiess. Motion carried unanimously.

4.8 HAZFORD PROPERTIES – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR INDIAN SPRINGS, A 25-LOT RESIDENTIAL SUBDIVISION LOCATED AT APPROXIMATELY 900 NORTH 1700 WEST IN AN EXISTING R-1-22 ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that there are 34 lots not 25 as stated on the agenda. There are some issues with wetlands – the wetland areas do go through the lots and will not be part of the building envelopes. She said there have been some additional lots given for roadway and trail dedication.

Discussed why the wetlands just seem to end in the middle.

Dan Ford and Jack Peterson were present for the request. Dan said that the Army Corp of Engineers said it could have gone either way as far as wetlands or not wetlands – so the corp did the delineation and just ended it there.

Public Hearing closed at 11:00 p.m.

Discussed the no climb fencing requirement as in the DRC comments – put fence all along the boundary on the south and west.

Jason Willes moved to recommend approval Hazford Properties request for Preliminary Subdivision review for Indian Springs, a 25-lot residential subdivision located at approximately 900 North 1700 West in an existing R-1-22 zone with the added comment that a no climb fencing be installed the entire length of the south and west boundary lines. Second by Marlin Peterson.

Dan Ford said the property to the south is putting in their concept plan and when that is developed the agricultural fencing along there will not need to be put in.

Discussed that we could require letters from the owners on the fencing.

Jason Willes moved to amend the previous motion to include the letter regarding fencing with the adjoining property owner on their development. Second stands. Motion carried unanimously.

4.9 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE LEHI CITY GENERAL PLAN LAND USE ELEMENT ON APPROXIMATELY 8 ACRES OF PROPERTY WHICH INCLUDES THE ENTIRE BLOCK LOCATED BETWEEN 100 NORTH AND 200 NORTH AND 100 WEST AND 200 WEST AND THE ENTIRE BLOCK BETWEEN 100 NORTH AND 200 NORTH AND 100 EAST AND 200 EAST FROM AN MDR (Medium Density Residential) TO AN MU (Mixed Use) DESIGNATION.

Public Hearing opened at 7:05 p.m.

Marlin Peterson recused himself from this item.

Discussion and motion included with item 4.10

Public Hearing closed at 11:37 p.m.

4.10 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENTS ON THE FOLLOWING PROPERTIES:

- A. .51 ACRES LOCATED AT 165 NORTH 100 WEST FROM AN R-3 TO A MIXED USE ZONE.**
- B. .55 ACRES LOCATED AT 47 NORTH 100 WEST FROM AN R-3 TO A MIXED USE ZONE.**
- C. .30 ACRES LOCATED AT 162 NORTH 100 EAST FROM AN R-1-8 TO A MIXED USE ZONE.**
- D. .39 ACRES LOCATED AT 34 EAST 100 NORTH FROM AN R-3 TO A MIXED USE ZONE.**
- E. .37 ACRES LOCATED AT 50 EAST 100 NORTH FROM AN R-3 TO A MIXED USE ZONE.**

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented items 4.9 and 4.10 together. She stated that this has been initiated by the City administration department. This does not change the existing zoning but it makes it so in the future they can have a broader range of uses.

Dianna Webb stated that the City Council determined Tuesday night that this could be considered outside the General Plan window. She said the main reason for allowing it to go through right now is so they can pave the parking area by Marlin. They want to be in compliance with the zoning ordinance so they can finish that parking lot.

Kerry Schwartz said that we just went through a Downtown Revitalization Plan and this area needs to be given some consideration.

Dianna Webb said we haven't been told about any of the proposed uses – we have just been asked to process the City owned properties for zone change at this time.

Phillip Robinson lives at 188 North 100 East and asked why they are doing the entire block?

Jason Willes said he's sure it has to do with the Revitalization Plan.

Vaughn Pickell said that it would likely be more costly for the City to condemn in the MU zone.

Marlin Peterson said that his concern is the buffer zone. He said you have to have a buffer where there is Mixed Use against residential zones but you don't have to have a buffer when it's Mixed Use against Mixed Use. They are wanting to black top right up against the fence with out any buffer zone. He would like to table it – he thinks these blocks are in the residential as part of the revitalization plan. He said that in one way it can be beneficial to the home owners –and then it could be detrimental as well.

Dave Hought said that he lives at 33 North 100 West and he doesn't think this decision should be taken lightly. He would like to keep it from going to City Council. He said he would like to see the downtown area revitalized and preserved – he would like to see the City Council follow through with their promises. He said the property line is 4 feet from his bedroom window and if they park cars there they will be right up against a bedroom. He says it can be a parking lot without going to Mixed Use and he referred to the Development Code. He said things need to be finished. He said that he had asked for asbestos studies and building permits before they (the city) tore these old houses down. Those things need to be in place.

Discussed the reason behind these requests.

Jason Willes moved to extend the meeting another 10 minutes at 11:30 p.m. Second by Marilyn Schiess. Motion carried unanimously.

Nila Hughes asked about the Zone Change and the General Plan Amendment. She asked about the plans for the Legacy Center and why they didn't take into consideration 100 North being a through street - she feels that we should table this too.

Jeff Peterson asked if he was the owner of these properties – with no plans or anything – what would he be told. He said that just because it's the City – they expect us to blindly give our blessing.

Public Hearing closed at 11:37 p.m.

Vaughn Pickell said that if someone came with a zone change that complied with the general plan we would approve it.

Marilyn Schiess would like to hear what the plan is for this area.

Dianna Webb said that the Table of Uses for the R-3 zone does not allow parking lots – they are only allowed in Commercial zones.

Vaughn Pickell moved to extend the meeting another 5 minutes at 11:40 p.m. Second by Jason Willes. Motion carried unanimously.

Jason Willes asked if they wanted to do a parking lot would they have to come in with a site plan.

Dianna Webb said that they would only go to DRC.

Jason Willes moved to table items 4.9 and 4.10 to the next meeting on July 26th based on the fact that we would like to have a little more information on the properties and how they relate to the revitalization plan and that we would like to know why they are considering all these properties together and what the purpose is. Second by Carolyn Player. Motion carried unanimously.

Discussed that the Planning Commission needs to have a representative from the City let them know what the City's plans are for this.

Vaughn Pickell moved to reconsider changing the previous motion to table it to the first meeting in August. Second by Jason Willes. Motion carried unanimously.

CITY BUSINESS

No City business.

Jason Willes moved to extend the meeting another 2 minutes at 11:45 p.m. Second by Marilyn Schiess. Motion carried unanimously.

APPROVAL OF MINUTES

6.1 APPROVAL OF THE MINUTES FROM THE JUNE 14, 2007 REGULAR MEETING.

Jason Willes moved to approve the minutes from the June 14, 2007 regular meeting. Second by Marilyn Schiess. Motion carried unanimously.

ADJOURNMENT

Jason Willes moved to adjourn. Second by Marlin Peterson. Motion carried unanimously.

Meeting ended at 11:48 p.m.

Date Approved _____

Chairman _____

Secretary _____