

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, September 13, 2007 in the Lehi City Council Chambers.

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

Members Absent: None

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

Meeting began 7:04 p.m.

REGULAR AGENDA

3.1 RICHARD MOORE – REQUESTS CONDITIONAL USE APPROVAL FOR A 25’ HIGH POLE SIGN FOR STONEHAVEN DENTAL LOCATED AT APPROXIMATELY 181 NORTH 1200 EAST IN AN EXISTING COMMERCIAL ZONE. (Tabled from August 9, 2007)

Christie Hutchings presented the request and stated that the applicant had not turned anything new in and was not present.

Janys Hutchings moved to deny with out prejudice Richard Moore’s request for Conditional Use approval for a 25’ high pole sign for Stonehaven Dental located at approximately 181 North 1200 East in an existing Commercial zone seeing the applicant has not come forward with the requested items and has had two meeting to do it. Second by Ron Smith. Motion carried unanimously.

PUBLIC HEARINGS

4.1 JACK & BONNIE WADLEY – REQUEST REVIEW AND RECOMMENDATION OF ZONING ON THE WADLEY ANNEXATION, APPROXIMATELY 5.5 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1500 SOUTH 500 WEST TO PROPOSED TH-5 AND R-1-22 ZONES.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and stated that they are requesting a split zone so the home can be hooked up to water.

Vaughn Pickell asked about creating a county island.

Dianna Webb said that as long as we are not creating a new county island and are just filling in we’re fine.

Public Hearing closed at 7:10 p.m.

Dianna Webb said that on this one they had a problem with an existing well and had to carry water in. The City has let them connect early as long as they had there paper work in before they connected.

Jany's Hutchings moved to recommend approval of Jack & Bonnie Wadley's request for TH-5 and R-1-22 zoning on the Wadley Annexation, approximately 5.5 acres of property located at approximately 1500 South 500 West seeing it fits in with the General Plan and include any DRC comments. Second by Marilyn Schiess. Motion carried unanimously.

4.2 CHRIS MARQUARDT – REQUESTS REVIEW AND RECOMMENDATION OF A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 5.5 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1260 NORTH 2300 WEST FROM A-1 TO AN R-1-22 ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request.

Shon Marquardt was present for the request and stated that they will be bringing in a subdivision for review.

Public Hearing closed at 7:15 p.m.

Ron Smith moved to recommend approval of Chris Marquardt's request for a Zone District and Zone District Map Amendment on approximately 5.5 acres of property located at approximately 1260 North 2300 West from an A-1 to an R-1-22 zone seeing it fits in the General Plan and subject to DRC comments. Second by Marilyn Schiess. Motion carried unanimously.

4.3 WASHBURN & ASSOCIATES – REQUEST REVIEW AND RECOMMENDATION FOR THE MAYFLOWER BUSINESS PARK, A CONVERSION OF AN EXISTING BUILDING TO AN OFFICE CONDOMINIUM LOCATED AT 3375 NORTH MAYFLOWER AVENUE IN A PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and said that the parking and access areas will be shared and the building would be split into 8 commercial units that could be sold to different businesses.

Kerry Schwartz said that it looks like all the units would be sharing one bathroom per floor.

Paul Washburn was present and said that the restroom space is determined by code – it is by square footage.

Ron Nuttall asked if these were rentals units.

Paul Washburn said that the intent is to sell the units and maybe retain some and lease them – there are 8 units in the building.

Ron Smith asked about there being two bathrooms per floor.

Kerry Schwartz explained that there were two bathrooms per floor and 4 units per floor.

Public Hearing closed at 7:24 p.m.

Discussed the shared restrooms.

Christie Hutchings said that the Cooper's Hollow building has shared restrooms.

Derek Byrne moved to recommend approval for Washburn & Associates request for review of the Mayflower Business Park, a conversion of an existing building to an office condominium located at 3375 North Mayflower Avenue in a Planned Community zone and indicate that the developer follow all building code rules as far as square footage and include all DRC comments. Second by Carolyn Player. Motion carried unanimously.

4.4 MERLIN SQUIRES – REQUESTS SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL FOR SQUIRES BUSINESS PARK LOCATED AT 132 SOUTH 1350 EAST IN A COMMERCIAL ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and said that part of the approval tonight is for the conditional use for the brick mason business. Both buildings would be under the same ownership.

Merlin Squires was present for the request.

Janys Hutchings asked if there would be any covenants in the agreement for no out door storage.

Merlin Squires said there wouldn't be any room and he would make sure there wouldn't be any. He said the landscaping would contain small low maintenance shrubs in the planter strip and there would be some landscaping on the south side of the existing building. The road around the building is for delivery and for the fire trucks.

Public Hearing closed at 7:32 p.m.

Janys Hutchings moved to grant final approval of Merlin Squires request for Site Plan and Conditional Use Permit approval for Squires Business Park located at 132 South 1350 East in a Commercial zone noting that we are also granting conditional use approval for the brick mason business with the condition that there be no outside storage allowed and that the accesses around the building not be blocked and include DRC comments. Second by Carolyn Player. Motion carried unanimously.

4.5 ROBERT MARSHALL ARCHITECTS– REQUEST SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL FOR A NEW LDS CHURCH LOCATED AT APPROXIMATELY 2000 WEST 900 NORTH IN AN A-1 ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request.

Robert Marshall, architect, was present and said that on the lower left corner there is a pavilion with a storage area. He said they are proposing the livestock fence along the west and north property lines. The 4 rail is the sturdiest of the fences and that's what they are proposing. It is a vinyl reinforced fence.

Kerry Schwartz said that our code stipulates a 6' no climb fence.

Robert Marshall said that the people on the North do have livestock and have a fence.

Discussed the fencing and what would be adequate.

Ron Nuttall said that if it has 9" slats it would keep pigs in.

Janys Hutchings said she is more concerned about kids going over the fence – not the livestock staying in.

Public Hearing closed at 7:42 p.m.

Janys Hutchings said that we need to stick to code and have the no climb fence.

Marilyn Schiess said where it's a church she is not as concerned about it especially if they have a fence there now.

Ron Smith said he doesn't doubt this will keep the animals in – but it won't keep the kids out. He asked Dianna about her DRC comment on the fence.

Dianna Webb said that if we went with this fence we would have to have a letter from the property owners stating that they are forfeiting their right to the agricultural fence.

Discussed that a vinyl coated chain link would give more protection and whether to put a solid fence along the east property line.

Robert Marshall said that they would like similar fencing like with the reinforced vinyl rail fence and then the solid vinyl fence.

Janys Hutchings said if they could get the letters from the property owners then that would be fine and the 4-rail fence would look very nice.

Jason Willes said the purpose of the code was to protect the adjacent property owner.

Janys Hutchings moved to grant final approval for Robert Marshall's request for Site Plan and Conditional Use approval for a new LDS church building to be located at approximately 2000 West 900 North in an A-1 zone noting that they need to put a 6' solid fence on the east and the 4-rail reinforced vinyl rail fence on the north and west boundaries and to work with the adjacent property owners on the cost and with the condition that the north property owner and the west property owner submit a letter waiving their rights to the agricultural fence and include DRC comments. Second by Ron Smith. Motion carried unanimously.

4.6 DALACO, LLC – REQUESTS REVIEW AND RECOMMENDATION FOR A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON PROPERTY LOCATED AT APPROXIMATELY 600 EAST 2000 NORTH FROM A TH-5 TO AN R-1-15 ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented item 4.6 and 4.6a together and stated that they dropped some of the lots because of the slope issues. They are all standard lots and there is a secondary access which would require that the home be purchased by the developer and demolished to put the road through.

Vaughn Pickell said that it would also create two new corner lots with the existing homes.

Kerry Schwartz asked about the road and if the city park goes in how that will affect it.

Lorin Powell said that they are only having lots on the one side and they are putting in the whole road.

Steve Coppieters with Dalaco was present and said that they haven't contacted any home owners yet, but it should leave them with enough for their set backs and the adjacent lots could have the extra property when the road goes through. That road was always intended to go through and that's why it works so well right there. He said that the reason they have asked for the R-1-15 zone is because they are trying to keep the homes off the

slopes – so there are some larger lots mixed in with the smaller lots. There are only 10 lots that are actually 15,000 sq ft the rest are larger.

Janys Hutchings expressed concern about that soil on the slopes not being disturbed.

Steve Coppieters said that it is our intention that home owners be able to use those slopes. It is our intention to make them usable slopes – if we have to put in retaining walls or bring in fill – we want it to be usable space.

Lorin Powell said you can put a condition on it in the motion.

Steve Coppieters said that it can also be taken care of with the building permit.

Todd Spencer said that his property backs into this and the erosion on the slope changes his property every year. He said all those people that back this have that same concern. He said that they are worried about developers and home owners disturbing those slopes. He asked about a retaining wall back there. He said there is a good 30' out of the one side of his property and his two neighbors have a lot more missing. He wants to know what protection we have to keep this from eroding away even more.

Boyd Parkinson lives behind this and is concerned with where they are going to put the road. He said any break down of the surrounding material will be a continual mess. He said it is steep and it's sand and he doesn't see how they can keep the sand there.

Mike Morgan lives there as well and said that he isn't against neighbors in his back yard but is concerned with how the water is down in there as well. He said the water just cuts through the sand and a lot of the neighbors have lost the back of their property because of the erosion.

Ron Nuttall said that maybe they can plant trees and shrubs with grass and mulch on it – he thinks that will hold it.

Catherine Jones said she is next to the house that will get knocked down to put the road in and said that they do not want to be a corner lot. She said they have their house up for sale now because of that. She said they didn't want people going in behind them either and have concerns about houses being built on the sand as well.

Public Hearing closed at 8:16 p.m.

Mark Johnson said that there were agreements that the City Council made in regards to this parcel and one of the agreements was that they would provide or negotiate the provision of material for this developer. He said they wanted it planted with something to help with the erosion and this is something we can still expect.

Steve Coppieters said that he is very aware of the issues. They had looked at the property where there is the erosion and internally in the company have decided that they would restore that area up to their property line and would have to fill up the other yards as well to get the property line. The slopes that are there are not what will be there in the end; there will be fill brought in. He said they would also like to make those slopes plant able.

Carolyn Player moved to recommend approval of Dalaco, LLC's request for a Zone District and Zone District Map Amendment on property located at approximately 600 East 2000 North from a TH-5 to an R-1-15 zone and include the DRC comments. Second by Marilyn Schiess. Motion carried 5-2 with Derek Byrne and Janys Hutchings opposed.

4.6A DALACO, LLC – REQUESTS CONCEPT PLAN REVIEW OF THE DESPAIN PROPERTY, A 34-LOT RESIDENTIAL SUBDIVISION LOCATED AT 600 EAST 2000 NORTH IN A PROPOSED R-1-15 ZONE.

Discussed that the layout has the smaller lots on the flatter area.

Derek Byrne said that this reminds him of the Smithfield Ridge development where they have water running into their basements. This is on sandy soil as well and said that he wouldn't be able to approve any basements at the bottom of slopes like this.

Vaughn Pickell asked about concerns for the public infrastructure.

Lorin Powell said we will be more concerned about the geotech on this and it will be done on preliminary. We had a little stronger wording than we usually have because of that. There will have to be a lot more done on the geotech – it will be a lot more extensive.

Kerry Schwartz said that this is contingent on the second access and that property has not been acquired yet.

Dianna Webb said this is a concept and that would be addressed later.

Discussed the plan and the location of the road.

Lorin Powell said that the detention area is actually on the City property - it will be detained and then piped out. There are some benefits for the city too – even the parks need drainage sometimes. He said that you might want to require more of the grading plans etc at preliminary stage since you won't see the final. You might want to require a little more information on this one and make sure it's in the motion so we can require it.

Vaughn Pickell moved to recommend approval of Dalaco, LLC's request for Concept Plan review of the Despain Property, a 26-lot residential subdivision located at 600 East 2000 North in a proposed R-1-15 zone subject to the following conditions: 1) do the appropriate slope work and retaining walls so slopes can be planted; 2) require 2nd access through the adjoining subdivision; 3) relocate the planned road off of the Peck property to follow the property line more closely; 4) and show the extensive drainage and grading plan on the preliminary plat; 5) include DRC comments. Second by Ron Smith. Motion carried 5-2 with Janys Hutchings and Derek Byrne opposed.

4.7 RON NUTTALL – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION OF WILLOW FALLS PRD, AN 8-LOT RESIDENTIAL SUBDIVISION LOCATED AT APPROXIMATELY 1500 NORTH CENTER STREET IN AN RA-1 ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and stated that they were asked to bring this in as a PRD so the open space (flood plane) could be maintained by the City. The City Council required that at the time of annexation approval.

Ron Nuttall was present for the request.

Janys Hutchings asked about the slope on the driveway.

Ron Nuttall said he didn't know what it is.

Lorin Powell said when we finish with it won't be more than a 12' slope – there will be a 26 ft flag stem and there will be ownership down the middle of that flag stem.

Kerry Schwartz said that it looks like those lots all face off that flag stem drive.

Dianna Webb said that 2 of those lots should be accessing off of Center Street.

Discussed the driveway and frontage on lot 7 and having the driveway on lot 6 as far north as possible.

Jason Willes asked about overlaying a shared access agreement on that stem.

Lorin Powell said that the stems are part of those 2 lots.

Brenda Howell lives across the street on Nuttal Drive and said that in the winter the water comes down that hill and the traffic on that corner is bad. She was told that the park across the street would be left as a natural park and she has noticed that a lot of people walk around the other side of the creek. She is concerned about the hill and the slope and the safety of that corner. She is concerned with having a subdivision there.

Public Hearing closed at 9:50 p.m.

Ron Nuttall said that the trail that is on the map is where the worn trail is now.

Lorin Powell said that the only way to keep that property is to do a PRD.

Kerry Schwartz said that there is no access over to the other side.

Lorin Powell said that the city owns up to the road so there is a trail through there that goes to the bottom and it's just north of the property line so it makes it easier for the city.

Discussed the concern about the lots on the flag stem and the fact that Lee needs to be able to get down there and then back out for access to the storm drain.

Lorin Powell said this is a trade off of issues and when we did the annexation we made that choice.

Ron Nuttall said that the bridge by the falls has cracked and needs to be back filled about 10 ft. He said that the 4 lots on the south in this development are for his children.

Vaughn Pickell is concerned with the access of lots 6 & 7.

Janys Hutchings is concerned about that whole curve section. She said that signs need to be put up on the flag stem – private road or dead end.

Derek Byrne said the south end has a lot of issues.

Lorin Powell said this is wider than the travel lanes which are 22 ft – this flag stem is 26 ft.

Janys Hutchings asked if we could put a hammerhead at the bottom of the lane.

Marlin Peterson said that wouldn't be a very good idea.

Discussed that there will be a locked double gate at the bottom for access to the storm drain.

Jason Willes said you could create a shared access easement with the maintenance to be carried out by the one of the lots – that language could be put on the plat as a note.

Vaughn Pickell said that a shared access easement could work with just put a note on the plat.

Christie Hutchings said it's a PRD and you can do that.

Dianna Webb said it can't be a private road because a PRD doesn't allow private streets – these are flag stems owned by the lots.

Kerry Schwartz asked if we could make it subject to the City attorney's approval of this.

Discussed that all 4 lots could access off the stem. They still have frontage off Center Street– that is not being eliminated – they would be addressed off Center.

Vaughn Pickell moved to recommend approval of Ron Nuttall's request for Preliminary Subdivision review of Willow Falls PRD, an 8-lot residential subdivision located at approximately 1500 North Center Street in an RA-1 zone with the conditions that a shared access easement be imposed to benefit those 4 lots using the driveway on the south end of the subdivision with the duty of maintenance to be called out and that there be no additional access off of Center Street for those lots, and that the applicant work out the appropriate signage with the City Staff and to include DRC comments. Second by Ron Smith. Motion carried unanimously.

Janys Hutchings moved to take a 10 minute break at 9:30 p.m. Second by Marilyn Schiess. Motion carried unanimously.

Meeting reconvened at 9:40 p.m.

4.8 MOUNTAIN HOME DEVELOPMENT – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR TRAVERSE MOUNTAIN NEIGHBORHOOD TOWNE CENTER, A 2-LOT COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY MORNING GLORY ROAD AND SR-92 IN AN EXISTING PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and said that lot 1 is the smaller lot – they are working on an office building for that site.

Jack Hepworth was present for the request and stated that they are proposing 2 office buildings at 4 stories a piece on lot 1. The remaining lot is unplanned. We are looking to have a neighborhood town center with a grocery store with some attached residential at the top. The road names would be the extensions of Trvs Mtn Blvd and Morning Glory and the other two need to be named still.

Public Hearing closed at 9:45 p.m.

Janys Hutchings moved to recommend approval of Mountain Home Development's request for Preliminary Subdivision review for Traverse Mountain Neighborhood Towne Center, a 2-lot commercial subdivision located at approximately Morning Glory Road and SR-92 in a Planned Community zone . Second by Marilyn Schiess. Motion carried unanimously.

4.9 MOUNTAIN HOME DEVELOPMENT – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION OF VIALETTO PHASE III, A 48-LOT RESIDENTIAL SUBDIVISION LOCATED AT APPROXIMATELY 5200 NORTH 1700 WEST IN A PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and stated that there are 48 residential lots.

Discussed the slope and how this conforms to the existing area plan.

Dianna Webb said it still has not been recorded because of some revisions that still need to be made – it has been approved though.

Public Hearing closed at 9:55 p.m.

Vaughn Pickell asked about the note on the plat about building on slopes 30% or greater until a new ordinance has been approved. As it reads now there is no grading or building on 30% or greater slopes.

Jack Hepworth said that they had received a draft of the new ordinance on the 15th of August. He has met with some engineers and they are meeting again next Wednesday and hope to have the comments to the City by the 26th.

Kerry Schwartz said that we have a current policy draft for this and we can't approve anything until the new policy has been adopted.

Dianna Webb said that the City Council can do a temporary moratorium until that is finalized.

Discussed when it became pending and this application.

Jack Hepworth said that they cannot grade in that area until it is adopted. He said that the road that the grading is being done is shown on the current Vialetto plat.

Lorin Powell said that the roads are not affected by the grading on the slopes.

Mark Johnson said they need a grading permit before they can do any grading up there.

Vaughn Pickell said that he feels we shouldn't be disturbing a natural slope of 30% or more.

Jack Hepworth said that if it's safe and meets good engineering then given certain conditions we should be allowed it.

Vaughn Pickell moved to recommend approval of Mountain Home Development's request for Preliminary Subdivision review of Vialetto Phase 3, a 48-lot residential subdivision located at approximately 5200 North 1700 West in a Planned Community zone subject to DRC comments and subject to the note on the plat that 'no construction or grading will occur on lots with 30% slope or greater until the Slope Ordinance has been adopted by the City' and after a grading permit is obtained. Second by Carolyn Player. Motion carried 4-3 with Janys Hutchings, Derek Byrne and Kerry Schwartz opposed.

Discussed concerns over follow through on both sides –

4.10 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF ZONING ON THE 500 WEST ANNEXATION, APPROXIMATELY 27 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 500 WEST 800 SOUTH TO A PROPOSED TH-5 ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and said that this was requested by the County who has asked us to resolve the issues of creating county islands through here.

Public Hearing closed at 10:05 p.m.

Ron Smith moved to recommend approval of Lehi City's request for TH-5 zoning on the 500 West Annexation, approximately 27 acres of property located at approximately 500 West 800 South including the DRC comments. Second by Janys Hutchings. Motion carried unanimously.

4.11 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION ON AN AMENDMENT TO CHAPTER 19 OF THE LEHI CITY DEVELOPMENT CODE, ADDING NEW PROVISIONS FOR WIND ENERGY FACILITIES.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request.

Public Hearing closed at 10:07 p.m.

Janys Hutchings moved to recommend approval of Lehi City's request for an amendment to Chapter 19 of the Lehi City Development Code, adding new provisions for Wind Energy Facilities. Second by Vaughn Pickell. Motion carried unanimously.

4.12 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION ON AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE TABLE 05.030A – TABLE OF USES, AGRICULTURE AND RESIDENTIAL DISTRICTS, ADDING ACCESSORY PARKING LOTS, MUNICIPAL, AS A PERMITTED USE IN THE R-3 ZONE.

Public Hearing opened at 7:04 p.m.

Christie Hutchings presented the request and said that this has been requested by the City in response to the properties from a few weeks ago.

Public Hearing closed at 10:10 p.m.

Vaughn Pickell said that this looks a little self serving – if it's already built into the ordinance why do it twice.

Dianna Webb said that the citizens did not feel comfortable with the property going to MU so this is what the citizens and council wanted us to bring forward at the request of those involved.

Vaughn Pickell moved to recommend approval of Lehi City's request for an amendment to the Lehi City Development Code, Table 05-030A – Table of Uses, Agriculture and Residential Districts, adding accessory parking lots, municipal, as a permitted use in the R-3 zone but with the recommendation that the 2nd sentence of the footnote be deleted because the landscape buffering is allowed in another part of the code to allow variance by the Planning Commission so this would be a redundant statement. Second by Derek Byrne. Motion carried unanimously.

CITY BUSINESS

Marilyn Schiess said that the Parks & Trails Committee has met on the trail and they have come up with the following suggestions: have the trail follow the railroad tracks up over SR92 (by Cabelas), the other change would be on 300 West it would go on the north side in front of the businesses and also along the back of the buildings then down to 850 East and cross there with a light that will put the trail on the south side of State then it will hook in with the Meadows. There is an open house on the 19th.

Lorin Powell said that this appears to be the best way.

Marilyn Schiess said that we've tried to keep the trail along the railroad tracks but it's impossible when you get down along the Meadows and in front of the retirement community.

Kerry Schwartz said that Ivory brought in a new rendition of their sign for the convenience store.

The commission said it looks nice.

APPROVAL OF MINUTES

6.1 APPROVAL OF MINUTES FROM THE AUGUST 23, 2007 REGULAR MEETING.

Ron Smith moved to approve the minutes from the August 23, 2007 regular meeting. Second by Carolyn Player. Motion carried unanimously.

ADJOURN

Jany's Hutchings moved to adjourn. Second by Carolyn Player. Motion carried unanimously.

Meeting ended at 10:20 p.m.

Date Approved _____

Chairman _____

Secretary _____