

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, May 22, 2008 in the Lehi City Council Chambers.

Members Present: Kerry Schwartz, Vaughn Pickell, Marilyn Schiess, Derek Byrne, Carolyn Player, Jason Willes, Chris Bleak, Janys Hutchings

Members Absent: none

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

Meeting began at 7:08 p.m.

REGULAR AGENDA

3.1 SHANNON MATHEWS – REQUESTS A MAJOR HOME OCCUPATION PERMIT TO OPERATE A TELECOMMUNICATIONS ENGINEERING AND CONSULTING BUSINESS FROM AN OUT BUILDING LOCATED BEHIND HIS HOME AT 2311 NORTH 850 EAST IN AN EXISTING R-1-8 ZONE.

Kim Struthers presented the request and stated that it is adjacent to a flag stem lot. He said the City ordinance does not allow businesses to be run out of garages or out buildings.

Shannon Mathews was present for the request.

Kerry Schwartz asked why he wanted it to come before us when it is not allowed.

Shannon Mathews said he has been operating it for 14 years and didn't know if there were variances allowed since he's been running it for 14 years.

Kerry Schwartz said that based on our code we cannot approve it.

Janys Hutchings asked if he has had a business license.

Shannon Mathews said that he has not had a business license to operate this.

Kerry Schwartz said that you have to go to the city in which you reside and research whether you could have a business at your home or not.

Shannon Mathews said that he has had it inspected by the city and the fire marshal.

Discussed the letters from the neighbors.

Kerry Schwartz asked how it was being accessed.

Shannon Mathews said that he is accessing it from his property. He showed the commission more pictures and discussed the entrance of the business and the drop of for deliveries. He said it has been up and running since June 5th of 1994.

Jason Willes said that this has got to be one of the more straight forward items we have ever had and the only way we can grant approval is to go against the code. He said we have no other option than to deny the request. He said even though he's been there for 14 years and people have known about it and although this may have been brought up due to a dispute, we still have no other option than to deny it.

Vaughn Pickell said that he agrees and pointed out that for the record section 20.020 of the Development Code states that the Home Occupation shall not occupy any space in any attached or unattached garage or accessory building outside of the dwelling – and in his submittal he states that it is run outside the home.

Kerry Schwartz moved to deny Shannon Mathews request for a Major Home Occupation permit to operate a telecommunications engineering and consulting business from an out building behind his home located at 2311 North 850 East in an existing R-1-8 zone based on section 20.020 in the Lehi City Development Code and based on the information that Mr. Mathews provided in his application concerning the business being located in an out building as related to the home. Second by Janys Hutchings. Motion carried unanimous.

3.2 DAVID LYM – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR A+ CAR RENTAL, INC, A CAR RENTAL BUSINESS LOCATED AT 55 WEST MAIN STREET IN AN EXISTING MIXED USE ZONE. (Denied without prejudice March 27, 2008)

Kim Struthers presented the request and stated that this came before you in March and was denied without prejudice because of an existing business that was located there with out approval; that business came through the first part of this month and were approved for the church. Now Mr. Lym is back to get approval for the car rental business. He said that parking is a major issue.

Vaughn Pickell asked about the existing businesses.

Kim Struthers said there is Two Dudes, Farmers Insurance, Liberty Tax and the church. He said if you go off the size of the building they would need 17 parking spaces and he has 23; although 5 of the rear stalls were reserved for Two Dudes auto sales. That would give you 18 stalls which are still more than we require.

David Lym was present for the request and stated that he is a Farmers Insurance agent and wanted to rent about 10-12 cars and would only require 1 or 2 spaces.

Kerry Schwartz said that there have been some large obstacles in the front parking which we feel should be eliminated.

David Lym said that parking hasn't been an issue since he evicted the last tenant. He said during tax season there may be about 15 people throughout the day but parking just hasn't been an issue.

Janys Hutchings asked about the signs in the front being related to the tax business.

David Lym said that they do belong to the tax company and he had suggested that they go to the city for permits.

Janys Hutchings said they are all illegal signs.

David Lym said this rental car company would just be run through the insurance company.

Kerry Schwartz said that he is concerned with the non conforming signs.

David Lym said that he has asked him if he can limit it to just his busy season. He said there are 5 weeks where he is busy.

Kerry Schwartz moved to grant final approval of David Lym's request for Site Plan and Conditional Use approval for A+ Car Rental Inc, a car rental business located at 55 West Main Street in an existing Mixed Use zone based on the fact that he has met the requirements for parking and noting that 5 spaces are still allocated specifically to Two Dudes Auto, include DRC comments and allocate 3 spaces for his rental car business so there are always those spaces guaranteed and as a side note to encourage Mr. Lym to work with tenants to limit the signage in front of the building,. Second by Carolyn Player. Motion carried unanimous.

PUBLIC HEARINGS

4.1 AMY & MATT DALTON – REQUEST REVIEW AND RECOMMENDATION OF ZONING ON THE MATT DALTON ANNEXATION, APPROXIMATELY .20 ACRES OF PROPERTY LOCATED AT 1020 WEST MAIN STREET TO A PROPOSED COMMERCIAL ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that this is a small annexation. We had just looked at a zone change on the piece to the south of this. There was just a piece to the north that was not annexed in. He said there was a fence line agreement that was settled and this needs to be annexed and zoned Commercial so it will all be the same zone.

Matt Dalton was present for the request.

Public Hearing closed at 7:45 p.m.

Derek Byrne moved to recommend approval of Amy & Matt Dalton's request for Commercial zoning on the Matt Dalton Annexation, approximately .20 acres of property located at 1020 West Main Street. Second by Carolyn Player. Motion carried unanimous.

4.2 STANLEY LEWIS – REQUESTS REVIEW AND RECOMMENDATION OF ZONING ON THE STAN LEWIS ANNEXATION, APPROXIMATELY 78.86 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1000 SOUTH 1100 WEST TO A PROPOSED TH-5 ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that they are trying to fill in some county areas that still exist. There was a commercial node added on 1100 West. The land owners requested and were approved by City Council for a General Plan amendment to proceed outside the window and they are requesting a General Plan Amendment but for the time being they are requesting the TH-5 on the entire annexation.

Larry Hadfield was present for the request and stated that he is representing the people that are annexing in. He said that Jaydene Powell is not willing but so far hasn't protested so we are just bringing her in with us so we are not creating an island.

Public Hearing closed at 7:49 p.m.

Janys Hutchings moved to recommend approval of Stanley Lewis's request for TH-5 zoning on the Stan Lewis Annexation, approximately 78.86 acres of property located at approximately 1000 South 1100 West seeing it does fit with the General Plan. Second by Marilyn Schiess. Motion carried unanimous.

4.3 JOEL PETERSON – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR PETERSEN PAINTING LOCATED AT 1550 NORTH TRINNAMAN LANE IN A MIXED USE ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that this request is to properly establish an existing business. There are residential homes across the street and commercial uses on the other side. In our staff report we tried to do a little analysis for the parking. It is in the Mixed Use zone so we can go below the baseline if it is shown that there won't be an impact on the surrounding properties. We can also make exceptions on the landscaping in a Mixed Use zone. Kim said that part of the reason they are here tonight is because of parking issues. They show a total of 35 parking spaces. In the letter handed out tonight they state that they are trying to rotate their employees so only 1/3 of them are there at any one given time.

Jany's Hutchings said that in the staff report it said something about the parking being striped and asphalted – are they not right now.

Kim Struthers said that he thinks there are some areas where it is still just gravel or dirt.

Jany's Hutchings said that according to Jim's comment on the DRC report they would need to provide a drainage report for the entire parking lot.

Marilyn Schiess said that they have been using Utah Vault for parking also – and that is just dirt and there is no designated parking.

Kim Struthers said that the Vault Company has come in and wants to put another building on that piece.

Derek Byrne asked if they are still using the land on the SW corner of 1500 North. He said that it's more than the neighborhood parking – it's for the safety of the employees as well.

There were no representatives present.

Chirine Touati lives at 1525 North Trinnaman Lane and said her first concern is the parking; the employees walk through the back of the apartment buildings. She said that most of the employees between average working hours. She said there is a crew that comes at 3 am and moves the work trucks from the back to the front and it wakes them up. There is another business called Alpine Transportation that runs out of there as well. She said that he parks in front of the neighbors homes to unload the truck. The police told him he couldn't do that on a public street and he did it again today. She said it's been going on for at least 1 year. She stated that as a neighborhood about 3 years ago they had a petition for a two hour parking limit but then it causes problems for the home owners because we can't park in front of our homes. She said that the painting company probably has about 25-30 work trucks.

Bob Petereit lives on 1567 North Trinnaman Lane and commented on the parking. He said we did have a petition for the two hour parking but it made it so we can't have company stay over night or anything. He said they would like to have the signs changed so it restricts 2 hour parking during work hours. He said they have already gone through the city and they want 35 dollars a sign to change it. He said we put those signs up because of the Peterson Painting and we would like them to pay for that change.

Public Hearing closed at 8:07 p.m.

Derek Byrne said we could deny without prejudice until the applicant can be present.

Vaughn Pickell doesn't want to deny a Conditional Use permit.

Janys Hutchings said they can provide an off site parking lot with transport for the employees. She would like to see an agreement in writing for the use of those 32 stalls.

Kerry Schwartz said that he would like to see an agreement as well from the other business.

Janys Hutchings wants to know about the transport company.

Kerry Schwartz said that as far as the signage recommend by the neighbors we can make it a condition for Peterson Painting to pay for it.

Discussed restricting the parking on both sides of the street.

Kerry Schwartz said this is a good business and they do a good job. We don't want to force them out of business but they need to comply with City Code.

Janys Hutchings moved to table Joel Petersen's request for Site Plan and Conditional Use approval for Petersen Painting located at 1550 North Trinnaman Lane in a Mixed Use zone due to the lack of documentation and the lack of Joel Peterson showing up also stating that we want more information on the transportation business running out of same site and what type of business it is and to what extent they use the site; we need a letter from Cindy Olpin stating that they do have 32 spaces available for Petersen Painting also showing the parking they use and that they have that many spaces to give up and we want to see a parking plan submitted that shows how they handle the employee parking off site because there are not enough spaces shown on site; mark both sides of Trinnaman Lane with signs for 2 hour parking between 6:30 a.m. and 4:30 p.m. and also show the hours of operation including when employees show up and how they are going to mitigate noises outside of normal noises and business hours and to include DRC comments. Second by Kerry Schwartz. Motion carried unanimous.

Dianna Webb said that we would have to check with the police on the parking signs and what is enforceable.

Derek Byrne asked staff if it would be possible to include the noise ordinance as part of the package for the next meeting.

4.4 AARON CHRISTENSEN – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR CAR TOWN, A CAR DEALERSHIP LOCATED AT 212 WEST MAIN STREET IN A MIXED USE ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that we just looked at the Concept Plan. The applicant has incorporated the items from the discussion on the Concept. He said there are 14 stalls for display.

Aaron Christensen was present for the request and stated that he had made the changes that were discussed last time.

Vaughn Pickell said that at one time he had stated that he wanted to use the access to the north through the other property line.

Aaron Christensen said that they would not be using it now.

Janys Hutchings asked about Mixed Use and if they need to include an enclosed dumpster.

Kim Struthers said that only if they're generating a lot of garbage like a restaurant; other wise they just use regular garbage cans.

Kelly Whitworth, owner of the Day Spa to the west, is concerned that the only division between her business and this one will be a chain link fence. She said that she sees new businesses' coming in and with the architecture of downtown Lehi doesn't feel that this is compatible. She is also concerned with the lack of customer parking stalls and is worried they will be parking in her parking lot.

Public Hearing closed at 8:30 p.m.

Derek Byrne said that one of the conditions is to have Mr. Christensen work with Ms. Whitworth on putting in a fence that will be desirable to both of them.

Aaron Christensen said that the current chain link fence has vines all long there but he wouldn't be opposed to putting up a different fence. He said they would be leaving the big trees on the west side and take out the ones in the middle where the pavement would be. He's trying to make it like any other business.

Kim Struthers said that the City Council passed the limitation of an acre for car dealerships so any new applications will have to have at least 1 acre of property. He also said that the existing trees are not shown on the plan.

Derek Byrne moved to grant approval of Aaron Christensen's request for Site Plan and Conditional Use approval for Car Town, a car dealership located at 212 West Main Street in a Mixed Use zone with the following conditions: that they leave the westerly most trees on the site and they discuss fencing or other site obscuring options with the business to the west and that the waste disposal units be to the rear of the building and included DRC comments. Second by Carolyn Player. Motion carried 5-2 with Kerry Schwartz and Marilyn Schiess opposed.

4.5 CJS COMPANY – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR MILL SITE SUBDIVISION, PLAT B, AN 11-LOT COMMERCIAL DEVELOPMENT LOCATED AT 815 EAST 675 SOUTH IN AN EXISTING LIGHT INDUSTRIAL ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that the Mill Site Road was built quite a few years ago and was just for access. They are proposing that it be a public road to access this. They will bring the new road in to access the southern part of the property. He said that as each lot came in they would have to have separate approvals on a lot by lot basis.

Janys Hutchings asked about the west side of the cul-de-sac and if the radius is big enough to turn a semi around.

Kim Struthers said that right now it's a hammerhead and they will be adding to it to create a public road.

Max Gerber was present for the request and stated that this is an expansion of an earlier Light Industrial Park. He said 675 South is already a public street.

Public Hearing closed at 8:45 p.m.

Janys Hutchings moved to recommend approval of CJS Company's request for Preliminary Subdivision review for Mill Site Subdivision Plat B, an 11-lot commercial development located at 815 East 675 South

in an existing Light Industrial zone seeing it does fit the General Plan and include DRC comments. Second by Kerry Schwartz. Motion carried unanimous.

4.6 CURTIS SMITH – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR KNEADERS RESTAURANT WITH DRIVE THRU FACILITIES LOCATED AT 1384 EAST SR-92 IN A COMMERCIAL ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers stated that this will be in the Smith's Development. He said any restaurant with a drive up window is a Conditional Use. He said there is an internal access road off 1200 East and a couple accesses that are right-in right-out on SR-92.

Andrew Smith, a brother and partner, was present and stated that this is the best use to go east west with the building.

Jany's Hutchings asked about the landscape plan.

Andrew Smith said that they will have trees on the side and in the middle; everything else will be shrubs, with a hedge along the drive through. He said the landscape on the 25 foot easement will be with the development but ours will be xeroscaping so we don't have to mow. He said they will go a little more earth tones than the restaurant they have in Herriman.

Public Hearing closed at 8:50 p.m.

Jany's Hutchings moved to grant final approval of Curtis Smith's request for Site Plan and Conditional Use approval for Kneaders Restaurant with drive thru facilities located at 1384 East SR-92 in a Commercial zone seeing it does meet the code and include DRC comments. Second by Marilyn Schiess. Motion carried unanimous.

4.7 MOUNTAIN HOME DEVELOPMENT – REQUESTS REVIEW AND RECOMMENDATION OF REVISIONS TO THE VIALETTA PHASE I SUBDIVISION PLAT LOCATED AT CHAPEL RIDGE ROAD AND TOSCANA HILLS DRIVE IN AN EXISTING PLANNED COMMUNITY ZONE.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that they are basically requesting to take the Vialetto subdivision and break it into smaller phases. There were a total of 98 lots and this first phase will just take in the bottom 38 lots. They want to replace the lower lots and then as demand increases they can re-plat the other areas. The existing version has a little sliver of common area which is eliminated in the new plat. They have closed the lots that are not in real usable space.

Jack Hepworth was present and stated that lot 84 is half of the park. He said they have had approval from City Council and Planning Commission for that so we had to show it. He said we have requested this change because of the market; this allows us to not have to finish that second access right now. This also allows us to be able to pull building permits. That road will remain as an easement so the city can access the tank and the other utilities that are run in there now.

Jany's Hutchings asked about open space 4.

Jack Hepworth said it will be a mailbox structure and will be maintained by the HOA. He said we made the lots larger but the over all density will not change. He said they will just finish it out as the market allows.

Public Hearing closed at 9:03 p.m.

Janys Hutchings moved to recommend approval Mountain Home Development's request for review of revisions to the Vialetto Phase I subdivision plat located at Chapel Ridge Road and Toscana Hills Drive in an existing Planned Community zone seeing it does meet code and seeing the market area has hurt them and we want to work with them to help them succeed and include DRC comments. Second by Kerry Schwartz. Motion carried unanimous.

4.8 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF VARIOUS AMENDMENTS TO THE LEHI CITY MASTER TRANSPORTATION PLAN MAP.

Public Hearing opened at 7:10 p.m.

Kim Struthers presented the request and stated that this is an update to the Master Transportation Plan. He explained the changes from the previous plan and said that we added quite a few roads on the west side of the river and made adjustments to widths – this reflects the Holbrook annexation. He stated that we are trying to reflect all the current things that are happening. He said there are some issues on Redwood Road and we want to show what we want to do with that.

Vaughn Pickell asked if there is a corridor agreement on Redwood Road.

Lorin Powell said no – he explained that we took the trail off 1900 South; it will be going down by the lake which is why 1900 South dropped in width. Also 2300 West is a critical crossing for us; we still have the 2 freeway options to the north. He said on 3rd East from there to the freeway will be a 7 lane section to 10th South 'Pioneer Crossing Blvd' from 1900 South. He said we need to show a connection out of the Jordan Willows subdivision onto the 10th South road. If it's not on our master plan then it may not occur – if we show it, it allows the opportunity for it to happen.

Chris Bleak said they have approved more money for the state to work on those roads.

Jack Hepworth said we missed Road B by the canal for Traverse Mountain.

Discussed where 2600 North merges into 1200 East – can that be widened on 1200 East to SR-92.

Lorin Powell said that things are being changed there at the 2600 North intersection.

Public Hearing closed at 9:28 p.m.

Lorin Powell asked that in the motion we add a tie to Jordan Willows and the missed one at Traverse Mountain.

Derek Byrne moved to recommend approval of Lehi City's request for review of various amendments to the Lehi City Master Transportation Plan Map with the following changes: show connection to the Jordan Willows subdivision; show the missing connection to Traverse Mountain and add the name of the 10th South corridor as 'Pioneer Crossing Boulevard'. Second by Janys Hutchings. Motion carried unanimously.

Lorin Powell said that this is scheduled for June 10th City Council and Horrock's will be using their model. If there are any updates he will let you know.

CITY BUSINESS

Dianna Webb said that Frankie will be looking for volunteers to help with the City BBQ again this year.

The consensus is that they will help.

APPROVAL OF MINUTES

6.1 APPROVAL OF MINUTES FROM THE MAY 1, 2008 WORK SESSION.

Kerry Schwartz said on 6.1 on page 2 add in where the proposed zoning could apply.

Kerry Schwartz moved to approve the minutes from May 1, 2008 Work Session. Second by Derek Byrne. Motion carried unanimous.

6.2 APPROVAL OF MINUTES FROM THE MAY 8, 2008 REGULAR MEETING.

Kerry Schwartz said on page 4 - 4.4 Kerry asked about the stone matching the 'existing buildings' and on page 7 Frankie said that every car lot sees a variance to the landscape ordinance.

Derek Byrne said on page 2 take off from the end of the motion 'motion carried unanimous'.

Kerry Schwartz moved to approve the minutes from the May 8, 2008 regular meeting with the revisions. Second by Carolyn Player. Motion carried unanimous.

ADJOURN

Janys Hutchings moved to adjourn. Second by Carolyn Player. Motion carried unanimous.

Meeting ended at 9:38 p.m.

Date Approved _____

Chairman _____

Secretary _____