

## LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, August 28, 2008 in the Lehi City Council Chambers.

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

Members Absent: Janys Hutchings – excused, Carolyn Player – excused

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

Meeting began at 7:00 p.m.

### REGULAR AGENDA

#### **3.1 ASHLEY WEBB – REQUESTS A MAJOR HOME OCCUPATION PERMIT TO OPERATE GANDER WAY PRESCHOOL FROM HER HOME LOCATED AT 869 GANDER WAY IN AN EXISTING R-1-12 ZONE.**

Kim Struthers presented the request and stated that she will have 12 students with sessions Monday – Friday and she has passed her safety inspection.

Ashley Webb was present for the request and stated that she will be doing it for ages 3 & 4 years old for ½ hours per day 5 days a week. She said they will try to get the back yard fenced by the end of the year.

*Kerry Schwartz moved to grant final approval of Ashley Webb’s request for a Major Home Occupation permit to operate Gander Way Preschool from her home located at 869 Gander Way in an existing R-1-12 zone finding that all pertinent inspections have been passed. Second by Jason Willes. Motion carried unanimous.*

#### **3.2 MABEL RAMIREZ – REQUESTS A MAJOR HOME OCCUPATION PERMIT TO OPERATE LITTLE BEARS DAYCARE FROM HER HOME LOCATED AT 751 WEST 700 SOUTH IN AN EXISTING RA-1 ZONE.**

Kim Struthers presented the request and stated that the picture shows signage and that there is not any signage allowed. He said she will be caring for between 4-6 children and will be doing some preschool work with her day care children that are there.

Mabel Ramirez was present for the request and stated that this will just be the daycare. She said eventually there will be an addition in the back of her house and is working on getting a permit for that so she can have the daycare in that addition. She hasn’t passed her safety inspection yet. She said the hours would be mainly between 6 or 7 a.m. up until 5 or 5:30 p.m. This will be Monday – Friday.

Jason Willes asked about restrictions for a 24 hour daycare – as part of the motion we need to indicate hours of operation.

Mabel Ramirez said that she used to work graveyard shifts and couldn’t find any one to watch her kids so she thought she would offer this service to others.

Carolyn Nelson said that she didn't think we needed to restrict the hours because there are a lot of people that work shift work that need someone to watch the kids.

Discussed the concerns for 24 hour day care and having it in a residential neighborhood.

Jason Willes said that it seems that there would need to be certain specifications to have kids stay overnight.

Mabel Ramirez said there is nothing through the state on that.

Discussed doing research with the state on 24 hour daycares.

*Derek Byrne moved to grant final approval for Mabel Ramirez's request for a Major Home Occupation permit to operate Little Bears Daycare from her home located at 751 West 700 South in an existing RA-1 zone and that she meet all Lehi City codes as well as the State child care and health department codes regarding caring for children over night; that she remove her sign; that she take care of all the permitting process and the approval contingent on her getting her state license. Second by Carolyn Nelson. Motion carried unanimous.*

Discuss this at the next Work Session and what needs to be included in the 300 foot letter notification.

### **3.3 AARON CHRISTENSEN – REQUESTS A DISCUSSION OF FENCING AND IMPROVEMENTS ON CAR TOWN, AN AUTO SALES BUSINESS LOCATED AT 212 WEST MAIN STREET.**

Kim Struthers presented the request and stated that Mr. Christensen is asking about doing away with the wrought iron fence with the arch for the time being.

Aaron Christensen was present for the request and stated that he would like to remove both the arch and the wrought iron fencing. He said that one reason they are asking is that they were bonded for it and they could use the money from the bond for other expenses. He said in order to span the driveway the arch would have to be about 20 ft high and with the landscaping the fence would be too much and would close it off from the street.

Discussed whether the fence would even be needed.

Kerry Schwartz said that the fence was part of the original design. He thinks it would still look nice.

Jason Willes doesn't have a problem removing the fence.

Derek Byrne agrees.

Vaughn Pickell asked about taking out the fence in front of the display cars and take out the arch but keep the fence around the rest.

Aaron Christensen said you wouldn't really see it because of the other bushes and flowers and landscaping.

*Jason Willes moved to approve Aaron Christensen's request for changes to the approved Site Plan for Car Town, an auto sales business located at 212 West Main Street eliminating the iron fence and the arch from the previously approved site plan. Second by Chris Bleak. Motion carried 5-2 with Kerry Schwartz and Vaughn Pickell opposed.*

**3.4 MERLIN SQUIRES – REQUESTS APPROVAL FOR THE SQUIRES BUSINESS PARK CONDO CONVERSION LOCATED AT 100 SOUTH 1350 EAST IN A COMMERCIAL ZONE. (Continued from August 14, 2008)**

The applicant has requested that this item be pulled from the agenda.

*Chris Bleak moved to continue Merlin Squires request until the applicant is ready to come in. Second by Derek Byrne. Motion carried unanimous.*

**3.5 RUSS NAYLOR – REQUESTS AN EXTENSION OF TIME TO COMPLETE THE LARSON C-STORE SITE PLAN REQUIREMENTS LOCATED AT APPROXIMATELY 1700 WEST MAIN STREET.**

Kim Struthers presented the request and stated that our Development Code says that our approvals are good for one year and it is at your discretion whether to extend it or not. City Council grants the extensions usually. He explained the reasoning behind having the approvals expire – in some cases things change and there may need to be updates.

Dianna Webb said that the City Council just granted them an extension on the zone change for this property.

Russ Naylor representing Mr. Larson was present for the request and said that there are a bunch of reasons why they haven't started; the economy, etc. He said that Mr. Larson has been working on a job in Alaska and is now ready to go ahead with this project. The facility at the rodeo grounds had to recently be shut down and they were wondering if Mr. Larson would be interested in having a dump station as part of his plan. He said there are no other changes to the site plan.

Kim Struthers said there have been no major revisions to the code since this was approved.

*Kerry Schwartz moved to grant final approval of Russ Naylor's request for an extension of time to complete the Larson C-store Site Plan requirements located at approximately 1700 West Main Street with the stipulation that it expires concurrent with the City Council approval of the zone change extension. Second by Marilyn Schiess. Motion carried unanimous.*

## **PUBLIC HEARINGS**

**4.1 BURKE JACKSON – REQUESTS REVIEW AND RECOMMENDATION FOR A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON PROPERTY LOCATED AT APPROXIMATELY 649-710 WEST MAIN STREET FROM RA-1 AND A-1 TO A MIXED USE ZONE.**

Public Hearing opened at 7:00 p.m.

Kim Struthers presented the request and stated that the General Plan Amendment was approved back in June – now they need to do the zone change.

Shaun Brady was present for the request.

Marilyn Schiess said that if she remembers right we recommended denial and City Council approved it.

Mark Johnson said that you may want to ask what the use would be – there may not be the ability as to whether our services can service it if it goes to Mixed Use with the 12 units per acre – with commercial we can service it.

Shaun Brady said that the intended use for this property is for all sorts of commercial uses - there is no specific use but it will allow for a myriad of uses for this property – they can apply to the city for what they want to use it for.

Kerry Schwartz asked if they had looked at bringing in high density housing on the backs of those longer properties.

Shaun Brady said that all they're doing right now is trying to get it rezoned.

Burke Jackson was present for the request and stated that he had discussed it with other neighbors – but they were not interested at this point.

Max Smith lives on Main Street and said that there is enough congestion as it is – this has been denied twice. He expressed his concern with the traffic on Main Street. He said other businesses have a hard time accessing Main and he is worried about devaluing the property.

Shaun Brady said that we respect everybody's rights. He said a lot of concerns have come up with the traffic off of Main Street. We want this to be a win-win situation for everybody.

Public Hearing closed at 8:17 p.m.

Discussed that with the MU zone they can come in with high density housing that we don't have the infrastructure to support.

Mark Johnson said that you will be discussing what density is appropriate in a MU zone.

Dianna Webb said that if there is a density issue. You can table it until the next meeting and discuss it at the work session.

Dubrae Darling lives on Main and said that what comes through has to be approved - nobody wants to buy that home because it is on Main Street.

Bill Darling said that no one wants the property for agriculture uses.

*Kerry Schwartz moved to table Burke Jackson's request for a Zone District and Zone District Map Amendment on property located at approximately 649-710 West Main Street from RA-1 and A-1 zones to a Mixed Use zone until after the next work session to allow the commission time to benefit from the discussion on density in the Mixed Use zone. Second by Carolyn Nelson. Motion carried 5-2 with Chris Bleak and Vaughn Pickell – opposed.*

#### **4.2 SCOTT ANDERSON – REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT FOR MEDSTAR HOME MEDICAL LOCATED AT 1530 NORTH STATE STREET SUITE B IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:00 p.m.

Kim Struthers presented the request and stated that this is for a satellite office for Medstar. They are leasing one of the units in the building. He stated that they work with Hospice and other types of patients and they want to locate a couple of employees and vans at this location.

Travis Hull was present for the request and stated that this is in addition to the Main Street location. This is for the durable medical equipment. The only deliveries we would receive would be if we purchased

more equipment. He said the water department came over to inspect for back flow problems and they didn't see anything. The Fire Department inspected for the oxygen content this morning.

Public Hearing closed at 8:37 p.m.

*Carolyn Nelson moved to approve Scott Anderson's request for Conditional Use Permit for Medstar Home Medical located at 1530 North State Street Suite B in an existing Mixed Use zone and include DRC comments. Second by Marilyn Schiess. Motion carried unanimous.*

**4.3 GYMCATS GYMNASTICS – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR A GYMNASTICS STUDIO LOCATED AT APPROXIMATELY 3200 WEST PILGRIM'S LOOP ROAD IN AN EXISTING PLANNED COMMUNITY ZONE.**

Public Hearing opened at 7:00 p.m.

Vaughn Pickell recused himself from this discussion.

Kim Struthers presented the request and stated that we did include the commercial design standards in the staff report and we probably need to have some discussion as to whether this meets our commercial guidelines. He said they do meet the minimum landscaping and DRC felt comfortable enough with the amount of parking.

Derek Byrne said when we made the recommendation for the building on Mill Pond – we asked them to make additions to their project.

Kim Struthers said that we have also asked for minor relief in the walls of Jack and Jill Bowling and on the Mill Site we did ask for awnings over the entry.

Kerry Gregor was present for the request and stated that the architects have shown the things from the design standards.

Kerry Schwartz said that there isn't much relief on the front side of the property.

Kerry Gregor said that the sideways layout of the building is for pulling in and out easier.

Shawn Eaton representing the Architect said that they have substantial landscaping - they have done this for aesthetics around the building. He said the one side has the most windows for lighting on the inside of the building. He said they could do reveals on the panels and different colors on the canopies. He said he realized there was a linear distance and we are way under that.

Kerry Gregor said that the gym they're in now has the big windows on the side so people can see in.

Kerry Schwartz asked about having events held there and how will they handle the parking.

Shawn Eaton said that they don't anticipate events big enough to go over this parking but there would be an office building to the side that they could arrange shared parking after office hours.

Chris Bleak asked about the 20 foot buffer reduction request.

Shawn Eaton said that goes against the parking.

Dale Bennett said that he owns the land to the north side and there is not a set plan as to what they will do in that land yet but there will probably be an office building. The events won't be an issue because Kerry doesn't like having them.

Public Hearing closed at 8:52 p.m.

Carolyn Nelson asked about the parking.

Kim Struthers said that she has adequate parking for day to day use.

Chris Bleak has a concern about the building materials and the looks with the other buildings around there – the others have the rocks on the bottom – he doesn't have a problem with the way it's facing.

Dale Bennett said that tilt up concrete is more expensive than masonry – it is tough to get masonry to stick to it. He felt that with the landscaping to soften the look they would be ok.

Shawn Eaton said that it will all be painted – it won't be raw concrete.

Dale Bennett said that there will probably be 3 contrasting colors – we need to get the clear spans – this isn't a very tall building. He said it may be possible to put some kind of an awning on top of the windows to match the bands.

Roy Nelson designed the Smiths Marketplace and said that they were required to break up the façade every 40 feet – so he feels this needs to follow the same guidelines.

Kerry Gregor said that the more corners you have the greater the chance of injury in a gym.

Dale Bennett said that on the south it would be up against another commercial development and we didn't feel that we needed to use anything extra there.

Jason Willes said that we want to make it conform to some of the other structures in the area but he does understand the design aspect of having the gym as open as possible. His suggestions were to use earth tone paint and colors with the aluminum caps that they will put on the parapet and the front entry have a contrasting color to mimic the look of the other buildings. He said breaking up the façade in this case doesn't matter as much.

Derek Byrne said that he likes the idea of windows on all sides for the light.

Kerry Gregor said that if we put windows down lower there is more of a chance for injury.

Kerry Schwartz said that there was another building where they put in false windows.

Dale Bennett said they could put windows up on the top on the south side but windows down below become problematic.

Shawn Eaton said that they can put a recess the shape of the window in without embedding a glass panel into concrete and would accomplish the look you're going for.

Dianna Webb said that there are several provisions that say commercial buildings 'shall' and we need to pay special attention to those requirements.

Discussed the different building materials, the visual interest, the front entry facing the street, etc.

Jason Willes said they could carry that recessed paneling around the whole building.

Carolyn Nelson asked if we can put in the motion for them to work with the Planning Department.

Kerry Schwartz said that it would be better if we could take care of it here to avoid any confusion or misinterpretation.

Kim Struthers said that if there were an approval given they could return to a work session or something to show what they have come up with so your intents are all met.

Derek Byrne said that he feels the orientation of the building meets that standard. He doesn't have an issue with how it's oriented.

Marilyn Schiess said that what has been suggested is good and they do need to comply with the code.

Kerry Schwartz asked them to come back at the work session with revised drawings.

Shawn Eaton said that yes they could do that. He clarified that they want to see awnings on the street side and recessed panels on the south side – and the windows on the south side and included earth tone colors to be used.

Jason Willes said to put in a version of the rendering to zoom out a little bit to see how the landscaping will look.

*Chris Bleak moved to approve Gymcats Gymnastics' request for Site Plan and Condition Use approval for a gymnastic studio located at approximately 3200 West Pilgrim's Loop Road in an existing Planned Community zone including DRC comments and ask that they return to either a Work Session or other Planning Commission meeting with renderings showing earth tone colors, windows, awnings and recessed panels and the backed up view of the landscaping that we discussed tonight. Second by Marilyn Schiess. Motion carried unanimous.*

#### **4.4 EPIC ENGINEERING – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR CRESTHAVEN VILLAGE, A 225-UNIT CONDO DEVELOPMENT LOCATED IN TRAVERSE MOUNTAIN IN A PLANNED COMMUNITY ZONE.**

Public Hearing opened at 7:00 p.m.

Vaughn Pickell said that the applicant is not present and they had withdrawn their request.

Roy Nelson lives on Pheasant Ridge Trail and lives 2 houses up from the proposed project. He said he has no concerns about doing the condos – but does have concerns with the larger units with under ground parking. He is concerned with the single access, no local fire station near them, the school district not meeting the criteria of the area and the higher density in the area. He said he is tired of the failed promises given to them from the developers. He said a townhome community would be great but not high rise condos.

John Dunlop, 2167 Fox Trail, is concerned with the traffic increase. He said he didn't realize there were going to be high rise apartments. He is also concerned with the Challenger School adding traffic already and having to put a stop light there eventually. He is concerned if they go with the condos they need to regulate the number of rental units.

Tiffany Young lives in Hunter Chase and is concerned with the rental properties, transients and the amount of traffic. She is also concerned with property values falling.

Public Hearing closed at 9:43 p.m.

Dianna Webb said that Mountain Home Development was scheduled for the last meeting and they called and withdrew their request for the concept and the area plan amendment so this can't go forward because there needs to be an area plan amendment first.

*Derek Byrne moved to deny without prejudice Epic Development's request for Preliminary Subdivision review for Cresthaven Village, a 225-unit condo development located in Traverse Mountain in a Planned Community zone. Second by Kerry Schwartz. Motion carried unanimous.*

**4.5 BILL ELTON – REQUESTS MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT FOR A FLAG LOT IN THE NIELSEN SUBDIVISION LOCATED AT APPROXIMATELY 1961 NORTH 500 WEST IN AN R-1-8 ZONE.**

Public Hearing opened at 7:00 p.m.

Kim Struthers presented the request and stated that the Planning Commission was pretty specific about the placement of the house. The applicants want to modify the condition of the placement of the home. The main reason they give is a utility issue so they can gravity flow the sewer – if they set it back they have to get an easement to the west or a sewer ejector pump to get it up where it can gravity flow to the street. The DRC agreed with what they were trying to show.

Dianna Webb said that when this came before you the issue was whether this would qualify as a flag lot - the code says that the new home should be located behind the existing home.

Marilyn Schiess said that her comment was that if they can make the sewer work then have the house behind.

Kim Struthers said that it was ready to record and we noticed that the building envelope was not the same as what was approved.

Bill Elton was present for the request and stated that this is a unique individual deal – we can make the sewer work if they can put the house up closer.

Rachel Billings said that her parents own the lot and they want to build on it. They thought it was approved the other way.

Discussed the meeting in March 29, 2007 and the reasoning for the placement of the house and the flag lot.

Public Hearing closed at 9:55 p.m.

Jason Willes said he is ok with it if we leave the house back as approved in March.

Marilyn Schiess said that even when we approved it that night there was a concern with the sewer.

Jason Willes said that they could go get a variance and then they would have to start the whole thing again.

Discussed that this is difficult to fit into our ordinance. We have to go with the definition of the flag lot ordinance. Discussed that if we denied the change then they could record the one plat with the building envelope behind the existing house and use a sewer lift pump.

*Kerry Schwartz moved to deny Bill Elton's request for modification of a previously approved Conditional Use Permit for a flag lot in the Nielsen Subdivision located at approximately 1961 North 500 West in an R-1-8 zone based on the fact that it would not be consistent with the definition of a flag lot and include DRC comments. Second by Jason Willes. Motion carried unanimous.*

Jason Willes said that if it were up to him personally – he would just build the house and move on – but we have to imply the codes that are in place – and we already tried to bend that code as far as we could to make it work.

#### **4.6 SUSAN COLLIER – REQUESTS REVIEW AND RECOMMENDATION OF A GENERAL PLAN AMENDMENT ON PROPERTY LOCATED AT APPROXIMATELY 950 SOUTH 1100 WEST FROM A VLDRA TO A COMMERCIAL LAND USE DESIGNATION.**

Public Hearing opened at 7:00 p.m.

Kim Struthers presented the request and stated that this is next to another application that we looked at a few months ago (Lewis-Hadfield). Ms. Collier's south boundary is on that new road.

Sue Collier was present for the request and stated that it makes sense to do that all commercial. She has ideas of what she could do to utilize the property as commercial use in the future.

Public Hearing closed at 10:25 p.m.

Chris Bleak asked why we changed the Lewis/Hadfield property.

Jason Willis said that the commission recommended denial but the City Council approved it.

Chris Bleak said that he has a problem with people zoning their property to get more money out of UDOT.

Discussed that if they knew about it before then it may not stand up. Discussed the legislation.

Chris Bleak asked Kim to research the state of the law or a new statute.

Mark Johnson said that Dianna mentioned that there was a new law passed that UDOT has to be contacted if it goes in for a zone change.

*Kerry Schwartz moved to extend the meeting for 10 minutes at 10:30 p.m. Second by Derek Byrne. Motion carried unanimous.*

Discussed that this is a limited access road.

Mark Johnson said that he tried to get them to go with Business Park. That road had been planned for limited access –there is only be access off 1100 West.

*Chris Bleak moved to recommend approval of Susan Collier's request for a General Plan Amendment on property located at approximately 950 South 1100 West from a VLDRA to a Commercial land use designation and let the council know that we would like direction as to where they want us to go with the*

*Neighborhood Commercial. Second by Carolyn Nelson. Motion carried **reluctantly** 6-1 with Derek Byrne opposed.*

**4.7 RON PECK – REQUESTS APPROVAL FOR THE PECK-ORMSBY CONDOMINIUM CONVERSION LOCATED AT 2961 WEST MAPLE LOOP ROAD IN A RESORT COMMUNITY ZONE.**

Public Hearing opened at

No one present for the request.

Public hearing closed at 10:40

*Chris Bleak moved to table Ron Pecks’ request for the Peck-Ormsby Condominium Conversion located at 2961 West Maple Loop Road in a Resort Community zone. Second by Derek Byrne. Motion carried unanimous.*

**CITY BUSINESS**

Discussed amending the By-laws to have a time limit set for public comment.

**ADJOURN**

*Chris Bleak moved to adjourn. Second by Derek Byrne. Motion carried unanimous.*

Meeting ended at 10:45 p.m.

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

Chairman\_\_\_\_\_

Secretary\_\_\_\_\_