

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, October 09, 2008 in the Lehi City Council Chambers.

Members Present: Vaughn Pickell, Kerry Schwartz, Marilyn Schiess, Derek Byrne, Carolyn Player, Carolyn Nelson

Members Absent: Jason Willes – excused, Janys Hutchings – excused, Chris Bleak – excused

Others: Lorin Powell, Frankie Christofferson, Noreen Edwards, Christie Hutchings, Lynn Jorgenson, Council member Mark Johnson

The meeting was late getting started due to no power to the microphones, outlets at the front or the electronic recording system. The recording was done with tapes on a tape recorder but without the microphones the recording may not be audible.

Meeting began at 7:40 p.m.

REGULAR AGENDA

3.1 SID PETERSON – REQUESTS A MAJOR HOME OCCUPATION PERMIT TO OPERATE A DAYCARE FROM HER HOME LOCATED AT 1051 WEST 2550 NORTH IN AN EXISTING PLANNED COMMUNITY ZONE.

Christie Hutchings presented the request stated the applicant would like 6 children. It does appear that the entire yard is fenced and she has scheduled her safety inspection.

Sid Peterson was present for the request and said that his wife will be running the daycare. They just moved it here from Orem. It will be a 24 hour daycare, 6 days a week. He said that they had very few to watch at night but there were a few that worked swing shift. They usually take children from about 8:00 a.m. to 5:00 p.m.

Christie Hutchings said that she called the State on the 24 hour daycare and they just require them to provide sleeping accommodations the same as a day time one so a cot in the living room is fine.

Sid Peterson said they are renting and the landlord has given approval.

Marilyn Schiess moved to grant final approval of Sid Peterson's request for a Major Home Occupation permit to operate a daycare from her home located at 1051 West 2550 North in an existing Planned Community zone contingent on her passing her inspection. Second by Carolyn Player. Motion carried unanimous.

3.2 CARY DUNN – REQUESTS APPROVAL OF BUILDING ELEVATIONS FOR THE APPROVED DEL TACO LOCATED AT 3633 NORTH THANKSGIVING WAY IN AN EXISTING RESORT COMMUNITY ZONE.

Christie Hutchings presented the request.

Discussed the elevations.

Kerry Schwartz said we have been trying to enforce the Commercial Design Standards.

Christie Hutchings explained the difference between the CMU and stucco – both are to be used as accents only.

Cary Dunn with Nova Source was present for the request and stated that this ordinance is non specific. It says that the Planning Commission needs to approve this. He said it is split faced block on the bottom not CMU. He said there is a nice variation in the forms of the building. Stucco isn't a nasty thing; it's just how it's used. Thanksgiving Point has already given the nod on these. He said the Commercial Design Standards were not on the City's website when they submitted their request.

Kerry Schwartz said these are design standards that need to be enforced.

Christie Hutchings said that they applied July 3, 2008 and the Commercial Design Standards were approved in January 2008.

Vaughn Pickell read the part in the Design Standards about large sections of stucco not being accepted.

Cary Dunn said that 'large' can be interpreted differently.

Vaughn Pickell said that the stucco is to be an accent only – 56% of the building is not an accent.

Kerry Schwartz said that the DRC said the Planning Commission would feel this way. He asked Cary Dunn if his client would accept the changes.

Cary Dunn said his client would like to leave it as it is. They want it to look like the other Del Tacos so people will recognize it by the building. He said he doesn't want it to look like the JCW's next door.

Vaughn Pickell said that they need to use stucco as an accent. The rest doesn't have to be brick – just one of the permitted materials.

Discussed what percentage of the building constitutes an accent.

Vaughn Pickell said that this does not meet code as it is. It is a majority of stucco. He thinks that the stucco should be less than 50% of each façade. He said that they've read the ordinance and they need to take another shot at it.

Christie Hutchings showed a picture of a Del Taco in Missouri that was almost all brick. She said we need a copy of Thanksgiving Points' approval letter for the file.

Derek Byrne said the code is pretty clear. The majority of the building materials need to be brick, stone, earth-tone colored decorative block, fiber/cement siding, wood, glass, or other durable building material. The other such as stucco, metal or untreated CMU may be used only as an accent. He said that if they had come in with a rendition of one similar to the building in Missouri it would have been approved and this would be over and done with by now.

Kerry Schwartz said we can either table it or deny it without prejudice.

Kerry Schwartz moved to table Mr. Dunn's request to the October 23, 2008 meeting based on the opportunity for the applicant to come back with a revised plan that meets the Commercial Design Standards. Second by Marilyn Schiess. Motion carried unanimously.

3.3 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE CHAPTER 26, ACCESSORY USES, BUILDINGS AND STRUCTURES. (Tabled from the September 25, 2008 meeting)

Christie Hutchings presented the request.

Lynn Jorgenson, the Chief Building Official, said that the reason this was brought up was because the ordinance could be interpreted different ways. He discussed the changes and that the agricultural buildings need to still meet the setbacks but are other wise exempt.

Christie Hutchings showed pictures of different accessory buildings in town.

Vaughn Pickell excused Carolyn Player at 8:25 p.m.

Lynn Jorgenson said that he went around and measured trailers and he said the tallest one he could find was about 13' so the door would need to be 14'.

Derek Byrne moved to recommend approval of Lehi City's request for an amendment to the Lehi City Development Code, Chapter 26, Accessory Uses, Buildings and Structures. Second by Kerry Schwartz. Motion carried unanimous.

PUBLIC HEARINGS

4.1 MARVIN GRAY – REQUESTS REVIEW AND RECOMMENDATION OF ZONING ON THE MARVIN GRAY ANNEXATION, APPROXIMATELY 2.43 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 2300 WEST 1000 SOUTH TO PROPOSED R-1-22 AND TH-5 ZONES.

Public Hearing opened at 7:40 p.m.

Christie Hutchings presented the request and stated that they are requesting split zoning. The R-1-22 is where the home is.

Tony Trane was present for the request and stated that they have changed the split line of the zoning so all structures will be located in R-1-22 zoning. The applicant just wanted to present one water share and that covers the R-1-22 area. They want to annex so they can hook up to City utilities.

Public Hearing closed at 8:30 p.m.

Kerry Schwartz moved to recommend approval of Marvin Gray's request for R-1-22 and TH-5 zoning on the Marvin Gray Annexation, approximately 2.43 acres of property located at approximately 2300 West 1000 South and note the amended plat is conditional on the revised drawing and finding that it complies with the General Plan. Second by Marilyn Schiess. Motion carried unanimous.

4.2 IVORY DEVELOPMENT – REQUESTS REVIEW AND RECOMMENDATION OF A PROPOSED AMENDMENT TO THE PREVIOUSLY APPROVED IVORY RIDGE AREA PLAN REQUESTING A CHANGE TO THE SQUARE FOOTAGE REQUIREMENTS IN THE MEDIUM DENSITY SINGLE FAMILY PORTION.

Public Hearing opened at 7:40 p.m.

Christie Hutchings presented the request and stated that in the original submittal there was an omission of square footage for the medium density single family.

Brad Mackay was present for the request and stated that when they started to submit for building permit we notice some of the text was left off the Table of Bulk and Intensity for the medium density single family.

Public Hearing closed at 8:37 p.m.

Kerry Schwartz moved to recommend approval of Ivory Developments request for an amendment to the previously approved Ivory Ridge Area Plan requesting a change to the square footage requirements in the medium density single family portion based on the fact that it is a housekeeping item. Second by Marilyn Schiess. Motion carried unanimous.

4.3 BUTLER HARRIS DAVEY ARCHITECTS – REQUESTS CONDITIONAL USE AND SITE PLAN REVIEW FOR A NEW CHURCH LOCATED AT 3679 BLUEGRASS BOULEVARD IN AN R-2 ZONE.

Public Hearing opened at 7:40 p.m.

Christie Hutchings presented the request and stated that there was an issue that came up when it got to DRC on the drainage for the subdivision. They will now do the drainage in the RV storage parking.

Lorin Powell said it's just for surface run off. It will be a parking lot detention.

Lafe Harris was present for the request and stated that they will have a 6' vinyl fence with a mow strip.

Kerry Schwartz asked about the flow off that parking lot.

Lafe Harris said there is a stub that goes into the RV parking area.

Lorin Powell said it will be bonded for.

Public Hearing closed at 8:45 p.m.

Derek Byrne moved to grant final approval for Butler Harris Davey Architects' request for Conditional Use and Site Plan approval for a new church located at 3679 Bluegrass Boulevard in an R-2 zone including DRC comments. Second by Marilyn Schiess. Motion carried unanimous.

4.4 DANIEL WOLF – REQUESTS REVIEW AND RECOMMENDATION FOR A GENERAL PLAN AMENDMENT ON PROPERTY LOCATED AT 388 WEST 1500 NORTH FROM AN LDR TO A COMMERCIAL LAND USE DESIGNATION.

Public Hearing opened at 7:40 p.m.

Christie Hutchings presented the request and stated that there is a business on site which has never been approved. The new owner thought it was a legal business when he purchased it.

Daniel Wolf was present for the request.

Christie Hutchings said the area has been zoned Commercial since about 1995 but the General Plan was never changed. Mr. Wolf has filed for approval of the business but DRC has held him back until this is done.

Cody Harding said he is also an owner and has never been paid on this. It is currently in court and will go for final appeal before Thanksgiving and doesn't want anything done on this; at least until after the court date.

Trudy Calton lives next door and is concerned with them working on their equipment at the shop next to her property. She said the appraisal was down on their house because of the use on the other property. She said the dust from the trucks driving in and out of that property is bad. She is also concerned with the noise.

Steven Calton said that they (him and his brother) had their tree business there for about 15 years and then found that they didn't comply with the zoning. He worked with the City to zone the bottom part Commercial. He said his brother has since sold his half. He said if it does go to Commercial on the General Plan they would ask for some sort of buffer.

Tim Miller lives in the area and is concerned with the increased traffic with the heavy trucks. He is concerned that there is a business running illegally and that now the City's going to just change the zone to accommodate that.

Gary Norton lives in the area and said that since the ownership transition there is more traffic and noise. He said he is against grandfathering something like this in. He said it shouldn't be approved.

Dan Prescott lives around the corner and is concerned with the mud and gravel that is always tracked onto the road.

Cody Harding asked that nothing be done until the court case is decided.

Mr. Wolf said there is a dispute but it is not a discussion for this group. He said if we can get approval we intend to follow the code. We will do buffering and also improvements such as curb and gutter and an asphalt driveway. We will comply with the City's requirements. He said they just want to comply with the concerns of the neighbors. He said they thought they had a compliant business when they bought it. Cody was running a similar business from there. He said they do own 4 trucks.

Public Hearing closed at 9:15 p.m.

Vaughn Pickell said that whoever the owner of record is can request the change and the County shows Red Wolf as the owner.

Kerry Schwartz said it is not a grandfathered use. He said we need to see if this property is consistent with the uses and with what we have planned for the City. Is commercial appropriate for this location?

Discussed the neighbors concerns.

Marilyn Schiess is concerned with the big trucks going up and down that road in front of Harris's home.

Kerry Schwartz said it is a Conditional Use and the neighbors' concerns would be addressed at Site Plan. He explained that we are looking at the General Plan land use and then it goes onto City Council for their approval on the General Plan. Then it has to come back through for a Zone Change and then onto City Council again. Then it comes through for the Site Plan and Conditional Use.

Vaughn Pickell said if a business is an illegal use in a residential area he's not obligated to legitimize it.

Daniel Wolf said that the longer this is delayed is the longer it will be before any buffering or anything can be done.

Christie Hutchings said there would also be concerns about the outside storage that would need to be addressed.

Kerry Schwartz moved to recommend denial of Daniel Wolf's request for a General Plan Amendment on property located at 388 West 1500 North from an LDR to a Commercial land use designation based on Section 04.060 of the Development Code, specifically item 2, the consistency with the General Plan; and with item 1 which mentions the affect it would have on the character of the surrounding area – this would detract from the residential; and item 7, the overall community benefit – there would be minimal benefit. Second by Derek Byrne. Motion carried unanimous.

This will go to City Council November 18th.

4.5 LEHI CITY – REQUESTS AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE TO ADD A NEW CHAPTER 12-A, ENTITLED “HILLSIDE PRESERVATION AND GRADING” INCLUDING REGULATIONS AND PROCEDURES FOR DEVELOPMENT IN AREAS WITH STEEP SLOPES.

Public Hearing opened at 7:40 p.m.

Christie Hutchings presented the request and stated that a few months ago this came to Planning Commission and was continued.

Discussed the changes.

Lorin Powell said they had several meetings. He went over the changes that are being recommended. He said the RBG is helping with the evaluation.

John Baker asked about the background and how this compares with the other municipalities with landslides, building and roads falling apart.

Lorin Powell said they pulled every city in the State that had an ordinance and we created one out of all the documents we got. We picked out the best from all those. He said a lot of cities have re-done their regulation documents and these are from the newest ones. He also pulled information from California and Oregon. We also had specialists that deal with this type of work and State geologists. It took months of research.

Public Hearing closed at 9:45 p.m.

Vaughn Pickell complimented staff on a good job.

Lorin Powell said a firm will be reviewing the information that comes in and it won't be reviewed by himself. He said that Legislature took on a Dispute Resolution so many problems will follow that.

Marilyn Schiess moved to recommend approval of Lehi City's request for an amendment to the Lehi City Development Code to add a new chapter 12-A, entitled “Hillside Preservation and Grading” including regulation and procedures for development in areas with steep slopes including all RB&G's language. Second by Kerry Schwartz. Motion carried unanimous.

4.6 MOUNTAIN HOME DEVELOPMENT – REQUESTS AN AMENDMENT TO THE TRAVERSE MOUNTAIN AREA PLAN TO INCLUDE VARIANCES FROM THE CITY REQUIREMENTS FOR HILLSIDE PRESERVATION AND GRADING. (Approximately 2600 acres located north of SR-92 between I-15 and approximately 300 West)

Public Hearing opened at 7:40 p.m.

Christie Hutchings presented the request and stated that this will become part of the Traverse Mountain Area Plan.

Lorin Powell said what we did is create an ordinance and this is referencing things out of our ordinance. This is an Area Plan Amendment and will also become a part of the new Area Plan.

Jack Hepworth was present for the request and stated that they have been working closely with the City on this. He said they have a couple changes or omissions to the one the City did. He discussed changes in detail.

Kerry Schwartz said that it says 'disturbed soil would require a vegetation plan'.

Jack Hepworth said that they are saying they don't need a consultant to go walk the property on anything less than 30% slope for a vegetation plan. He continued to discuss the changes.

Christie Bagley lives in Shadow Ridge and is concerned with making all these omissions that the City has. She doesn't want omission to the ordinance. You can't guarantee acts of nature. She wants to be protected by the rules the City has. She doesn't want any omissions. The City's job is to help protect the residence.

John Baker asked about the grading standards. He wants them to have to follow the City ordinance up there. He said he takes exception to the 30% grade. He thinks this needs to be delayed until the public has time to look at it. He also asked about the new Area Plan Amendment that we haven't seen yet. He said that they need time to look at and digest this.

Public Hearing closed at 10:23 p.m.

Kerry Schwartz said he is still trying to understand the exceptions. He is not comfortable taking action on this tonight. He said we've been waiting for the Area Plan and he would feel more comfortable with this if we had the new one.

Marilyn Schiess echo's Kerry's concerns.

Kerry Schwartz said he would like to see one big package. It becomes difficult to rack with all these separate amendments.

Lorin said part of this is vested.

Derek Byrne moved to extend the meeting at 10:30 p.m. for 15 minutes. Second by Kerry Schwartz. Motion carried unanimous.

Lorin Powell said if we want more time we can do something to make it a little easier for you.

Vaughn Pickell said he would like to see what is truly vested.

Derek Byrne said he wants to know what's legitimate and what's not.

Lorin Powell said maybe we as staff need to discuss it more with you.

Discussed the Concept that will be coming on the October 23rd agenda.

Derek Byrne moved to table Mountain Homes Development's request to the October 23, 2008 meeting. Second by Carolyn Nelson. Motion carried unanimous.

Lorin Powell suggested cleaning up the references so we can compare back and forth. He said that staff will put together what we can and get it to you before the next meeting.

CITY BUSINESS

5.1 DISCUSSION OF LEHI CITY SIGN ORDINANCE, CHAPTER 23 OF THE LEHI CITY DEVELOPMENT CODE.

Christie Hutchings stated that we need your suggestions on this ordinance.

Vaughn Pickell said he doesn't want LED reader or video signs at all.

Kerry Schwartz said that he disagrees. The LED readers are a new tool and we shouldn't hold the businesses back.

APPROVAL OF MINUTES

6.1 MINUTES FROM THE AUGUST 7, 2008 WORK SESSION.

Marilyn Schiess moved to approve the minutes from the August 7, 2008 work session. Second by Carolyn Nelson. Motion carried unanimous.

6.2 MINUTES FROM THE SEPTEMBER 4, 2008 WORK SESSION.

Kerry Schwartz moved to approve the minutes from the September 4, 2008 work session. Second by Derek Byrne. Motion carried unanimous.

6.3 MINUTES FROM THE SEPTEMBER 11, 2008 REGULAR MEETING.

Derek Byrne moved to approve the minutes from the September 11, 2008 regular meeting. Second by Marilyn Schiess. Motion carried unanimous.

6.4 MINUTES FROM THE SEPTEMBER 25, 2008 REGULAR MEETING.

Marilyn Schiess said on page 3 she wants her comment on her door height changed to 14'.

Kerry Schwartz moved to approve the minutes from the September 25, 2008 regular meeting with the change. Second by Marilyn Schiess. Motion carried unanimous.

ADJOURN

Marilyn Schiess moved to adjourn. Second by Derek Byrne. Motion carried unanimous.

Meeting ended at 10:45 p.m.

Date Approved _____

Chairman _____

Secretary _____