

LEHI CITY PLANNING COMMISSION WORK SESSION

Minutes from the Lehi City Planning Commission Work Session held on Thursday, July 03, 2008 in the Lehi City Planning Department Conference Room.

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

Members Absent: Kerry Schwartz – excused, Derek Byrne

Others: Dianna Webb, Frankie Christofferson, Kim Struthers, Noreen Edwards

Meeting began at 5:40 p.m.

1. CJS & COMPANY – REQUESTS REVIEW OF THE BUILDING ELEVATIONS FOR MILL SITE INDUSTRIAL PARK LOT 2. (Continued from the June 12, 2008 Planning Commission meeting)

Max Gerber brought in a copy of the building elevations for his new building.

The commissioners are ok with the changes.

2. GARY POWELL – DISCUSSION OF ALLOWED USES IN THE MIXED USE ZONE.

Dianna Webb explained that the Mayor ask that the Planning Commission look at the Powell's property to see what we can do to mitigate the problems there. This is not up for Official action.

Gary & Erica Powell were present and Gary asked why we even came up with the fact that we can't have the motor cross track there – it's been there for 7 years. He said they are willing to do what ever you want us to do. They go out and test motor cycles and we have a motor cycle company and we let people come and test drive them. He said they can't go out on State Street to test drive a dirt bike. He said they have like 1,000 signatures from people that support having that track there. He said that Johnny Barnes said that he thought it came about because someone came in and complained. He said that on the news it said that it was because of the kid with asthma – that is not the case – we have her signature too. One of the guys that showed up to the meeting (Harding) is the only one that doesn't like it.

Vaughn Pickell asked what the code allows – is it even permitted in this zone.

Janys Hutchings said that when the site was established the motor cycle shop was not part of it – and one of the conditions that the door shop was allowed to face the freeway is that it was to be kept neat and clean, which it hasn't.

Marilyn Schiess said that when it came through as preliminary subdivision – we turned it down until we received a letter from the railroad.

Erica Powell said that they have that now. They want to develop this for their kids for years down the road. She said that the police said that no one can jump on these tracks until this is taken care of.

Gary Powell said that he will do whatever they need to, to get this taken care of.

Marilyn Schiess said that this is not a recent problem – she has driven along State Street when the dust was so thick that you couldn't see across the street.

Gary Powell said that they have a sprinkler system on it now and they have to water it 30 minutes before anyone can go on the track. Someone from the City told him that they don't like this and they need to put something there to block it.

Janys Hutchings said that it has only been recently that we have a code enforcement officer that follows through.

Kim Struthers said that before it just wasn't addressed at all – until recently.

Janys Hutchings asked if there was an application for a motor cycle shop.

Dianna Webb said that nothing has come through here the Planning Office.

Janys Hutchings said that the only approval we have given is for the Door Shop.

Kim Struthers said that we have tried to clarify that business license process – so no business license goes out until they check to see if there has been approval.

Erica Powell said that it is way too small for a race track to be on there – it is just a testing track.

Jason Willes read from the code – he said that the definition of a race track is even relevant because the code says OR other motorized recreational facility.

Gary Powell said that this is what we use for our business. The Mayor just wants that zone changed in that area – so you could just pin point that property for this – it's by State Street so the noise won't be a problem – we have the over pass, the building, and State – so there is no other place in Lehi for this.

Jason Willes said that the bottom line is – is it a permitted use? Was it when they constructed it? I don't know – so if they want it to be a permitted use are we willing to put it up for a public hearing and do everything we need to do in the zone.

Vaughn Pickell said that we could either change the zone or add the use to the zone – I don't think we want to add it as a use to the Mixed Use zone.

Gary Powell said that they give a lot of money to the city for different things – they go out and help everybody – and these kids that are going off the edge are going into extreme sports.

Vaughn Pickell said that we understand that you do a lot of things for the city and we appreciate that but we need to see if it makes sense to change the zone.

Gary Powell said that it looks better than it ever has before – it looks better than with the weeds. He said they need to have something to help the kids – if they don't have that track they can't run the business.

Jason Willes asked what the process would be if we were to add a use to the MU zone.

Kim Struthers said it would be a development code amendment which would require a public hearing.

Janys Hutchings said if you do it for the MU zone then it goes for all the MU zones.

Jason Willes said that if they want to try and apply for it and have the public come in for the public hearing then they can. He appreciates the fact that it's been there for 7 years but it doesn't mean it's been an approved use for those years.

Dianna Webb said that the City Attorney suggested that they come in and discuss it with the Planning Commission at this point.

Erica Powell asked if there was such a thing as a permitted use in the MU.

Vaughn Pickell said that you can't change the use on only that piece of land – you would have to change the zone to.

Gary Powell said that even if they change the zone they couldn't do it because there is a minimum acreage requirement.

Kim Struthers said that you could impose conditions that you want – so you could get it to the point to exclude other properties.

Jany's Hutchings said that in a MU – that is not an appropriate use.

Kim Struthers said that the main intent of the MU is that everything is compatible – if you try to put it somewhere else in the MU then you could have someone moving in next to it.

Gary Powell said that you could make it specific for the conditions.

Chris Bleak said that we have to balance that everything becomes precedence – if you allow X then you have to allow Y – you mentioned at some point that you would put a 6-plex on it – there is nothing that prohibits the other businesses from doing that as well.

Gary Powell said that you can look at it as there may be something better in there later or you can look at it as having this here for the rest of your lives. I've seen a lot of kids put a lot of time and effort into it and he hates to see them disappointed. He said he will go to jail over it.

Carolyn Player said that it seems that you use it more for recreation than to test the bikes on it.

Gary Powell said that they have the top kids that go pro and if we don't care about them then they will have no where to go.

Marilyn Schiess said that she doesn't think the motor cycles were there 7 years ago.

Gary Powell said that we can go back to riding them at the house.

Frankie Christofferson said you can't do it legally.

The Powell's said that they can.

Jason Willes said that if it is not shown specifically as a use then it is not permitted – it says that in the code. He said that you have the right to apply for a change. He said you have that right even though it may not go through. He asked how many test drives do you do in any given day?

Gary Powell said about 8 to 10 a week.

Erica Powell said it is minimal use – less than 10 hours a week.

Vaughn Pickell said that even if we make a negative recommendation it still goes to City Council.

Erica Powell said that the Mayor told us to start here.

Kim Struthers said that if you were to apply to have it as a conditional use in Mixed Use then it would go to the Planning Commission and then go to City Council. They can go against the Planning Commissions recommendation or go with it.

Jason Willes said that you would apply – it would go before us and we would probably recommend negatively against it and then it would go to City Council.

Kim Struthers said that the City Council has great respect for this group but in a case like this – he doesn't know.

Jason Willes said we can tell you what your options are and tell you what we would probably do – and in either of those options we would recommend negatively – but it may go the other way at City Council.

Jany's Hutchings said when it came through originally it was not for the motor cycle shop.

Kim Struthers said that a lot of the enforcement is mainly on the complaint basis – they don't drive around looking for illegal uses. He said that about 2-3 years ago is when the berms and everything went in.

Gary Powell said that he has had a license for about 4-5 years since he got the business license for the motor cycle shop.

Kim Struthers said that the current intensity of use has only been for about 4 years.

Marilyn Schiess said that we thought it was a garage door business and we thought it was just family riding there.

Gary Powell asked about what problems there are.

Jany's Hutchings said it's only allowed in Light Industrial zones.

Jason Willes said that it would be a tough sale for that particular area to change the zone.

Gary Powell was thinking that there would never be a house in that area.

Jany's Hutchings said that in the future because of the track lines going through there – there is the potential for high density apartments there.

Chris Bleak said if we change it to a Light Industrial or Industrial and you sell to someone and there are homes across the street, all of a sudden there could be a heavy industrial use going such as a cement mixing plant across the street. If this is changed to industrial there can be far more heavy uses allowed there if you ever sold.

Jany's Hutchings would never want to see it in a MU zone.

Jason Willes said that the only thing we can offer is what your options are – the only way we could make a recommendation is during a meeting after a public hearing.

Marilyn Schiess said it has nothing to do with your business it's whether we want to change the zoning or not.

Jason Willes said that we would have concern for the rest of the MU zone – and if we make it light industrial and you sell – even though you say you never will – then all of a sudden others want to go LI too. He said from this body the recommendation would be no – for nonconforming use.

Vaughn Pickell said that he is fine with the motor cycle sale business – but not the track. He said they are in a MU zone and have to follow the code.

Gary Powell asked again why they are opposed to the track.

Kim Struthers said it's not that their opposed to a track but not in this location.

3. DISCUSSION OF PAUL WASHBURN'S REQUEST TO CREATE A NEW INTERMEDIATE HIGH DENSITY RESIDENTIAL CLASSIFICATION ON THE GENERAL PLAN AND A NEW CORRESPONDING ZONE.

Dianna Webb said that a few weeks ago they came in and talked to us about creating a new zone that would allow up to 9 units per acre and they were explaining how they could make it nicer or higher quality. They have used some of our Area Plan and Planned Community ordinances. She said we thought we could use the ordinance itself and tie it to our PUD ordinance or something like that.

Kim Struthers explained his version and stated that we have a big gap between MDR and HDR so we are trying to find something that allows something in between. He said we are trying to come up with a mechanism to allow for 9 units per acre. We can go the one route and totally create a new zone for 9 units per acre or you could go with what he's done; then there are some special conditions within this zone so you have to follow with the PUD ordinance.

Paul Washburn said when we did ours we were trying to go with other ordinances – he is happy with Kim's approach if it's easier for us.

Kim Struthers said that density bonuses in a PUD are discretionary – it is rare that we do them in a PUD.

?? said that when you do 9 units per acre then you are required to have some of the amenities.

Kim Struthers said it is already in the PUD chapter.

Dianna Webb said that what Kim has set up is a much easier way that would cover anything you want.

Kim Struthers said that you could hammer everything else out in the Development Agreement.

Paul Washburn said that we would be looking at town-homes.

Discussed the concept and that a Development Agreement binds the successor.

Dianna Webb said that we haven't gone through any of this with the attorney yet – we just wanted to see if you wanted to go with what Kim had done.

Jany's Hutchings asked if you want us to look over it and then Thursday night give our suggestions on it.

Dianna Webb said yes – and then we can take it to our attorney.

The commissioners like Kim's approach.

Paul Washburn asked if we need to be the applicant or can the City do it.

Dianna Webb said that the city could do it. She said that we will work with the attorney and then we will need to advertise it for a public hearing – probably on August 14th. That would be the next available meeting. Then we would get a recommendation and it could go to City Council in September.

?? asked if we would take our concept through then?

Dianna Webb said that you could run your Concept through with the General Plan amendment. She said that the City Council has asked us to remove the requirement for the General Plan Amendment windows.

4. DISCUSSION OF SIGN REGULATIONS.

Kim Struthers said that eventually we would like to fill in the holes in our ordinance – we would like to accomplish in the next month or so is the pole signs and monument signs. This draft says that you cannot have a pole sign for less than 5 acres.

Discussed that people are going to throw in the fairness argument for a few years.

Dianna Webb said that we did get this pole sign issue from the City Administrator – he wants us to look at it.

Kim Struthers said that he proposed that if we do have pole signs then it has to look really good. And then with monument signs – the more frontage you have the taller your monument sign can be.

The commission said to put this on the work session for August where we can focus just on the sign ordinance.

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

Meeting ended at 7:13 p.m.

Dianna Webb asked if we would be interested in taking a trip on the Fronrunner.

The commission said yes and asked when.

Dianna Webb said that Mark Johnson seemed to think it would be in the day time – he was going to invite the City Council members and the Planning Commission.

Date Approved _____

Chairman _____

Secretary _____