

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, February 12, 2009 in the Lehi City Council Chambers.

Members Present: Janys Hutchings, Kerry Schwartz, Jason Willes, Derek Byrne, Carolyn Player

Members Absent: Marilyn Schiess – excused, Carolyn Nelson – excused, Chris Bleak - excused

Others: Dianna Webb, Frankie Christofferson, Christie Hutchings, Noreen Edwards, Brad Kenison, Council member Mark Johnson, Kim Struthers

Meeting began at 7:05 p.m.

REGULAR AGENDA

- 3.1 MARK NUGEN – REQUESTS AN INTERPRETATION OF USE FOR SPLASH POINT, AN INDOOR WATER PARK AND FITNESS CENTER TO BE LOCATED WITHIN THE PILGRIM’S LANDING PROJECT LOCATED AT APPROXIMATELY 4300 NORTH 3500 WEST IN A PLANNED COMMUNITY ZONE. (Tabled from the January 8, 2009 meeting)**

The applicant asked to be removed from the agenda.

PUBLIC HEARINGS

- 4.1 WATER DAMAGE SPECIALISTS, INC – REQUEST SITE PLAN AND CONDITIONAL USE APPROVAL FOR A FLOOD DAMAGE AND MOLD REMEDIATION SERVICE TO BE LOCATED AT 257 EAST STATE STREET, SUITE 5, IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that a few months ago the commission gave approval to Rocky Mountain Stainless which will still be in the same building but they are leasing out this part. The applicants would have 3 vans for the business that will be parked there when they’re not at a job. There was a DRC comment stating that they would like to see the parking striped.

Dan Davies was present for the request and stated that they went over everything in DRC and pretty much use the place for a warehouse. HE said there will not be any outside storage but they will have the vans parked there. There will not be any deliveries or customers coming and no chemical storage of any kind.

Public Hearing closed at 7:20 p.m.

Janys Hutchings moved to grant final approval of Water Damage Specialists, Inc’s request for Site Plan and Conditional Use approval for a flood damage and mold remediation service to be located at 257 East State Street in an existing Mixed Use zone seeing the request does meet the code and knowing that they have met the requirements but note all DRC comments including the striping for their 3 spots so we will know what parking is for the businesses in that area. Second by Kerry Schwartz. Motion carried unanimous.

4.2 JOHN SORENSON – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR JOHN’S AUTO REPAIR, AN AUTO MECHANICS SHOP LOCATED AT 681 EAST STATE STREET IN AN EXISTING MIXED USE ZONE.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that they have indicated that there is parking available on the one side of the building. The applicant has indicated that he will have about 10 customers per day with the hours of operation Monday – Friday from 10:00 am to 6:00 pm. He has also indicated that there would be no other staff other than him.

Jany's Hutchings asked about permission for crossing the railroad tracks.

Jason Willes said that where it's the same type of business he doesn't think that's an issues but we can make mention in the motion that they need to be in compliance with all requirements relative to railroad crossings.

John Sorenson was present for the request and stated that it has been a shop there the whole time.

Jason Willes asked about the multiple businesses in there with that one access – are there access agreements?

Christie Hutchings said that all of those buildings are under the same ownership.

John Sorenson said that Tim Monson owns it. He said that the parking is on the west side of the building and the most cars that would be there at one time is about 5.

Jason Willes asked if he would be doing any tire repair.

John Sorenson said he doesn't do tire repair, just emissions and inspection and minor repairs.

Public Hearing closed at 7:20 p.m.

Derek Byrne moved to grant final approval for John Sorenson's request for Site Plan and Conditional Use approval for John's Auto Repair, an auto mechanics shop located at 681 East State Street in an existing Mixed Use zone including DRC comments. Second by Carolyn Player. Motion carried unanimous.

4.3 GARY POWELL – REQUESTS REVIEW OF AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE CHAPTER 12, DEVELOPMENT STANDARDS. THE AMENDMENT IS INTENDED TO CREATE PROVISIONS AND STANDARDS THAT WILL ALLOW FOR MOTORCYCLE SALES AND SERVICE AND TEST TRACKS FOR MOTORCYCLES IN THE MIXED USE, LIGHT INDUSTRIAL AND INDUSTRIAL ZONES.

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented items 4.3 and 4.4 together. She stated that all the issues were addressed from the work session and there is a letter from the attorney.

Kerry Schwartz asked Kim Struthers about the additional landscaping.

Kim Struthers stated that he tried to incorporate the DRC comments into this as well – item 11 is where he tried to incorporate the landscaping issues.

Discussed whether or not this is spot zoning.

Kim Struthers said that we have done similar things tailored for other uses to limit where they can go.

Jason Willes said that item 4.4 is dependant on what we do for item 4.3.

Erica Powell was present for the request and handed out a copy of suggested revisions that were made with Councilman Holbrook's help. She said that the one item they thought would cause problems for the city is to just call it a facility instead of a track – as in number 5.

Jason Willes said that these changes were not part of the packet and we have not had a chance to review them.

Christie Hutchings said that they came today to this meeting.

Kerry Schwartz asked why they are adding ATV's.

Erica Powell said that the State allows them to sell ATV's as well – and they sell used ones.

Public Hearing closed at 7:32 p.m.

Jason Willes said that he's not comfortable making any type of a motion on this draft we have received this evening so we can either move ahead on the draft that we received as part of this packet or we can table the item which will give us time to review the purposed changes.

Kerry Schwartz said that there were some key points that the Planning Commission wanted in there that were crossed out.

Discussed some of the items that were taken off.

Erica Powell said that the air quality people would have no expertise in this area for dust control.

Kerry Schwartz said that the landscape architect has been crossed out as well.

Erica Powell said that Councilman Holbrook said it would not be necessary.

Kerry Schwartz said that the privacy fence has been crossed out.

Erica Powell said that would allow people to cross over illegally easier. The fence they have there now works fine.

Dianna Webb said that with item #10 this would be over what the noise code states out.

Erica Powell said that the freeway is much louder than this as well.

Jany's Hutchings asked about the trees and said that she thinks that they need to be bigger caliper trees put in.

Erica Powell said that she does have tree farmers that can give her information on the type of trees that will grow with a vengeance.

Kerry Schwartz said that her State permit would allow her to sell ATV's – that goes back to the letter from Ken Rushton regarding the business license – was it for both ATV and motorcycles.

Discussed that just because one is granted a business license doesn't make it a conforming business without being granted site approval.

Jason Willes said that there have been several items redlined and they were items that we wanted on there and felt were important – he thinks we need some time to discuss it – it's a little disappointing that we just got this.

Erica Powell said that these were recommended changes by Councilman Holbrook not her.

Jason Willes said that maybe we need to talk with Councilman Holbrook to see where he's coming from.

Derek Byrne said that we can still make changes to this in the future – if we need to – but he feels we need to move on the draft that was included in the packets.

Kerry Schwartz said his concern is that this isn't what we want to see in this area – if he were to put a motion here tonight it would be to deny. He has strong opinions about this. It doesn't fit in a Mixed Use zone and we are making an exception by doing this. He doesn't think this is the best thing for the citizens of Lehi.

Jason Willes said that although it doesn't meet the current zoning – he is willing to work with the applicant to make this work based on some extenuating circumstances of the property.

Carolyn Player said that she felt that we went over this in the work session and came to the conclusion to help the Powell's. She said she feels that the barbed wire fence is as easy to get through as the 6 foot fence. She doesn't think we should consider the redline version that was brought in tonight.

Janys Hutchings said that this is not an appropriate use for the Mixed use zone and wouldn't consider the redline draft – there are some things in the original draft that she wants left in there if this were to go through.

Kerry Schwartz said that we went through the effort to implement the Revitalization Plan and this tries to capture things to mitigate that – but we already have a plan in place and we need to follow that plan. This is one step away from a plan we already have in place.

Jason Willes said that in regards to the amendments that were brought in tonight – we are unanimous that they not be considered – the motion needs to be relative to the draft that was included in our packet or you can deny it all together.

Kerry Schwartz moved to recommend denial of Gary Powell's request for an amendment to the Lehi City Development Code, Chapter 12, creating provisions and standards that will allow for motorcycle sales and service and test tracks for motorcycles in the Mixed Use, Light Industrial and Industrial zones based on the fact that the existing Mixed Use zone doesn't allow for that and we have the Revitalization Plan in place and this goes contrary to that. Second by Janys Hutchings. Motion failed 2-3 with Derek Byrne, Carolyn Player and Derek Byrne opposed.

Derek Byrne moved to recommend approval of Gary Powell's request for an amendment to the Lehi City Development Code, Chapter 12, creating provisions and standards that will allow for motorcycle sales and service and test tracks for motorcycles in the Mixed Use, Light Industrial and Industrial zones with no modifications made on the draft by staff at this time. Second by Carolyn Player. Motion carried 3-2 with Janys Hutchings and Kerry Schwartz opposed.

4.4 GARY POWELL – REQUESTS REVIEW OF AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE, TABLE 05-030 B. THE AMENDMENT IS INTENDED TO CREATE PROVISIONS THAT WILL ALLOW FOR MOTORCYCLE SALES AND SERVICE AND TEST TRACKS FOR MOTORCYCLES IN THE MIXED USE, LIGHT INDUSTRIAL AND INDUSTRIAL ZONES.

Public Hearing opened at 7:05 p.m.

Discussion included under item 4.3.

Public Hearing closed at 7:32 p.m.

Derek Byrne moved to recommend approval of Gary Powell's request for an amendment to the Lehi City Development Code, Table 05-030B, creating provisions that will allow for motorcycle sales and service and test tracks for motorcycles in the Mixed Use, Light Industrial and Industrial zones. Second by Carolyn Player. Motion carried 3-2 with Janys Hutchings and Kerry Schwartz opposed.

APPROVAL OF MINUTES

5.1 APPROVAL OF MINUTES FROM THE JANUARY 22, 2009 REGULAR MEETING.

Carolyn Player moved to approve the minutes from the January 22, 2009 regular meeting. Second by Janys Hutchings. Motion carried unanimous.

CITY BUSINESS

Christie Hutchings stated that we have a new rendition of the Hampton Inn's pole sign.

Jason Willes said it is clear in our minds that they're not meeting the intent of our motion – maybe we need to give more detail on what we wanted on the size of the base – maybe offer some guidance on minimum width on that base.

The commission felt that this does not meet what they wanted.

Kim Struthers said that he talked to Al Latimer with IG signs – and they're interpretation of two tiered is that the base is wider and when you get above that the pole. Al told him it would add another 5,000 - 6,000 dollars on top of the added expense already to add the base portion.

Jason Willes said that this is a case of trying to work with the applicant – but this does not meet with what was intended.

Kim Struthers said that basically they've taken it and squared it off instead of just the wrap. They said that this is designed for wind load and they felt that this would be a safety factor.

Discussed that this is just a façade not structural.

Jason Willes said that we have been particular with other sign approvals.

ADJOURN

Kerry Schwartz moved to adjourn. Second by Carolyn Player. Motion carried unanimous.

Meeting ended at 8:03 p.m.

Date Approved_____

Chairman_____

Secretary_____