

## LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, March 26, 2009 in the Lehi City Council Chambers.

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

Members Absent: None

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

Meeting began 7:02 p.m.

### REGULAR AGENDA

#### **3.1 JEREMY MOSER – REQUESTS MAJOR HOME OCCUPATION APPROVAL TO OPERATE A CONTRACTOR’S BUSINESS FROM HIS HOME LOCATED AT 1393 SOUTH 740 EAST IN AN EXISTING PLANNED COMMUNITY ZONE.**

Christie Hutchings presented the request and stated that the applicant is not anticipating any employees or others coming to his home but he would like to do this as a major Home Occupation in case that changes. She said the safety inspection has been scheduled.

Jeremy Moser was present for the request and stated that the inspection passed.

Janys Hutchings asked about the storage of equipment.

Jeremy Moser said he does not have any equipment that would require storage. His business hours would be from 8:00 -5:00. He said he does home building and remodeling.

Kerry Schwartz asked about equipment – such as concrete forms, etc

Jeremy Moser said he is not doing that kind of trade work – he will be managing the subs from start to finish.

*Carolyn Player moved to approve Jeremy Moser’s request for a Major Home Occupation to operate a contractor’s business from his home located at 1393 South 740 East in an existing Planned Community zone contingent on the inspection passing. Second by Marilyn Schiess. Motion carried unanimous.*

**PUBLIC HEARINGS****4.1 IVORY HOMES – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR A MODEL HOME ON LOT 110 OF THE PARKSIDE AT IVORY RIDGE SUBDIVISION LOCATED AT 827 WEST 2630 NORTH IN A PLANNED COMMUNITY ZONE.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented the request and stated that the hours of operation from 11:00 to 7:00. This will just be a sales office not a construction office.

Brad Mackey with Ivory was present for the request.

Jany's Hutchings asked since this is facing 2600 North are they going to enter from there.

Brad Mackey said that they will try and direct traffic to the parking stalls and they will be coming from 2600 North. Lot 109 will be in the Parade of Homes this year so they will have traffic for both of those. They can park in front of the model for now until the street is widened all the way down.

Public Hearing closed at 7:14 p.m.

Brad Mackey said it would be open Monday thru Saturday.

*Marilyn Schiess moved to grant final approval of Ivory Homes' request for Site Plan and Conditional Use approval for a model home on lot 110 of the Parkside @ Ivory Ridge subdivision located at 827 West 2630 North in a Planned Community zone. Second by Derek Byrne. Motion carried unanimous.*

**4.2 ALPINE SCHOOL DISTRICT – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR AN ADDITION TO SEGO LILY ELEMENTARY SCHOOL LOCATED AT 550 EAST 900 NORTH IN AN R-1-8 ZONE.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented the request and stated that this is for an addition to the Segó Lily school on the north side. They are proposing to swap the parking along the front with the bus drop off and pick up.

Kerry Schwartz asked how many new stalls there would be.

Christie Hutchings said and additional 11 stalls were added.

Clay Johnson with Alpine School District and Rob Fisher with the Architect were present for the request. Rob Fisher said that there is additional parking in the front, on the back and on the east to the back. He said on the west there is a fire lane. People park back there through the fire lane even though it hasn't been a designated parking area. They added to the east side to take up what was used in the front. He said that the district wanted to do a new front on the project. They wanted to make it a safer area for students and patrons so they put in two drop offs.

Janys Hutchings asked about the dumpster and recycle bins that have to be accessed through the parking lot.

Rob Fisher said that they have them angled so they can back in and empty the dumpster then drive out - it's more on an angle than what is on the plan shown. He said they have an updated plan.

Kerry Schwartz asked about the front elevation of the building. He said it looks like a solid brick face building and asked if there couldn't be something more done to it.

Rob Fisher said that the district needs to look at cost. He said there is a wainscot that is a darker brick.

Kerry Schwartz is concerned with us approving something that we don't have a copy of.

Alan Delimont is concerned as well as the other neighbors in terms of the traffic flow. He said there is a fence on the west that divides the school from a row of homes. He asked how this construction will be with the traffic patterns of the school busses and the parents for drop off. They are stating that a lot of the construction will be done during the summer but how will 900 North be impacted if it's delayed and even in the future.

Clay Johnson said that they have discussed those concerns and at this time we don't think that there will be any buses going into that cul-de-sac – unless if the principal sees it's a safety concern for the kids during construction and then there may be only 1 bus going in there -

Alan Delimont said that the special needs bus comes down the cul-de-sac. During the winter the parents had to go and dig that walk way out so the kids could get through the snow. He said they are concerned that there will be trucks and things in there. 400 East is a very narrow road to begin with and if we're going to have buses going in there turning around and parents going in there it could cause a lot of problems.

Discussed whether that cul-de-sac is even up to current City standards.

Alan Delimont said that in checking with the Public Works Dept they said it is a minor thorough fare – so the plows can't even make a full circle.

David Scott said that in the cul-de-sac there are kids that get dropped off from the bus but it can't fit in the cul-de-sac so they drop the kids off and they walk through the fence and this is one of those big van type busses for the special needs kids. He said parents use it as a drop off as well. The main concern is that a kid is going to get hurt.

Erica Powell said she has had 5 students go through Seago Lily and she is excited for this.

Scott Carlson has also had children go there and he is excited to see a larger facility but is concerned about parking. He said when there are activities at the school the place is jam packed with cars. First of all 64 stalls are not enough and people park in that cul-de-sac because it's close. He is also concerned about pick up and drop off in the afternoon when you have to wait

for the kids to come out, the cars are also parked along 900 North going to the west and east. There is a bigger problem with that than what is being addressed – the front elevation look needs to be addressed and we need to spend a few extra dollars today rather than having something for years that doesn't look as good.

David Scott said that you can't turn the bus around in the cul-de-sac - they turn around at the end of the dead end street.

Linda Smith picks up her grandkids at Sejo Lily and said it is a dangerous situation. The parking has you backing out of a parking stall and there are children crossing in front of the busses to get to their parents on the street. She is more concerned about that than the front elevation.

Public Hearing closed at 7:43 p.m.

Janys Hutchings asked Clay Johnson what the student enrollment is now.

Clay Johnson said about 800 – 900 but he's not sure.

Janys Hutchings said that you're only leaving about 24 parking stalls for your visitors by the time you take out the ones for staff.

Clay Johnson said they are working with a tight site as it is – there isn't a lot more they can do – but this is standard for a school like this.

Discussed the parking in the fire lanes and that the 2 temporary classrooms will remain. The satellite building to the south will be moved to another site and there could possibly be more parking where that building is.

Derek Byrne said that he doesn't see the appropriateness when you plan a school for drop off and pick up and having a bus drop kids off on a street and then having them walk down the rest of the way to the school grounds.

Clay Johnson said that a lot of those questions he can't answer because it's not his department. He said that all he knows is that there may be a bus down there during construction so it's safer for the kids. Along the front there is a 2-lane drop off so the buses should all go there.

Rob Fisher said that they are very concerned with the safety of getting kids into the front door as safely as possible.

Kerry Schwartz asked about having this make traffic more congested there with construction with having things fenced off and having to walk around. He said he would like to see a construction plan while school is in session.

Rob Fisher said that they have been talking about having access on one side of the property at a time while construction is going on. The parking stalls shouldn't be affected. The staging of the materials should be on the back playground and the plan is to have it done by December 31, 2009.

Kerry Schwartz said that two school years will be affected.

Clay Johnson said by next school year the majority of the outside will be done.

Janys Hutchings asked how the traffic will be routed during construction.

Rob Fisher said that they hope to do most of it during the summer and have it phased so they can shift from one side to the other. The safety of the kids is up to the principal.

Jason Willes asked if there is a minimum requirement for playground space. He asked why they couldn't put in additional parking back in the playground area before construction starts so there will be ample parking.

Clay Johnson said that they could do that – they could temporarily stripe it and have it for parking.

Rob Fisher said that further back there will be a detention pond that they have to create for the City.

Kerry Schwartz said that for now why can't they do a circular flow pattern – and when they remove the satellite building it will free up the playground site.

Jason Willes said that in the motion the main concern is the parking and additional parking needs to be added most easterly portion of the property and look into having a circular drive that comes around.

Rob Fisher said that they can't take the satellite down until the construction is done – so there can't be a circular flow with the building there.

Jason Willes said that they may not be able to do it now but in the future it can happen.

Kerry Schwartz said that with this we are missing some views that we would like to see before we make a final motion. We would like to see a traffic and construction plan with the timing but at this point we're missing some important pieces of information.

Janys Hutchings would like to see a safety plan also.

*Kerry Schwartz moved to table Alpine School District's request for Site Plan and Conditional Use approval for an addition to Sego Lily Elementary School located at 550 East 900 North in an R-1-8 zone and request that they come back with a traffic plan that will address the increase of traffic in the area during construction; that will also address the construction plan and how they phase the construction in, including the movement of children, the parking of staff and the bus flow; would like them to address the reason why busses are using 400 East and for safety concerns, whether it's an approved use by either the school district or the City; include the updated renderings of the design and they should provide us with an evacuation plan especially during construction. Second by Derek Byrne with the comment that the primary focus should be all those items brought forward with the safety of children being number one on each of those. Motion carried unanimous.*

**4.3 WES GOLDBERG/ DE VINCI DOORS – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR DRY CREEK MERCANTILE LOCATED AT 115 EAST STATE STREET IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented the request and stated that they have been operating here for some time and have done quite a bit of improvements to the property. She said there has been a complaint on this business so they are coming through for proper approval. They want this to come through in phases. The DRC has allowed them to do that but they would have to come back through for a separate approval for each phase. They want to do the north side first with a shop and office area with a showroom. DRC also wanted them to address the parking and the drainage as well.

Brad Kenison said that they do have to do onsite detention. There were questions about paving this during the first phase so we need to find that out.

Kerry Schwartz asked how we view the landscaping on this when they come through with the phasing.

Christie Hutchings said that in a case where it is an existing building there is some discretion as to what they can do especially when it comes up to the property line.

Wesley Goldberg was present for the request and stated that Tony Trane should be able to comment a little more. He said they're going for a turn of the century appeal and they didn't have paving at that time but we will do what you want us to do. If we had an option we would just throw in road base.

Tony Trane said that the landscaping will be where the Nook 'n Cranny has their outside display, which they can do for another year. So the landscaping would be part of a future phase. If we show it right now it would have to be in the bond and we won't be able to do it for at least another year or less. So we can show the landscaping with a future phase. The applicants' whole focus is to have more of a natural feel rather than have that whole place paved. They would like to – at least for now – put in the road base and when we come back in a year we should have additional information.

Wesley Goldberg said that the Nook 'n Cranny business is part of this and they are finishing up a lease with them; when that ends it will be turned into a high-end antique store.

Erica Powell asked what the warrantees would be on those types of improvements.

Wesley Goldberg said there is a one year on the products.

Public Hearing closed at 8:19 p.m.

Brad Kenison said there is concern with them using road base compared to a hard surface paving. We did talk about pavers but it is staffs recommendation that something besides road base be done.

Jason Willes said that he would be concerned with the traffic turning around in there – a hard surface pavement would have a more long term durability.

Brad Kenison said that they would prefer that as well and there were concerns with the sumps and the road base. They did say that they won't have a lot of customers in there but we would like some kind of a hard surface with the first phase.

Tony Trane said that with the second phase they may end up digging that up. He asked if they could be given a year on this. He said they may have some modifications to make.

Jason Willes said he doesn't have a problem having it as a part of Phase 2. He said they can get by with filters on the sumps and road base until then.

Chris Bleak said that the one concern he has with the phasing is whether we put a time limit on when the 2<sup>nd</sup> phase needs to come back through.

Discussed that as part of the motion we need to have a date for the 2<sup>nd</sup> phase to come before the commission.

Tony Trane said they would at least need the year.

Derek Byrne asked if Phase 1 is to finish up with the buildings on the north corner and have the sump pumps with the road base in place.

Tony Trane said that is correct.

*Chris Bleak moved to approve Wes Goldberg's request for Site Plan and Conditional Use approval for Dry Creek Mercantile located at 115 East State Street in an existing Mixed Use zone including DRC comments and that within a year and half (before October 1, 2010) they need to be back before the Planning Commission with Phase 2 of the project; with the first phase to allow for the building construction, the road base and the sumps; phase 2 would include the rest of the site plan with landscaping, noting that the desire of the Planning Commission is to have a hard surface on the interior parking. Second by Carolyn Player.*

Discussed what to do with Nook 'n Cranny and the cleanup on that corner.

Wesley Goldberg said that they are going to take out the chain link and put in new fencing – the color of it will also be changed. He said the fencing will be a custom designed rod iron fencing.

*Chris Bleak moved to amend his motion to include adding in the fencing as part of Phase 1 and as a recommendation, to bring in a rendering of the fencing to either a Work Session or as a City Business item. Second by Carolyn Player stands. Motion carried unanimous.*

Brad Kenison asked if they would be allowed to get their business license before they bring the fencing back in.

The commission said that yes – they can do that.

**4.4 STEVEN CROSHAW/ POM INVESTMENTS – REQUESTS REVIEW AND RECOMMENDATION OF A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 11.766 ACRES OF PROPERTY LOCATED AT THE INTERSECTION OF BLUEGRASS BLVD. AND THANKSGIVING WAY FROM R-3 AND LIGHT INDUSTRIAL ZONES TO A COMMERCIAL ZONE.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented items 4.4 and 4.5 together and stated that they did a property swap and this shows the new road alignment. The road splits the property in half. There are a couple of areas where the property goes into the Resort Community zone so there would be split zoning on a couple of the lots.

Andrew Kitchen, with Civil Science was present for the applicant.

Kerry Schwartz asked about access to lot 6.

Christie Hutchings said that with the one building to the south we required additional parking and lot 6 is for that additional parking.

Andrew Kitchen said that there will be cross access agreements on that for lot 4.

Brad Kenison said that the two roads that split this project were constructed as part of a Lehi City project and has since been deeded over to UDOT.

Jonathan Bacon representing the community to the north asked for clarification on where this is located.

Public Hearing closed at 8:43 p.m.

*Janys Hutchings moved to recommend approval of Steven Croshaw/ POM Investments' requests for a Zone District and Zone District Map Amendment on approximately 11.766 acres of property located at the intersection of Bluegrass Blvd. and Thanksgiving Way from R-3 and Light Industrial zones to a Commercial zone making the entire property commercial seeing it pretty much fits with our General Plan and it makes it easier for the applicant to use the property and include DRC comments. Second by Marilyn Schiess. Motion carried unanimous.*

**4.5 STEVEN CROSHAW – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR POINT OF THE MOUNTAIN, A 10-LOT COMMERCIAL SUBDIVISION LOCATED AT THE INTERSECTION OF BLUEGRASS BLVD. AND THANKSGIVING WAY IN A PROPOSED COMMERCIAL ZONE.**

Public Hearing opened at 7:02 p.m.



Discussion included under item 4.4.

Public Hearing closed at 8:43 p.m.

*Janys Hutchings moved to recommend approval of Steven Croshaw's request for Preliminary Subdivision review for Point of the Mountain, a 10-lot commercial subdivision located at the intersection of Bluegrass Blvd. and Thanksgiving Way in a proposed Commercial zone noting that we would like to see a cross access agreement on Plat A for all the lots and include DRC comments. Second by Kerry Schwartz. Motion carried unanimous.*

**4.6 GARY POWELL – REQUESTS REVIEW AND RECOMMENDATION 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 AND ATV'S IN THE MIXED USE, LIGHT INDUSTRIAL AND INDUSTRIAL ZONES.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented items 4.6 and 4.7 together. She said it was as City Council two weeks ago however at that time there were new issues raised by the applicant and they didn't feel comfortable passing this without you seeing it again.

Brad Kenison said that Lorin Powell was in that meeting and wanted it clarified that this time it was sent back for you to review the other agreement. The City Council wasn't necessarily sending it back for you to approve them; they wanted to know what your thoughts were regarding those code changes. He said when they acted on this they did not realize that you had those in front of you at the time.

Erika Powell was present and stated that the City Council had appreciated the time the Planning Commission had spent on the one copy. She didn't want to open a can of worms for the city since it will be part of the code. She went over the decibel readings of different areas versus the motorcycles.

Carolyn Player asked if they were doing away with the fencing all together.

Erika Powell said that yes - because a ramp can be put on top of the fence for trespassing. Trees would not allow motorcycles in there. She said the word 'facility' is changed because they were looking for something far from racing so if you take that out that's fine. She went through each change and explained the reasoning behind it. She said they have gone through some safety training for the facility.

Starlene Holme, principal of Lehi Elementary, is concerned with amending the Mixed Use part of the code. She said there is a person next to the school that wants a motor park there as well. They have already brought in dirt and have been using it. The noise is very detracting for the school as well. She said that the aid that was out at recess had to move the kids back away from

the fence for fear that dirt clods or something would fly over. Teachers facing that way have had a hard time even teaching because of the noise.

Scott Carlson said that he understands the concern of having this in a Mixed Use area. He hopes that we can finish this up and allow the Powell's to do what they've been doing in the past - he encouraged the Planning Commission to put this through.

Marlin Peterson is concerned – he doesn't know where the DB reading came from but he knows it would be higher than that of the freeway. He is concerned about the buffer; if we let this in we'll have to let some more in. We can only put so many conditions on it. He said Steadman's take there's out west or down to the cabin – he's never taken one for a test drive when he's purchased one. Even when there are 4-wheelers on private property you can hear those high performance vehicles.

Kade Allen said that he has ridden at the track and can hear the freeway over the bike – it's not an issue at that location. He said he can see the issue with the school and asked if there was some way you can restrict the area.

Cooper Allen said he is a diesel mechanic and said that semis' are louder than a performance engine on a dirt bike.

Paula Rogel, the PTA President at Lehi Elementary, said she is standing in support of what Principal Holmes said and is also concerned with that changing. She asked if there is some way to guarantee that there would not be one located near the school. If they can't be guaranteed that then they would have to continue to protest this.

Lorin Powell said that the track by the school is through his property; he found out Saturday night. He said its' not just the sound that goes up and down the freeway, its' the continuous whine that keeps going. It may not be the same decibel but it's just that continuous whine – the school and neighbors have filed a complaint.

Marlin Peterson said that he has problems with the cars and such living next door to the Legacy Center and has been told that there's not a lot the police can do. That's what happens when you put things in places they shouldn't be.

Annette Lish teaches at Lehi Elementary and she said that she teaches on the side of the school next to the track. She doesn't have a problem with motorcycles but is concerned with the loud whining noise of the bikes. Kids are attracted to motorcycles and they go by the fence. She is very concerned with the safety issue because that is not a very good fence. She said the motorcycles have to be brought in on a truck and trailer – so they have to park on the street to unload and load them. The Powell's is a perfect place for the track – next to a school is not the best thing.

Senjion Longman asked how this affects the elementary.

Janys Hutchings said that it is in the same zone and if we allow it here we have to allow it in other areas of the Mixed Use zone.

Donalee Peterson said there is a row of windows on that side of the school and just having the trucks come in bringing soil has been real distracting and having motorcycles there will be worse.

Erin Colledge lives on 400 North and said they can hear the motorcycles pretty easily, especially when the noise goes on and on. Would UDOT put a sound wall up against the freeway by Powell's, if so, that would make the noise worse? He said that one test and one reading is not accurate.

Brad Harding on 400 East said that the track was supposed to be used for testing. Other facilities don't have test tracks to test the bikes so he is wondering why they need a test facility next to their business.

Richard Allen lives south of the Powell track and said that the thing that bothers him the most is that Mixed Use zoning is supposed to be a low impact zoning with residential and commercial. A track does not fit this in any way, shape or form. If they try to limit this just to their property then he feels it would be illegal spot zoning. He said in all honesty this is not a test track but a race track. They have good intentions but it is clearly inappropriate – and what they are claiming its' for is really not what it is.

Art Harding lives south of this and is concerned. He said he was told by the Mayor that they would try and limit the height of the jumps and that has not even been mentioned. He said if they're jumping high in the air are they going to have trees that high there if not the sound will be there the entire day.

Karla Harding lives across from the track and said that it's very noisy and dusty. She said they have put in a sprinkler system and they claim the dust has been taken care of. They have crossed off that the Division of Air Quality needs to check it. If there's nothing to worry about what does that matter. Also #10 is confusing; does it not matter how noisy it is until the trees reach maturity? She also said that this is very contrary to the Revitalization Plan. She said Laura Lee Bradshaw at Liberty Land said they hope this goes through because they want to put in go carts. She said that Thanksgiving Day they were outside cooking their turkeys and they could hardly communicate because they were 'testing' on the track. She doesn't feel that this is a test track, its' just something they want to do for the kids. She said it's not an appropriate area for testing of motorcycles. She also handed out a letter from a neighbor (Dan & Linda Worthen) in opposition to the track.

Public Hearing closed at 9:24 p.m.

Jason Willes said that there may be a couple things that we can clarify; he said with the concerns about the track going in by Lehi Elementary and if this draft were passed then others would be able to construct a motorcycle track are warranted concerns but he said he thinks the way that we have worded this standard it would not make it possible for an additional track to be built in a Mixed Use zone. He addressed item #2 and said that it would limit the location where any type of a riding facility could be constructed; so the one being constructed by the school would be illegal and would not be allowed. They would not have the right to build the track anywhere else other than this location. So if you have not already done so then you need to file a complaint with the City so that can be stopped.

Kerry Schwartz said that on that point – he considers it as a further erosion of the City Code. He said this other track could come in and request something similar. We could see future requests to modify the Mixed Use zone in other areas.

Jason Willes said in the spirit of trying to cooperate with a landowner and with this being a unique situation we are reluctantly trying to make this work. He went over each item that was changed – the first one is the addition of ATV's.

Carolyn Player asked if they sell ATV's.

Erika Powell said that it is a short course and yes it is part of the business.

Carolyn Player has no reservations including ATV's.

Janys Hutchings said she does have a problem with including them – it's increasing the amount.

Marilyn Schiess said she has a problem with it as well. She was not for it anyway with either draft.

Kerry Schwartz said he is also concerned with it.

Derek Byrne said he doesn't have a problem adding them.

Chris Bleak said he doesn't either.

Jason Willes asked if there were concerns with them changing the term from 'track' to 'facility'.

Marilyn Schiess said that at every meeting they have been to people have commented on it being used as a race track.

Jason Willes asked about item #4 and maybe put it in a number of business days.

Kerry Schwartz said he doesn't agree with taking it out – we need to have something in there. They are using this for riding and practicing – it's being used for more than testing.

Jason Willes said that on item #5 – there is no question that we mean 2 riders at a time – no more. He said with them crossing out of racing proposes and organized competition – that can be defined many ways. He said the only way we are willing to grant any type of approval is that this is a testing track – not a racing track, not a jumping track, etc. #5 needs to be left as is.

Dianna Webb said we could ask for clarification as to the definition of 'facility'.

Mark Johnson said that it could mean a lot of things; if you're going to go with facility you need to have a definition.

Jason Willes said that we need to stay with 'track' not 'facility'. Item #9 needs to be left in there. #10 leave as is to comply with Chapter 8.28 of the Municipal Code. #11 no problem with it. #12 is fine.

Janys Hutchings said that we should leave #13 as is. And #13D should remain.

Jason Willes said that spot zoning is not technically illegal but we need to be careful. He said he would personally like to know and have a definitive answer – is this a recreation use facility or a test track for clients?

Gary Powell said that it is a test track.

Chris Bleak said that he suggested limiting the number of test tracks in the city to 1 for every 100,000 residents.

Mark Johnson said you may have a problem because this is an allowed use in the LI or I zones so that would limit that for the areas where it can be done legally.

Discussed that we are only trying to limit this in the Mixed Use zone.

Jason Willes said since it is a test track - in #8 we need to be more specific. He suggested that we limit the number of jumps and the height of those jumps; say maybe limit it to 2 jumps no higher than 5 feet.

Janys Hutchings said to add on #7 not be operated on Sundays or Holidays.

*Kerry Schwartz moved to recommend denial of Gary Powell's request for an amendment to the Lehi City Development Code Chapter 12, based on the fact that we have an existing Revitalization Plan in place that would not allow this and we have heard discussion tonight that would add additional concern that we have other interested parties out there that would request something similar and this would erode the Mixed Use zone and further degrade the Revitalization efforts that the City is undertaking; also as part of the motion we want it noted that this isn't something that should be allowed in the Mixed Use zone; with the precedent of a similar use of go carts that was already denied between the freeway and railroad tracks. Also note as clarification to City Council that there are already areas for these facilities in the City. Second by Marilyn Schiess. Motion carried 6-1 with Jason Willes opposed.*

**4.7 GARY POWELL – REQUESTS REVIEW AND RECOMMENDATION 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 AND ATV'S IN THE MIXED USE, LIGHT INDUSTRIAL AND INDUSTRIAL ZONE.**

Public Hearing opened at 7:02 p.m.

Discussion included under item 4.6.

Public Hearing closed at 9:24 p.m.

*Kerry Schwartz moved to make the same motion as the previous item to recommend denial of Gary Powell's request for an amendment to the Lehi City Development Code Table 05-030 B, based on the fact that we have an existing Revitalization Plan in place that would not allow this and we have heard discussion tonight that would add additional concern that we have other interested parties out there that would request something similar and this would erode the Mixed Use zone and further degrade the Revitalization efforts that the City is undertaking; also as part of the motion we want it noted that this isn't something that should be allowed in the Mixed Use zone; with the precedent of a similar use of go carts that was already denied between the freeway and railroad tracks. Also note as clarification to City Council that there are already areas for these facilities in the City. Second by Marilyn Schiess. Motion carried 6-1 with Jason Willes opposed.*

Kerry Schwartz asked Jason Willes for an explanation for his vote.

Jason Willes said he feels that whenever possible we need to work with the citizens. He still has his reservations but in order to work with the citizens to have this as part of their business he felt that it was probably ok. But he said he is not 100% ok with it.

*Janys Hutchings moved to take a 5 minute break at 9:53 p.m. Second by Marilyn Schiess. Motion carried unanimous.*

Meeting reconvened at 9:58 p.m.

**4.8 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF ZONING ON THE SMITH-ELLSWORTH ANNEXATION, APPROXIMATELY 10.19 ACRES OF PROPERTY LOCATED FROM APPROXIMATELY 1800 NORTH TO 1900 NORTH AND 1200 EAST TO A PROPOSED TH-5 ZONE.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented the request and stated that this is for property in the center of town that has become a county island.

Derek Byrne asked about the south property and if it has an access on Cedar Hollow Road.

Christie Hutchings said that the owners asked not to be included and they do have an access.

Public Hearing closed at 10:00 p.m.

*Derek Byrne moved to recommend approval of Lehi City's request for TH-5 zoning on the Smith-Ellsworth Annexation, approximately 10.19 acres of property located from approximately 1800 North to 1900 North and 1200 East. Second by Carolyn Player. Motion carried unanimous.*

**4.9 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE CHAPTER 36 DEFINITIONS, ADDING A DEFINITION FOR REHABILITATION AND TREATMENT FACILITIES.**

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented items 4.9, 4.10 and 4.11 together stating that this was initiated by our City Attorney.

Discussed ‘court ordered’.

Christie Hutchings said she did add the distance from the school.

Kerry Schwartz brought up a conflict with the definition and what’s in the table of uses. He said we need to correct definition so that it’s only chemical dependencies – take out people with disabilities (emotional or behavioral). Make it more specific for drug treatment with substance or chemical dependencies.

Jerry Shields a clinical pharmacist said that he had people approach him for a school for adolescence. He said to put them in an industrial area would make them feel more like they are in jail.

Janys Hutchings said that our industrial areas are surrounded by residential.

Public Hearing closed at 10:08 p.m.

*Kerry Schwartz moved to recommend approval of Lehi City’s request for an amendment to the Lehi City Development Code Chapter 36 Definitions, adding a definition for Rehabilitation and Treatment Facilities with the recommended changes to correct the definition so that it’s only for chemical dependency, take out people with disabilities - making it more specific for drug treatment for substance or chemical dependencies. Second by Carolyn Player. Motion carried unanimous.*

**4.10 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE CHAPTER 5 AND TABLE 05-030 B, ADDING USE CLASSIFICATION FOR RESIDENTIAL CARE FACILITIES FOR DRUG AND ALCOHOL DEPENDENCE AS A CONDITIONAL USE IN THE LIGHT INDUSTRIAL ZONE.**

Public Hearing opened at 7:02 p.m.

Discussion included under item 4.9.

Public Hearing closed at 10:08 p.m.

*Janys Hutchings moved to recommend approval of Lehi City’s request for an amendment to the Lehi City Development Code Chapter 5 and Table 05-030 B, adding use classification for residential care facilities for drug and alcohol dependence as a Conditional Use in the Light Industrial zone. Second by Kerry Schwartz. Motion carried unanimous.*

**4.11 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE LEHI CITY DEVELOPMENT CODE CHAPTER 12, ADDING REGULATIONS FOR REHABILITATION AND TREATMENT FACILITIES FOR DRUG AND ALCOHOL DEPENDENCE.**

Public Hearing opened at 7:02 p.m.

Discussion included under item 4.9.

Public Hearing closed at 10:08 p.m.

*Derek Byrne moved to recommend approval of Lehi City’s request for an amendment to the Lehi City Development Code Chapter 12, adding regulations for rehabilitation and treatment facilities for drug and alcohol dependence. Second by Chris Bleak. Motion carried unanimous.*

**APPROVAL OF MINUTES**

**5.1 APPROVAL OF THE MINUTES FROM THE FEBRUARY 26, 2009 REGULAR MEETING.**

*Kerry Schwartz moved to approve the minutes from the February 26, 2009 regular meeting. Second by Carolyn Player. Motion carried unanimous.*

**5.2 APPROVAL OF THE MINUTES FROM THE MARCH 5, 2009 REGULAR MEETING.**

*Derek Byrne moved to approve the minutes from the March 5, 2009 regular meeting. Second by Carolyn Player. Motion carried unanimous.*

**CITY BUSINESS**

Christie Hutchings said that the Mill Pond Business Park has asked that they be able to put a picnic and BBQ area out there for their use.

Jason Willes asked who would maintain it.

Christie Hutchings said it would be whoever maintains and owns the Business Park.

The feeling of the commission is that they’re fine with them putting in a covered BBQ area as long as they put in a sidewalk to it. They would need to do a curb cut to make it ADA compliant. They suggested having the cover of the BBQ area match the building by putting in a rounded architectural feature.

Dianna Webb brought up the training next Thursday. She also reminded everyone about the joint work session on the following Tuesday in the senior center starting at 6:00 p.m.



Brad Kenison said that we made recommendations for Segoe Lily and as far as what we can require them to do, we are restricted.

Jason Willes said it was worth it to see if they would do it.

**ADJOURN**

*Chris Bleak moved to adjourn. Second by Carolyn Player. Motion carried unanimous.*

Meeting ended at 10:25 p.m.

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

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_