

## LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission Meeting held on Thursday, July 09, 2009 in the Lehi City Council Chambers.

Members Present: Kerry Schwartz, Marilyn Schiess, Derek Byrne, Carolyn Nelson, Ed James, Carolyn Player, Jason Willes

Members Absent: Chris Bleak - excused

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

Meeting began at 7:03 p.m.

### REGULAR AGENDA

#### **3.1 FIONNA HARRIS – REQUESTS MAJOR HOME OCCUPATION APPROVAL TO OPERATE A HAIR SALON FROM HER HOME LOCATED AT 1083 NORTH 1300 EAST IN AN EXISTING R-1-8 ZONE. (Tabled from June 11, 2009)**

Christie Hutchings presented the request and stated that the applicant only anticipates 1 client at a time and has passed her safety inspection.

Fionna Harris was present for the request and stated that she would probably only work Tuesday, Thursday and Saturday about 6 hours per day.

*Carolyn Player moved to approve Fionna Harris's request for a Major Home Occupation to operate a hair salon from her home located at 1083 North 1300 East in an existing R-1-8 zone seeing that she has past her inspection. Second by Ed James. Motion carried unanimous.*

#### **3.2 VALERIE BAKER – REQUESTS MAJOR HOME OCCUPATION APPROVAL TO OPERATE VAL'S VENETIAN SPA FROM HER HOME LOCATED AT 263 SOUTH 2115 WEST IN AN EXISTING PLANNED COMMUNITY ZONE.**

Christie Hutchings presented the request and stated that the applicant has indicated that she would only 1-2 clients per visit and she has passed her safety inspection.

Valerie Baker was present for the request and stated that she will be doing facials, manicures and pedicures. Her hours of operation will be Tuesday through Saturday from about 6-9 pm – she does have a license and will provide it to staff.

*Derek Byrne moved to approve Valerie Baker's request for a Major Home Occupation to operate Val's Venetian Spa from her home located at 263 South 2115 West in an existing Planned Community zone and include that she provide a copy of her license to the City. Second by Marilyn Schiess. Motion carried unanimous.*

#### **3.3 HEATHER HAUNGA – REQUESTS MAJOR HOME OCCUPATION APPROVAL TO OPERATE BLUE SKIES PRESCHOOL FROM HER HOME LOCATED AT 1051 WEST 300 SOUTH IN AN EXISTING R-1-8 ZONE.**

Christie Hutchings presented the request and stated that the applicant is asking for 2 sessions. There is pick up and drop off available and she has passed her safety inspection.

Heather Haunga was present and stated that there is a separate entrance into the back and into the class room. There will be a maximum of 12 kids and most of the kids will come on foot because they live

close. Class times will be 9:30-11:30 Monday, Wednesday and Friday and from 1:00-3:00 on Tuesday and Thursday.

*Marilyn Schiess moved to grant final approval of Heather Haunga's request for a Major Home Occupation to operate Blue Skies Preschool from her home located at 1051 West 300 South in an existing R-1-8 zone. Second by Carolyn Nelson. Motion carried unanimous.*

**3.4 JESSICA MOHLMAN – REQUESTS MAJOR HOME OCCUPATION APPROVAL TO OPERATE A PRESCHOOL FROM HER HOME LOCATED AT 3449 WEST WILLOW TRAIL LOOP IN AN EXISTING RA-1 PRD ZONE.**

Christie Hutchings presented the request and stated that the applicant does plan on having one adult help her and she has not had her safety inspection so you will want to make that part of your motion.

Jessica Mohlman was present for the request and stated that her hours would be from 9:00-11:30 and 12:30 -3:00 Monday, Wednesday and Friday.

*Kerry Schwartz moved to approve Jessica Mohlman's request for a Major Home Occupation to operate a preschool from her home located at 3449 West Willow Trail Loop in an existing RA-1 PRD zone with the condition that she pass her safety inspection. Second by Marilyn Schiess. Motion carried unanimous.*

**3.5 GREAT BASIN ENGINEERING – REQUESTS APPROVAL OF REVISIONS TO THE APPROVED SITE PLAN ON THE CENTER POINTE RETAIL DEVELOPMENT LOCATED AT APPROXIMATELY 1300 EAST SR-92 IN AN EXISTING COMMERCIAL ZONE (Temporary reduction in the size of building B on lot #22-A, and changes to the size on buildings K & L on lots 11 and 12, increasing the square footage by about 600 sq. ft.).**

Computer went down at 7:24 p.m.

Christie Hutchings presented the request and stated that this was reviewed in DRC yesterday so the information is just being received tonight. Building B has the biggest significant changes with 1/3 of the building not being constructed at this time. There will be a temporary wall constructed at the southeast side of building B. Buildings L & K will have the same number of units with the size shifting just a little. The elevations will not be changing. All the site improvements will be constructed and they will just leave a pad for the rest of building B. They do want to bond them separately so they probably need to have separate motions.

Andrew Hapbord was present for the request and said that with the way the market is now, the banks require 90-100% lease out before they will help with the financing on new construction. He said that we are cutting off 1/3 of building B right now. With buildings L & K, we've changed the footprint and have added 600 sq ft to the buildings. So we're adding to buildings L & K and cutting back on building B. He stated that they still intend to do the screening on building B with a fence and trees. Since building L is bigger we have to come back through the process again. There are 3 tenants that have signed on right now so we're prepared to move ahead with building L. The businesses that will be going in are Slider's Hamburger place, Great Clips hair salon and Santa Monica Pizza. The site work for buildings L & K will all be done at once. He said they think building B will take awhile to get leased. There are several tenants that have signed. He said that the landscaping has stayed mainly the same on buildings L & K.

Jake Tate with Great Basin Engineering said on one of the sheets it does call out the fencing on the site plan.

Brad Kenison asked what happens to the other 1/3 of the building when they decide to go ahead with it. Does it need to come back here or just through the Building Department and who will approve the architecture on that.

Ed James said that the other part can be built as long as it goes along with the original plan.

Kerry Schwartz said that on that lot where the rest of building B will eventually be, the weeds will need to be controlled.

Andrew Hapbord said that they will maintain that empty area. He said there is a cross easement with Smith's and they won't allow us to let the lots go. He said that because the end of building B will be a firewall they will just add on and it will be along the lines of the original elevations. If for some reason that changes we will come back in.

Kerry Schwartz said we need to some how address that empty lot in the motion.

Jake Tate said that it is noted on the plans that they will have pea gravel on that vacant lot so when they do build on it - it will already have the road base there.

*Ed James moved to approve Great Basin Engineering's request for revisions to the approved Site Plan on the Center Pointe Retail Development located at approximately 1300 East SR-92 in an existing Commercial zone specifically **building B** as a partial approval and that further addition to building B is approved as long as it conforms to the original architectural style and the portion that is not being built at this time be covered with the materials outlined on the grading plan sheet 2.1 and that some kind of emergent be put under there to control weeds and also the DRC comments be included in the motion. Second by Derek Byrne. Motion carried unanimous.*

*Carolyn Player moved to approve Great Basin Engineering's request for revisions to the approved Site Plan on the Center Pointe Retail Development located at approximately 1300 East SR-92 in an existing Commercial zone specifically the increase in size on **buildings K & L** adding 600 square feet to each and include all DRC comments. Second by Marilyn Schiess. Motion carried unanimous.*

## PUBLIC HEARINGS

### **4.1 KENNETH KNIGHT – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR RAGE FITNESS, A FITNESS CLUB LOCATED AT APPROXIMATELY 1560 NORTH TRINNAMAN LANE IN AN EXISTING MIXED USE ZONE. (Tabled from June 11, 2009)**

Public Hearing opened at 7:55 p.m.

Christie Hutchings presented the request and stated that the applicant had previously been operating this business on State Street but has since moved to this location. There are several parking spaces and this has been signed off with his inspections from the Building and Fire Departments.

Ed James said that they are showing more parking than what is on site and if more businesses keep coming in we might want to look at that.

Kenneth Knight was present for the request and said that on the lease there was no assigned parking. The landlord said that he had access to the whole parking lot and that was as much as they went into it. He said according to how his business went on State Street he would need about 15-20 stalls. The classes don't usually hold more than 15 people. He does a little bit of everything from weights to boot camps & sports training, etc. The hours of operation would be from about 5:30 a.m. to noon and then from 4:00 to 10:00 p.m., Monday – Friday and 6:00 am to 1:00 pm on Saturday. He said this site plan was an existing plan so we just used it but we could ask the landlord to mark the stalls.

Public Hearing closed at 8:04 p.m.

Ed James said that he had a hard time identifying the use from the Table of Uses.

Christie Hutchings said that there is a commercial recreation use that we classified it as.

Kim Struthers said there is a health club in the Table of Uses as well.

*Carolyn Player moved to grant final approval of Kenneth Knight's request for Site Plan & Conditional Use for RAGE Fitness, a fitness club located at approximately 1560 North Trinnaman Lane in an existing Mixed Use zone in that it is a health club as defined in the Table of Uses and is authorized in the Mixed Use zone and as a condition have the landlord mark the parking stalls for this business. Second by Marilyn Schiess. Motion carried unanimous.*

**4.2 JASON KELLEY – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR JUMP-UP GYMNASTICS LOCATED AT 400 SOUTH 1000 EAST, UNIT F IN AN EXISTING COMMERCIAL ZONE.**

Public Hearing opened at 7:55 p.m.

Christie Hutchings presented the request and stated that the next two requests are in the same building. They will be in the same building as Club Crush. They stated that they have 15 parking stalls as mentioned in the lease. They will have about 6-12 students at one time. She said that there was also a concern with DRC that the parking will conflict with Club Crush but their hours would not conflict.

Jason Kelley was present for the request.

Ed James asked about Club Crush's take on the parking stalls and if he was comfortable with Club Crush using the parking stalls at night.

Jason Kelley said that we rarely do anything that late but if we do we'll work it out with them.

Kerry Schwartz asked about the judo place.

Jason Kelley said that they share the place with them. As far as equipment there will be an above ground pit for the vault, uneven bars, a floor and balance beams. He said they may have an occasional evening event 'demo meet' like a recital so the parents can see what they're doing but those will be split up and probably before 8:00 pm.

Public Hearing closed at 8:14 p.m.

Ed James said that we probably need to group uses on the Table of Uses.

Kerry Schwartz said that as uses come up we have tried to amend the table to accommodate them.

Discussed the best 'use' description.

*Derek Byrne moved to grant final approval for Jason Kelley's request for Site Plan and Conditional Use approval for Jump-Up Gymnastics located at 400 South 1000 East, Unit F in an existing Commercial zone under the commercial daycare standard in the Table of Uses in the commercial zone and also include DRC comments. Second by Kerry Schwartz. Motion carried unanimous.*

**4.3 SCOTT, CHELSEY & JEANETTE BEFUS – REQUEST SITE PLAN AND CONDITIONAL USE APPROVAL FOR JAZZ ‘N PLACE DANCE STUDIO LOCATED AT 400 SOUTH 1000 EAST, UNIT C IN AN EXISTING COMMERCIAL ZONE.**

Public Hearing opened at 7:55 p.m.

Christie Hutchings presented the request and said there will be four different rooms for instructions. They have 15 parking spaces and 8 in the rear for instructors. They will also stagger their class start times to help minimize the impact with the parking.

Derek Byrne asked about the DRC comments regarding the fire issues, etc.

Christie Hutchings said it may be because this is broken down into 4 sections unlike the last one which was open.

Scott, Chelsey and Jeanette Befus were present. Jeanette said that they will have classes Monday – Thursday. She stated that they will be done by the time Club Crush opens in the evenings. If there are recitals or anything like that they will be held off site.

Public Hearing closed at 8:23 p.m.

*Ed James moved to approve Scott, Chelsey & Jeanette Befus’s request for Site Plan and Conditional Use approval for Jazz ‘n Place Dance Studio located at 400 South 1000 East, Unit C in an existing Commercial zone with reference to the daycare/ preschool part of the Table of Uses and the approval conditioned on comments and requirements of the DRC . Second by Kerry Schwartz. Motion carried unanimous.*

*Jason Willes moved to take a 5 minute recess to excuse himself at 8:25 p.m. Second by Carolyn Nelson. Motion carried unanimous.*

Marilyn Schiess took over as Chairman for the remainder of the meeting.

Meeting reconvened at 8:31 p.m.

**4.4 GARY ROGERS – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR AN AUTOMOTIVE REPAIR BUSINESS LOCATED AT 208 WEST STATE STREET IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:55 p.m.

Christie Hutchings presented the request and stated that the applicant has purchased Corner Mart and wants to expand his existing business. There was an issue brought up by DRC and the commissioners about a deeded access into that trailer court through this property. She stated that Mr. Rogers is going to upgrade the front of the building to match our design standards. He is also working to bring the sign into conformance. Another DRC comment was to add a landscape area around the sign. He is trying to straighten out the easement but has been unable to contact the owner.

Discussed the access – and the right of way easement.

Marilyn Schiess said that Betty Powell owns that right of way – discussed getting that taken care of.

Ed James said that he is not ready to move on this until we can get piece straightened out.

Gary Rogers was present and said that he did send a letter to the Powell’s in California stating that we wanted to take care of this problem – he said he has tried everything to try and get hold of them. He said that over the years he has actually maintained that road.

Marilyn Schiess said she will call Betty Powell tomorrow and talk to her about this.

Ed James said we need to get all 3 parties together. There needs to be a clearly marked 24 ft defined entrance into that trailer court.

Gary Rogers said that with the proposed site plan it shows the changes that we will make with the sign, the planter boxes, etc.

Marilyn Schiess said we need to have a decent right of way into that trailer court.

Gary Rogers said that the entrance would be better coming out where Bud's taxidermy was which would be ideal but probably not possible.

Marilyn Schiess said that because we have things that need to be settled on we may want to table this.

Public Hearing closed at 8:54 p.m.

Kerry Schwartz said that we need to address things that deal with the design standards as far as the building and lighting.

Ed James said that he located an example of how to make changes economically that will make a big difference with the architectural design.

Discussed giving Gary Rogers a copy of the commercial design standards – suggested adding lighting, etc.

*Ed James moved to table Gary Roger's request for Site Plan and Conditional Use for an automotive repair business located at 208 West Sate Street in an existing Mixed Use zone until such time as the applicant has had time to meet with the property owners affecting the realignment and to come in with a new site plan and have opportunity to meet with staff to go over the Development Code and come up with design specifications. Second by Carolyn Nelson. Motion carried unanimous.*

**4.5 CAL JACKLIN – REQUESTS REVIEW AND RECOMMENDATION OF ZONING ON THE HOLMES ANNEXATION, APPROXIMATELY 3.67 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 150 NORTH 1100 WEST TO PROPOSED R-1-22 AND TH-5 ZONES.**

Public Hearing opened at 7:55 p.m.

Christie Hutchings presented the request and stated that this parcel shows that it's split on the General Plan which has been interpreted as a broad brush and they are requesting the VLDR land use. She said the front portion of the property is R-1-22 and they want to construct 2 new homes on there. The TH-5 would not require water dedication and they can keep it like it is.

Cal Jacklin was present for the request.

Public Hearing closed at 9:07 p.m.

*Kerry Schwartz move to recommend approval of Cal Jacklin's request for R-1-22 and TH-5 zoning on the Holmes Annexation, approximately 3.67 acres of property located at approximately 150 North 1100 West based on the consistency with the General Plan and that the applicant understands the requirement of water dedication and include DRC comments. Second by Carolyn Player. Motion carried unanimous.*

- 4.6 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION ON THE FOLLOWING AMENDMENTS TO THE LEHI CITY DEVELOPMENT CODE:**
- A. CHAPTER 5, ZONING DISTRICTS, CHAPTER 6, PLANNED COMMUNITY, CHAPTER 10, DEVELOPMENT APPLICATIONS, CHAPTER 11, APPLICATION REQUIREMENTS, CHAPTER 28, RESORT COMMUNITY AND CHAPTER 33, SPORTS ENTERTAINMENT - CLARIFYING THE PROCEDURE FOR EXTENSIONS TO DEVELOPMENT APPROVALS.**
  - B. CHAPTER 11, APPLICATION REQUIREMENTS - ESTABLISHING REQUIREMENTS FOR BUSINESSES TO CREATE EMERGENCY PLANS.**
  - C. SECTIONS 11.210 AND 11.310, GUARANTEES AND BONDS - AMENDING PROVISIONS FOR BOND RELEASES AND CLARIFYING THAT THE BONDS ARE FOR THE SOLE BENEFIT OF LEHI CITY.**
  - D. CHAPTER 12, DEVELOPMENT STANDARDS - CLARIFYING FENCING BUFFER REQUIREMENTS AND ADDING STANDARDS FOR TITLE LOAN AND PAWN SHOP BUSINESSES.**
  - E. CHAPTER 19, WIND ENERGY - MODIFYING REQUIREMENTS FOR SMALL WIND ENERGY FACILITIES.**
  - F. CHAPTER 23, SIGNS – MODIFYING THE PLACEMENT REQUIREMENTS FOR SIGNS WITHIN UTILITY EASEMENTS AND ADJACENT TO ROADWAYS.**
  - G. CHAPTER 36, DEFINITIONS – CLARIFYING EXISTING DEFINITIONS AND ADDING NEW DEFINITIONS.**
  - H. TABLE 05.030.B, TABLE OF USES FOR MIXED USE, NON-RESIDENTIAL AND SPECIAL DISTRICTS – MODIFYING THE ALLOWED USES IN THOSE DISTRICTS.**

Public Hearing opened at 7:55 p.m. on all parts of item 4.6.

Christie Hutchings presented item **4.6A** and stated that this will help with the extensions and clarifies what they can do.

Public Hearing closed at 9:10 p.m.

*Derek Byrne moved to recommend approval of Lehi City's request for amendments to the Lehi City Development Code Chapter 5, Zoning Districts; Chapter 6, Planned Community; Chapter 10, Development Applications; Chapter 11, Application Requirements; Chapter 28, Resort Community; and Chapter 33, Sports Entertainments – clarifying the procedure for extensions to development approvals. Second by Kerry Schwartz. Motion carried unanimous.*

Christie Hutchings presented item **4.6B** and said this was requested by the Emergency Management Committee. They would just like the businesses to think about some kind of plan for dealing with any type of emergency.

Derek Byrne said that with the way it is written he doesn't think it is getting to what we want. He asked if we were more interested in how they will protect their employees or customers and not necessarily in how they will keep doing business.

Christie Hutchings said that the intent is not to create all these scenarios but to have them thinking about what to do.

Derek Byrne said the Emergency Management Committee should give us a recommendation on this as far as how much we want to require.

Public Hearing closed at 9:20 p.m.

*Ed James moved to table Lehi City's request for amendments to the Lehi City Development Code Chapter 11, Application Requirements – establishing requirements for businesses to create emergency plans and ask that it go back to the Emergency Management Committee for further study and for them to make recommendations on how the best way to handle the whole emergency issue and events would be with response from the Fire and Police Departments. Second by Derek Byrne. Motion carried unanimous.*

Christie Hutchings presented item **4.6D** discussing the fence buffering requirements. She explained that title loans are being added in the definition for check cashing. There is a one mile spacing now and an issue came up of it being across the border in another city so we added with in City limits. We also didn't have a definition for Pawn Shops so we've added that and there are some municipal code things that they need to meet with the Police Department and signage restriction that apply.

Public Hearing closed at 9:24 p.m.

*Kerry Schwartz moved to recommend approval of Lehi City's request for amendments to the Lehi City Development Code Chapter 12, Development Standards – clarifying fencing buffering requirements and adding standards for title loan and pawn shops businesses based on the fact that it is a house keeping item. Second by Carolyn Nelson. Motion carried unanimous.*

Christie Hutchings presented item **4.6C** stating that this is a housekeeping issue and it just adds clarification.

Public Hearing closed at 9:27 p.m.

*Carolyn Player moved to recommend approval of Lehi City's request for amendments to the Lehi City Development Code Sections 11.210 and 11.310, Guarantees and Bonds – amending provisions for bond releases and clarifying that the Bonds are for the sole benefit of Lehi City being that is for the sole benefit of Lehi City. Second by Derek Byrne. Motion carried unanimous.*

Christie Hutchings presented item **4.6E** and said that there have not been any changes made since the work session. Discussed maybe making a change under C-1 to give the discretion on the roof mount style.

Public Hearing closed at 9:31 p.m.

*Ed James moved to recommend approval of Lehi City's request for amendments to the Lehi City Development Code Chapter 19, Wind Energy – modifying requirements for small wind energy facilities. Second by Carolyn Nelson. Motion carried unanimous.*

Christie Hutchings presented item **4.6F** and said that we just made some small changes.

Ed James asked about where it discusses a sign in the public right of way.

Public Hearing closed at 9:35 p.m.

*Ed James moved to recommend approval of Lehi City's request for amendments to the Lehi City Development Code Chapter 23, Signs – modifying the placement requirements for signs within utility easements and adjacent to roadways with the modification that in paragraph E a statement is included to reference other Lehi Sign Ordinance requirements. Second by Derek Byrne. Motion carried unanimous.*

Christie Hutchings presented item **4.6G** and went through different definitions that were added or amended.

Public Hearing closed at 9:44 p.m.

*Kerry Schwartz moved to recommend approval of Lehi City’s request for amendments to the Lehi City Development Code Chapter 36, Definitions – clarifying existing definitions and adding new definitions based on the fact that it is a house keeping issue. Second by Ed James. Motion carried unanimous.*

Christie Hutchings presented item **4.6H**.

Kerry Schwartz said we need to add in something for the dance studios, etc. and have them as a Conditional Use; something along the lines of instructional groups / dance, gymnastic, karate, etc. as a Conditional Use in the MU, NC, C, I & LI zones.

Public Hearing closed at 9:51 p.m.

*Derek Byrne moved to recommend approval of Lehi City’s request for amendments to the Lehi City Development Code Table 05.030B, Table of Uses for Mixed Use, Non-Residential and Special Districts – modifying the allowed uses in those districts with the changes shown and to include an addition for instructional dance, gymnastic, karate, etc as discussed. Second by Carolyn Nelson. Motion carried unanimous.*

**CITY BUSINESS**

No City business at this time.

**APPROVAL OF MINUTES**

**6.1 APPROVAL OF MINUTES FROM THE JUNE 4, 2009 WORK SESSION.**

*Carolyn Player moved to approve the minutes from the June 4, 2009 work session. Second by Kerry Schwartz. Motion carried unanimous.*

**6.2 APPROVAL OF MINUTES FROM THE JUNE 11, 2009 REGULAR MEETING.**

*Carolyn Nelson moved to approve the minutes from the June 11, 2009 regular meeting. Second by Derek Byrne. Motion carried unanimous.*

**ADJOURN**

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

Meeting ended at 9:56 p.m.

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

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_