

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, September 10, 2009 in the Lehi City Council Chambers.

Voting Members: Marilyn Schiess, Kerry Schwartz, Derek Byrne, Chris Bleak, Carolyn Player, Ed James, Jason Willes

Non-voting Members: Kordel Braley

Members Absent: Carolyn Nelson

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

Meeting began at 7:02 p.m.

REGULAR AGENDA

3.1 JENNIFER MAY – REQUESTS APPROVAL FOR A MAJOR HOME OCCUPATION PERMIT TO OPERATE A DAYCARE FROM HER HOME LOCATED AT 669 SOUTH 1250 WEST IN AN EXISTING R-1-15 PRD ZONE.

Christie Hutchings presented the request and stated that the applicant has had her safety inspection, the yard is fully fenced and there is parking in her driveway for drop off and pick up.

Jennifer May was present for the request and stated that generally her hours will be from about 7:00 am to 6:00 pm but she does have 2 kids that come about 5:30 am right now.

Discussed what part of the home would be used for the daycare.

Carolyn Player moved to approve Jennifer May's request for a Major Home Occupation permit to operate a daycare from her home located at 669 South 1250 West in an existing R-1-15 PRD zone and that she will need to provide a copy of her State license when she gets it. Second by Marilyn Schiess. Motion carried unanimous.

3.2 DARRELL SHAWCROFT – REQUESTS APPROVAL FOR A MAJOR HOME OCCUPATION PERMIT TO OPERATE ALPINE OUTFITTERS FROM HIS HOME LOCATED AT 1388 WEST 3175 NORTH IN AN EXISTING R-2 ZONE.

Christie Hutchings presented the request and stated that the applicant wants to be able to do custom orders for fire arms. He usually goes to gun shows. She said that there may be concerns with the proximity to the school but talked to a man at the federal bureau and there are only regulations as to how the guns are stored or carried when it is in proximity to a school. She said she also talked to the Police and Fire Departments and they were only concerned with him stalk piling. He has passed his inspections. He has indicated that the area used is in the basement and is kept locked and that he will not have a large amount of guns at any one time.

Ed James asked if we have other businesses that sell firearms in the home.

Christie Hutchings said no not that we're aware of.

Darrell Shawcroft was present and said that there will be little or no inventory kept in the house. The ones that are will be kept locked up. He said they do not plan on stock piling ammo in any way. He said they will have a web site and if some one wants to buy a gun then an appointment will be set. The firearms do come sealed and they are unloaded when they come from the factory. He said that if they did get a large inventory we would store it off site. The house is also equipped with an alarm system and a sign will be present stating that no inventory is kept on site. Most of what we deal with would be hand guns. He stated that if this does become a bigger business then we would change the location of where we run it from. Every customer would have to fill out the official paper work and there will be no used gun sales. He said that his Federal License is contingent on him receiving this approval. He said that he is only expecting maybe 1 person a week – 99% of business will be account shows.

Ed James thinks we should pursue all angles of this since it is the first one like this on site.

Darrell Shawcroft said that when they do get inventory in they will store it downstairs in a locked closet. He said they will make sure that the customer will not come during school hours. He said the internet address will not advertise guns for sale. He will also have 96-100+ hour kits that they would be selling along with things like holsters, flashlights, etc – mostly items for preparedness.

Ed James said he has concerns about this type of home occupation. This is a little different. If we approve this are we setting in motion a series of situations like this. In the code it mentions what we deem to be safe – so is there not a concern with that? If the amount of customers gets to be excessive then it gets to be a problem. He is also concerned with what happens once the guns leave the house – concerned about guns be opened outside on the street.

Kordel Braley stated that in the code they are allowed up to 6 people per hour for a home occupation – that would be a concern if it got to that point.

Chris Bleak asked if there are any requirements that we need to put in place? He is concerned with safety and security in the home.

Jason Willes asked if there were any restrictions placed on the gun shop next to the Legacy Center. He thinks in this case where the applicant is selling new factory sealed weapons – it's safer than everyone in town that has guns and doesn't have them locked up.

Chris Bleak said that we should look at this going forward as to what these businesses do to keep things safe.

Kordel Braley said his one concern is that the fact that you're going to give someone your home address to buy a gun from you before you do a background check.

Darrell Shawcroft said that he is also worried about that but this is mostly a gun show business. He said if you want to put a condition on there that if more than 2 a week are sold then it has to be moved then that's fine. Also if they have a concealed weapon permit then that speeds up the process.

Ed James moved to give approval of Darrell Shawcroft's request for a Major Home Occupation permit to operate Alpine Outfitters from his home located at 1388 West 3175 North in an existing R-2 zone with the conditions that no activity in terms of sales or customer contact be made during school hours; that all weapons be locked in an approved weapons safe; and that this be reviewed in 6 months; also with a limitation that no more than 2 sales per day be made.

Ed James amended his motion to have the door and window be locked to that room and take out approved weapons safe.

Carolyn Player said the motion is too restrictive but likes the 6 month review.

Derek Byrne doesn't like the 6 month review – that's a business decision and should be left to the business owner.

Kerry Schwartz said that if we are looking for a zone where this could be located in what it would be considered.

Kim Struthers said it would fall under retail sales and would be a permitted use.

Kerry Schwartz said that because it's a permitted use that some of the conditions are restrictive.

Motion fails for lack of a second.

Jason Willes asked if we consider this a permitted use can we put restrictions on it.

Christie Hutchings aid that is a permitted use in a Commercial zone but because it is in residential we can restrict it.

Kerry Schwartz is ok with the motion except for limiting a number of sales for the day.

Chris Bleak moved to approve Darrell Shawcroft's request for a Major Home Occupation permit to operate Alpine Outfitters from his home located at 1388 West 3175 North in an existing R-2 zone. Second by Carolyn Player.

Discussed limiting the sales times.

Jason Willes said that there is a requirement for home owners to sign off – are they fully aware of what the business is.

Darrell Shawcroft said that he understands that there is a concern with there being firearms – he didn't necessarily want everyone knowing that he was going to have guns for sale at his home.

Roll call vote:

Carolyn Player – yes

Marilyn Schiess – yes

Jason Willes - yes

Kerry Schwartz – no

Derek Byrne – no

Chris Bleak - yes

Ed James – no

Motion carried 4-3 with Kerry Schwartz, Derek Byrne and Ed James opposed.

PUBLIC HEARINGS

4.1 LANCE PEARSON – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR WESTERN MOTO AND ATV LOCATED AT 1560 NORTH TRINNAMAN LANE IN AN EXISTING MIXED USE ZONE.

Public Hearing opened at 7:02 p.m.

Christie Hutchings presented the request and stated that they want to do an automobile repair and service. He has motorcycles that he puts custom parts on. Most of the businesses that came through for approval at

this address don't exist any more. The applicant has 8 parking spaces for his business and he has 3 employees. His insurance does not allow any outside storage and any vehicle kept longer than the specified amount of time will be charged a fee to help keep people from leaving there motorcycles there.

Brad Kenison said that the building is the same one that RAGE Fitness is in and we required parking stalls to be assigned just for them. He asked if we are going to have to track the parking stalls so other businesses have enough.

Lance Pearson said that he does have the number of parking stalls in the lease agreement. He said he will not be doing any outside repairs and he will not be storing things outside over night – his insurance carrier doesn't allow it.

Kordel Braley said that we just need to make sure there is enough parking when the other businesses come in.

Public Hearing closed at 7:59 p.m.

Marilyn Schiess moved to grant final approval of Lance Pearson's request for Site Plan and Conditional Use approval for Western Moto and ATV located at 1560 North Trinnaman Lane in an existing Mixed Use zone noting that he was given 8 parking stalls for this business and include DRC comments. Second by Chris Bleak. Motion carried unanimous.

CITY BUSINESS

Kim Struthers said that there is another sign related issue and we're still trying to work through some of the issues since the sign ordinance has changed. This one is a single owner that owns two different pieces and wants to qualify for a pole sign. We require 3 acres – so if there is one owner and two different parcels do all 3 acres have to be developed? These parcels are all zoned commercial.

Kordel Braley is concerned with the owner selling one of the parcels and the new owner not wanting any part of that pole.

Jason Willes said if the property was all made one parcel then there shouldn't be a problem.

Kim Struthers said that the property owner argues that this is one commercial development.

Kordel Braley said that maybe it needs to be clarified.

Christie Hutchings said that that's what was done up at Smith's so maybe we can make it go with that parcel.

Frankie Christofferson asked about the pole sign for all those business on State Street combining for one pole sign on the Peck property.

Discussed that a pole sign wouldn't fit with the revitalization plan – but they may come up with a design that would be appealing.

Ed James would like to hear back on what the findings were on the signs in question from previous meetings.

Christie Hutchings said that the one billboard was before the current ordinance so it's legal non-conforming one, the other one has been sent to the Nuisance Department.

APPROVAL OF MINUTES

6.1 APPROVAL OF MINUTES FROM THE AUGUST 27, 2009 REGULAR MEETING.

Kerry Schwartz moved to approve the minutes from the August 27, 2009 regular meeting. Second by Carolyn Player. Motion carried unanimous.

ADJOURN

Derek Byrne moved to adjourn. Second by Chris Bleak. Motion carried unanimous.

Meeting ended at 8:08 p.m.

Date Approved _____

Chairman _____

Secretary _____