

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission Meeting held on Thursday, January 28, 2010 in the Lehi City Council Chambers.

Voting Members: Kerry Schwartz, Derek Byrne, Carolyn Nelson, Ed James, Kordel Braley, Marilyn Schiess, Carolyn Player

Non-voting Members: None

Members Absent: Chris Bleak – excused

Others: Kim Struthers, Christie Hutchings, Noreen Edwards, Brad Kenison, Frankie Christofferson

Meeting began at 7:00 p.m.

REGULAR AGENDA

3.1 SARA HAWKER – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION PERMIT TO OPERATE A PRESCHOOL FROM HER HOME LOCATED AT 472 SOUTH OLIVE PLACE IN AN EXISTING RA-1 PRD ZONE.

Christie Hutchings presented the request and stated that the applicant will have two sessions per day two hours per session with no more than 12 children at one time.

Sara Hawker was present for the request and stated that as soon as the weather gets better we will fence in the back yard. The kids would come in the front door.

Carolyn Player moved to grant final approval for a Major Home Occupation permit to operate a preschool from her home located at 472 South Olive Place in an existing RA-1 PRD zone. Second by Marilyn Schiess. Motion carried unanimous.

3.2 DAVID LARSEN – REQUESTS A MINOR REVISION TO THE GRAY FARMS PHASE 4 CONDOMINIUMS, ADDING WOOD DECKS TO THE REAR ELEVATIONS OF BUILDING #5 LOCATED AT 114 SOUTH WILLOW CIRCLE LOOP IN AN EXISTING PLANNED COMMUNITY ZONE.

Christie Hutchings presented the request and stated that the units were partially constructed in part of the building. Instead of having doors that open they were suppose to have fake windows with wrought iron across the outside. The code states that if there is a door there needs to be a landing. When the bank took it over they knew that if there were the doors they would need the landing and had them put in. The Building Department sent them to us for approval of the change. The applicant wants to change it to allow the decks.

Kerry Schwartz asked if this was affected by the CC&R's and the common area.

Kim Struthers said that he talked to the County and they said that they would show those deck areas as limited common area but it would be up to the City whether they need to change the recorded plat. The County didn't feel that it's necessary to re-plat it. We could possibly file an affidavit later to show these as limited common area.

Kerry Schwartz said if they're not addressed through the CC&R's then they don't show the maintenance of those decks, so who takes care of the underside, etc.

Ed James asked how many buildings were in this phase all together.

Christie Hutchings said that there are 5 buildings total. There is one other existing building that is a 12 unit building.

David Larson, the contractor and Paul Matthews, representing Holladay Bank were present for the request.

David Larson said that after the bank took it over it sat there unfinished for a long time. They hired us to complete this. When we stepped in to finish it there were back doors and wiring for out side lights so we figured there was supposed to be a deck. We figured they'd be more sellable with the deck on anyway. We didn't consider that we needed to get them approved because it was already set up for a deck. He said if it would help we can put some siding under the decks for maintenance free underside.

Brad Kenison asked if the decks were maintained by the homeowner or the HOA.

Paul Matthews said that they could possible put that on the HOA.

Kordel Braley asked if they had been working from a set of plans or what.

David Larson said without those decks the backs of that building is so plain. Everyone he checked with said that the decks would make them easier to sell.

Discussed the look of the decks and that now this does not conform to the original plat.

Ed James asked about them being engineered by a structural engineer. There are problems with these and we need to see engineers' calculations. As far as aesthetics you could dark stain them or what ever.

Marilyn Schiess asked if the bank was going to finish any other buildings.

Paul Matthews said that this was the only one that they financed. There are some difficulties with the HOA right now with assessments that have not been paid so we may have to create an HOA for this one building for now.

Kerry Schwartz asked how the HOA's originally applied for would be affected.

Kim Struthers said that everything around those buildings is common area. The only things the people own are the buildings themselves. One HOA would take care of this whole condo phase which would be a sub-association under the main association for all of Gray Farms.

Marilyn Schiess said where they're going to be up against single family homes she doesn't see a problem with it.

Kerry Schwartz said that where this is different from the recorded plat they would need to go through an amendment.

Ed James said that architecturally it's not compatible with what's gone in there. He said he also has structural questions about the decks. He is concerned with invalidating that approval of the common area. He has concerns about the practicality of this material although that can be fixed. He would like to see it go back to the original with the fixed panel with no door and the wrought iron.

Paul Matthews said these units will probably sell for \$130,000 each and we are into them \$170,000 each. He said we have improved a pigeon house for the city. They may not look exactly like they were supposed to but the inspector missed that there was a door put in and electrical for a light which would imply there needs to be a deck.

David Larson said that with out the decks they don't think they can sell them.

Ed James asked if they would be willing to clad those outside posts to go with the buildings materials.

David Larson said that it doesn't make any sense to pull those decks off - he would rather make them structurally sound and do what ever was asked to keep them there.

Ed James said it would be helpful if they were to come back with an architect's view and how they might amend the plat and how they might perform the maintenance.

Kim Struthers said that on the 12-plex they have the shudders.

Ed James moved to continue David Larsen's request for a Miner Revision to the Gray Farms Phase 4 Condominium, adding wood decks to the rear elevations of building #5 located at 114 South Willow Circle Loop in an existing Planned Community zone and ask the applicant to come back with 1) some architectural solutions on the rear decks to make them compatible with the style of this particular unit; 2) come back with a plan for the process of maintenance of those decks; 3) get the structural analysis of the decks somehow sealing the decks off so you don't have intrusion of water on the other levels; 4) entertain a way of amending the condominium plat. Second by Kordel Braley. Motion carried unanimous.

Discussed that if they decide not to do the shudders then that needs to be addressed next time too.

PUBLIC HEARINGS

4.1 STEVE CRAIN/ CLEARWIRE – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR A WIRELESS INTERNET BROADCASTING ANTENNA THAT WILL BE COLLOCATED ON A 50' HIGH POWER POLE AT APPROXIMATELY 1675 NORTH 1200 EAST IN AN RA-1 ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented the request and stated that there is an existing City power pole. The applicant is requesting to put up a wireless communication antenna and they want to replace that pole and put in a higher pole – from a 35' to a 60' pole. DRC also had a comment about the height in regards to Section 12.150L f of the Development Code. One of the issues in the Development Code is that it prioritizes the different types of facilities – this type is the lowest one and the burden of proof is on the applicant as to why this site was chosen. There are specific findings that are required.

Ed James wanted clarification that it is City policy or direction that a Conditional Use cannot be denied and in this particular write up the burden of proof is on the applicant; so we don't have to approve this if it doesn't fit certain criteria. He also asked what would happen if the other residence want to develop.

Kim Struthers said that the impact would be more noticeable if there were more homes around it – it would have a different impact.

Ed James said that if we approve it with conditions and years from now the other people want to come in with a subdivision is the Conditional Use still in affect?

Kim Struthers said that once the Conditional Use is placed then it goes with the land. If there is some aspect of the use that was not for-seen then we can bring it back.

Kordel Braley asked about page 3 of the plans – will City Power get reimbursed.

Steve Crain, representing Clearwire Wireless, was present and explained the collocation across the valley and if they don't extend the pole height on this one it will conflict with the canopies of those trees.

Kerry Schwartz said that we could not allow it to go higher than 45' according to our ordinance.

Steve Crain said that we would ask for a variance on that if we need to. He said that Mrs. Allred is most impacted by this and she is in the county and they have no ordinances regulating this at all. These are mandated by the FCC but a 45 foot pole with significantly limit our coverage.

Kordel Braley said that we are taking your word on this that this is the best location – what other options would there be.

Kerry Schwartz asked about camouflaging this to make it match the surroundings.

Steve Crain said that there are flush mounts that can be painted brown to match the pole – the microwaves can be painted as well.

Ed James said that the real purpose of the questions is that we might be blazing new territory with this and we need to have everything pretty well identified.

Carol Allred representing the Allred Family Trust owns the property just to the west of where this will be located. She said initially the family brought the power in. One of the poles is located right on the property line and another on another part of the property. At first she thought it would be good – because she would be getting a little money out of it. Then she reconsidered so they decided to go with the other pole on the property line. She said recently a survey was done and it showed that pole on the Shumans' property. If the applicant does choose to take this easterly pole she does not want to have any boundary line dispute with the neighbors and there was a discrepancy about the base being over the line. She didn't want any of it on split property lines. She wants to know where exactly this new pole would be placed and if the base would come onto her property. If it does then she would not be in favor if this. She said she would have to challenge this new survey if that's the case. She wondered if Steve would follow through with that pole being pulled further east so there are no problems with the two properties. She also wondered about who would be doing the maintenance on the pole and who would be providing the surety for this pole if one of the panels comes flying off and injures someone.

Brad Anderson, lives 200 - 300 feet northeast of the proposed lease area, and said that they are opposed to this. He said the engineering hasn't been done. Also 95% of their panel antennas are collocated so they don't have a lot of experience building new ones. He feels it needs more environmental processing. He is also concerned that the Shuman's are in their 80's so a 30 year lease is a long one for them to make. He has concerns with the radio frequency waves going through his house. He feels it is a potential health hazard and the long term exposure concerns him. He said that most of the towers start at 180 feet; they

put them up high for a reason, one of those is potential health hazards. We don't know the results of the exposure and this will be in direct line with his house. He is also concerned with all the dead trees on this property. He feels that this site needs to be reevaluated and that the site is not near tall enough.

Gary Cooper said that he lives near here and he wasn't very satisfied with what he has seen. He thinks we need to look at it and have a few 'tower' spots for these towers to go in.

Public Hearing closed at 8:41 p.m.

Ed James said that he doesn't see accurate information given to us on the exact tower; it's make up and components. There is a wood pole suggested and he questions if that's safe. He is concerned with the definitions we have in the code. We haven't been given a clear reason why this site is the best site and we need to address an over all grid system in the city for potential sites for towers. He questions the liability issues and said that we need to identify the exact size of the pad. He said that he would suggest continuing this until some of these answers are submitted to us; specifically why this site and maybe address the health issues.

Steve Crain said that this is the site that Mr. Ball and his engineers decided would work. This would be 2 feet away from Mrs. Allred's property. He said there is a fence shown on the plans because we talked to DRC about fencing that. This tower will always belong to Lehi City Power; it will always be under supervision of the Power Department. When they put these poles up a structural engineer comes out. The poles are really **over** engineered. He said there has only been one tower failure in this country. As far as liability - we provide coverage for everything. They are strictly covered by liability coverage. As far as the health concerns - studies don't show a great increase of any types of cancer and the waves are closer together which is safer than the old ones. He said they would be glad to come back with better drawings.

Derek Byrne said he is uncomfortable moving forward without having the drawings.

Kordel Braley said that he is uncomfortable as a Planning Commission to weigh whether this is safe or not.

Mark Johnson said that Travis Ball could probably come to talk about the safety of the pole.

Kordel Braley is not satisfied with the proof that he has been given. He wants to see something with a professional seal of approval on the health issue.

Steve Crain said that there is not a lot in a high enough place to put this – we did look into it.

Kerry Schwartz said that under our current policy it says we cannot go more than 10 feet higher.

Kordel Braley said that if we allow this can other providers collocate on this.

Steve Crain said that they have nothing exclusive; that would be up to the Power Department. This is a new service they are offering.

Kim Struthers said if we do go above the ten feet then it would fall under mono pole which is not allowed in this area under our current policy.

Brad Anderson said that he doesn't feel that his family is going to be protected and would like to hear from someone with expertise that these radio waves don't go through his house.

Ed James moved to continue Steve Crain/ Clearwire's request for Site Plan and Conditional Use approval for a wireless internet broadcasting antenna that will be collocated on a 50' high power pole at approximately 1675 North 1200 East in an existing RA-1 zone until such time that the applicant can bring back written documentation of the following items: 1) provide a written statement clearly identifying the applicants reasoning as to why this should be considered as a highest priority site as in Section 12.150 H 2 of the Development Code; 2) also a discussion on the environmental safety of this tower at a height allowed in the code, which is 45'; 3) a statement from the applicant that if the tower is at 45 feet it could operate efficiently and effectively; 4) that we have some definitive statements made about the location of the tower, its design, what the components on the tower are, the material of the tower, the safety measures, i.e. fencing at the bottom on the pad, the size of the pad and that along with the written that there be graphic materials as well prepared by professional engineers and as part of the detail show how it blends with the natural surrounding area; 5) that it be definitively located in relationship to actual and real property lines. Second by Derek Byrne. Motion carried unanimous.

APPROVAL OF MINUTES

5.1 APPROVAL OF MINUTES FROM JANUARY 14, 2010.

Kordel Braley said that on item 4.8 he wanted it clarified that he agreed that the access needed to be moved over more but his reason why he didn't mind it not going to the east is because of their comment about there wouldn't be enough internal queue-storage in there – that's the whole reason why we weren't requiring them to move the access over to the east. Also that applicant stated that Horrock's Engineers did a traffic study and that they stated that all the internal accesses and roadways worked and he said he looked through the report and didn't see where it said that in the study. Kordel doesn't necessarily agree that was done. He voted the way he did because they said the traffic engineer said it was ok.

Kordel Braley said that the first paragraph under item 4.8, Christie's statement said to move it to the east not the west.

Kordel Braley moved to accept the minutes from January 14, 2010 with the corrections. Second by Carolyn Player. Motion carried unanimous.

CITY BUSINESS

Christie Hutchings said that when the Burger King was originally approved there were copper awnings. Corporate would not approve them but did approve blue awnings.

Ed James moved that we accept the revised awnings in the blue color shown and also that the awnings shall be made of a metal material. Second by Carolyn Nelson. Motion carried unanimous.

Brad Kenison wanted to follow up on the Traverse Mountain item we looked at a while ago. With the grading we were concerned that this would be a spine but as we look at the contours the elevations tie into the road. We were afraid there was a big hole on the north side but its more level with the road. Jim Hewitson required the hump in there and that can be mowed over and tied into when it's developed.

Discussed that you only approved the preliminary subdivision not the grading. City Council will make sure DRC comments are included.

Brad Kenison said that we didn't look at it as close as we should have and there was some confusion after the last meeting.

Kerry Schwartz said that we need to follow up with some items so we may need a mini work session between regular sessions or use City Business to review these.

Discussed doing a consent agenda where we would group items together at the beginning of the meetings. Discussed meeting ½ hour before the regular meeting. Commissioners directed staff to send out an email and put on the next packet that we will be meeting at 6:30 before the meetings from now on.

Kim Struthers mentioned that the Commissioners were all invited to the Grand Opening of the Larson C-store tomorrow from 12-2.

ADJOURN

Ed James moved to adjourn. Second by Carolyn Player. Motion carried unanimous.

Meeting ended at 9:31 p.m.

Date Approved _____

Chairman _____

Secretary _____