

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, April 22, 2010 in the Lehi City Council Chambers.

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

Members Absent: Chris Bleak - excused

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

Meeting began at 7:00 p.m.

REGULAR AGENDA

3.1 CHARESE LOCKE – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR UTAH TIMBER FRAME, A WOODWORKING SHOP LOCATED IN AN EXISTING BUILDING AT 1551 NORTH STATE STREET IN AN EXISTING MIXED USE ZONE. (Tabled from November 12, 2009)

Christie Hutchings presented the request and stated that this was tabled so that the property owner could come in with the applicant. There were also concerns about the use of woodworking which would require a firewall between the two units. Most of the installation that the applicant does is done on site. One of the issues was if it was possible to add more landscaping in the front. In the past we haven't actually required existing businesses to put more in.

Ed James said that we were to have some kind of documentation showing the State road right of way boundary.

Travis Jessop was present for the request.

Ed James asked about the last meeting and what could be done in the right of way.

Travis Jessop said that nothing ever got resolved in this case. He said that Kim Struthers was going to call the State but he hadn't heard anything back.

Kim Struthers said that UDOT's policy is that they don't normally allow that but they don't have anyone that enforces it – it's on a complaint basis. There are some standards there but they don't actively enforce them.

Travis Jessop said that some one from UDOT came by last week and the guy wanted them to bid on a pergola. He didn't say anything about the display out there in the right of way.

Kerry Schwartz said we also asked for ways to dress up the building.

Travis Jessop said that there was a lot of things mentioned that the owner needed to address. Morray Yates owns the building.

Ed James said that he may have a conflict of interest in this – but he feels that he can participate in an unbiased way if the commission feels ok about it.

Murray Yates was present for the request.

Kerry Schwartz said that one of the concerns he has is for the City to have things brought up to standard – improvements made like lighting, dressing up the building, etc.

Murray Yates said that it has lights on it now.

Kerry Schwartz said that it doesn't meet the revitalization plan.

Murray Yates said that it was built before this plan went into affect. He said that if he was building a new building he can see where they'd require things – but where this was built up to code when it went in he doesn't see why he would have to put money into it now. He said they keep the building up to date.

Kerry Schwartz said that he would recommend lighting and landscaping to begin with.

Murray Yates asked about the new structure down 850 East. He said they are just using aggregate – not any other kind of landscaping.

Kerry Schwartz said it needs to be a good mix – not just all rocks.

Carolyn Player said that maybe some kind of pot containers with trees or something in them.

Murray Yates said that they can put pots there. He said that the structures look nice there. He has had a lot of people comment on them.

Derek Byrne said that the revitalization plan was put in place so there could be improvements made over time- not a whole new façade or anything like that.

Murray Yates said that when he gets a new tenant he always tells them to go to the City and get a business license.

Ed James said that there is a lot of space between the building and the right of way and he feels there is enough room for double parking. He asked Murray if he would feel ok about putting landscaping in the front.

Travis Jessop said there is not enough room if you're trying to get a semi in there.

Kordel Braley said that he agrees that we shouldn't enforce UDOT's right of way.

Discussed whether anything had been done regarding the motion from November. Discussed moving some of the parking to the back.

Travis Jessop said that he brought in gravel and cut down trees. He would be more than happy to move some parking in the back. He said they use about 4 parking stalls for employees.

Murray Yates said that there is one tenant now and when he gets another tenant, then the commission will complain about not having enough parking stalls.

Marilyn Schiess moved to grant final approval of Charese Locke's request for Site Plan and Conditional Use for Utah Timber Frame, a woodworking shop located in an existing building at 1551 North State Street in an existing Mixed Use zone with the conditions that Morray Yates has agreed to put some kind of planters (at least 2) out in front of the building and that he has the striping done, noting that she's ok with the pavers out front which look better than before even though they're in the UDOT right-of-way and include DRC comments. Second by Carolyn Player.

Discussed taking out the mention of the UDOT right-of-way.

Marilyn Schiess amended her motion to take out the comment about the pavers and the UDOT right of way. Second stands by Carolyn Player. Motion carried 6-1 with Kerry Schwartz opposed.

3.2 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 EXISTING RA-1 ZONE. (Continued from January 28, 2010)

Christie Hutchings presented the request and stated that this would be on an existing city power pole. She said there were five things that needed to be addressed from the past motion. This is private property but it is a City power pole.

Ed James said that he would like to see the actual property line.

Christie Hutchings said that the existing pole is 35' and the ordinance allows it to be 45'. They would have to collocate on the existing pole.

Rocky Shuture, representing Clearwire, was present for the request and stated that he is new on the project. He said as far as the priority of this site - a wireless network pieces together like a puzzle –the reason this is the highest priority site is that when the site is launched this will be it. The report deals with the FCC and exposure limits and the broadcasting antennas. There is information in regards to houses that are closest to this. He said the 45' height will work and he apologized for the confusion. He said with regards to material – there will be a pole replacement with another wood pole. The one thing he doesn't have is the property survey.

Ed James asked about the wood pole and wondered if there would be a subdivision in the future if that all goes underground. He said at the last meeting he wondered about what else might be placed on the pole.

Rocky Shuture said that anyone that wanted to collocate on there would have to take it up with Lehi City but the height would restrict additional tenants on that pole.

Ed James said that there were concerns about health and safety with microwaves – and the safety issues with some of the reports that have been provided to us.

Rocky Shuture said that the FCC does have strict requirements on what we can do – this is a wireless internet technology.

Kordel Braley asked about Utah laws and if they differ from Virginia where this report was signed – he is also concerned like Ed about the time that this may rezone and develop.

Derek Byrne asked about the terms of the agreement and the length of agreement with property owner.

Rocky Shuture said that he is not sure about the lease agreement yet, but usually it is for 5 years with options. He said they prefer longer lease terms.

Derek Byrne wondered if this did develop and the power does go underground is there any 'out' in the lease agreement for the pole owner in a case like that.

Kerry Schwartz said that there is a pole on Center Street that is closer to homes than any of these homes would be to this.

Rocky Shuture said that operating outside of the FCC guidelines is kind of risky so we wouldn't be doing this if there were problems.

Kerry Schwartz said that this meets the ordinance as long as the height does not exceed 45'.

Kordel Braley asked if we could hear on representation of these accusations from neighbors.

Brad and Shawna Anderson of 1776 N. 1200 E., said that they are concerned with the human health hazards – most of the material is pro-industry – but there is a lot of research that counters that.

Kordel Braley asked if it was correct that if this pole was higher they would be more ok with that.

Brad Kenison said that it does make a difference if the towers are higher. This is smaller scale but there is nothing to keep them from asking for concessions. This is a big commitment for our neighborhood with no benefits to our neighborhood community. He said that they are required to have environmental impact studies done before they would be allowed licensing to do work on that site.

Kerry Schwartz said that is a California Law – not a Utah law – we aren't required to do that here.

Brad Kenison said they didn't deal with any towers this low.

Kordel Braley said the first several articles in the packet talk about extremely low frequency – so these articles do not have to do with this site.

Brad Kenison said that something like this does not belong in a residential neighborhood.

Carol Allred said that as she mentioned previously – the pole is right on the border. If this goes ahead she wants it moved into the Schuman property so it's not on their property at all. It will need to be moved over.

Rocky Shuture said that he appreciates the comments from the neighbors. NEPA and phase 1 requirements are requirements across the board. They do not pertain to this process but they will be something that needs to be done. There must be an easement and this would have to stay within that easement.

Ed James moved to deny 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 noting that he doesn't feel comfortable with the responses or with the study that was done and there has not been a survey done on the property, also with the fact that 41 of the neighbors signed a petition against it and include DRC comments. Motion died for lack of a second.

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 the May 13th meeting or until the applicant brings back the specific information that was requested in the minutes from the January 28, 2010 meeting. Second by Carolyn Nelson.

Kerry Schwartz said that we are looking at an old set of plans.

Ed James moved to amend his motion to clarify what was requested from the motion in January: item 3 from the motion asked for a written statement from the applicant that the tower could operate efficiently at a 45' height; item 4 has not been completely addressed in regards to a definitive statement about the location of the tower, etc with details prepared by a professional engineer; and item 5, that there be a survey done to show the definitive location in relationship to actual and real property lines hasn't been done. Second stands by Carolyn Nelson. Motion carried unanimous.

PUBLIC HEARINGS

4.1 DJ INVESTMENT GROUP LLC – REQUESTS REVIEW AND RECOMMENDATION FOR A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 78 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4000 NORTH 600 WEST FROM AN R-1-12 TO AN R-1-8 ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings said that there were concerns about access into the property. The applicant asked that this item be re-addressed because of the access issue. She said to remember that this is for a zone change and whether it is approved or not – the accesses will still be an issue.

Ed James said that in his motion last time he based it on the fact that the applicant did not demonstrate any reason to increase the density. He said that if we increase the density of a piece of property and look at the revenue from that, is it a benefit to increase density or not. It costs the City in infrastructure to take care of more density with more roof tops put in.

Brad Kenison said that the applicant would have to demonstrate whether that is a benefit.

Kordel Braley asked how big an area has to be in order to qualify for an Area Plan.

Christie Hutchings said that there has to be 40 acres.

Kordel Braley said that in an Area Plan the City would have more teeth for utilities, etc.

Kim Struthers said that they would have to do a traffic study and utility study with an Area Plan.

Kerry Schwartz asked if we would need that to consider the zone change.

Kim Struthers said that an Area Plan is really only needed when they are requesting a Planned Community zone – so at this point it's not considered because they aren't requesting a PC zone.

Chuck Ackerlowe representing himself and his colleges who are acquiring this property was present for the request and said that they have enough water for this development but they are not looking at numbers tonight. In terms of utilities – they are there. We can build what ever size water tank we need to service that area and we have talked to the City Engineer about building other tanks to help service other developments down the road. The sewer connections in the area are plentiful and TSSD is undergoing an

expansion here in Utah County in anticipation of growth. The infrastructure is growing with SR-92 going in so as far as utilities are concerned we are in good shape. We are not requesting any change to the General Plan. We are surrounded with higher uses. What we're here to ask for is a zone designation within the General Plan. He went over the 7 factors from section 04.060. He said the surrounding area is vacant land but the plan is residential and that is what we are proposing. It is within the consistency of the General Plan and we are remaining in harmony by staying in the LDR. The land is on a gentle slope and the other stays in the TH-5 zone. As far as the affect on the surrounding properties there will be no adverse impact. There will be no change to the public health, safety and welfare. We will be adding tanks for the water system and obviously there would be benefits to tax revenue. He further explained the benefits to the city; they would put the road in up to this property and when they do, other developers will fall in to develop their property.

Ed James asked about the water shares.

Chuck Ackerlowe said that the water shares have been turned over to the City.

Ed James asked about the storm system line – increase of density by 1/3 or 25%. He also asked if they had planned for schools.

Chuck Ackerlowe said that they haven't planned for a school site. He said if they were approached by the school they would entertain that.

Ed James said with the higher density he sees an opportunity for benefits to the city.

Public Hearing closed at 8:41 p.m.

Ed James asked staff if we have any way of achieving creative solutions later on if this is approved.

Kim Struthers said – not really. He said by right they could lay out R-1-8 lots as long as they have the frontage on each one.

Kerry Schwartz said that the applicant is asking to go from R-1-12 to R-1-8 and he took it that they think it benefits the city the same way – he doesn't feel that there has been reason given to go higher density.

Chuck Ackerlowe said that in today's world there is not the market for 12,000 sq ft lots. We're going to be the first ones making an investment in that area. We are opening up that area for you so in exchange for that we are asking for R-1-8 zoning.

Kordel Braley said that once this is approved we as a city have to provide the infrastructure to you. Once this is approved we're then on the hook to help you out and it might end up costing the city more.

Chuck Ackerlowe said that he is under the understanding that if they do this they do it on their own nickel.

Brad Kenison said that their infrastructure is at their cost but the concern from the engineering stand point is increasing the density from the master plan. This is designed for 3 units per acre and they are requesting 4 units per acre. We haven't looked into this to see if there would be an impact on those services and we haven't looked at how that would impact infrastructure further down in the City. The utilities have been master planned with what is on the General Plan. Brad said that once they connect into our system it is our responsibility to take that on.

Dave Mast said that initially he contacted Lorin Powell and they met at the site and determined that there was one sewer line to service that property. Since that meeting we received approval for the R-1-12 and last year we learned that there were 3 sewer connections available instead of one. We will be looking at several phases over several years.

Derek Byrne said that he likes to look at what could be; with an R-1-12 there could be 240 units, with an R-1-8 there could be a maximum of 320 units. That's a difference of 80 units.

Ed James said we need to consider what it might end up being – it depends on how it's done.

Kerry Schwartz said a PRD or PUD with an R-1-12 would give you an opportunity for smaller lots.

Kim Struthers explained the advantages of a PRD or PUD.

Chuck Ackerlowe said he doesn't see the benefit of that with an R-1-12 zone.

Kim Struthers said that in a PUD we can grant density bonuses.

Discussed that there are provisions if zoning is left as is with PRD's or PUD's and show the amenities for density bonuses.

Brad Kenison said that we would still need to evaluate the utilities.

Ed James moved to recommend denial of DJ investment Group LLC's request for a Zone District and Zone District Map Amendment on approximately 78 acres of property located at approximately 4000 North 600 West from an R-1-12 to an R-1-8 zone based on the fact that the applicant has capabilities under the existing zone to achieve the desired densities. Second by Derek Byrne. Motion carried unanimous.

4.2 IR LEHI, LLC – REQUESTS REVIEW AND RECOMMENDATION OF A CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY PROJECT SIGN THAT EXCEEDS THE STANDARD SIZE AND HEIGHT REQUIREMENTS FOR A COMMERCIAL PROJECT LOCATED AT APPROXIMATELY 2100 NORTH THANKSGIVING WAY IN AN EXISTING COMMERCIAL ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented the request and stated that the applicant wants to install a temporary project sign. They had a Concept plan a couple years ago which has expired and they are working to get that renewed. The sign was allowed under an older ordinance and now they need to conform to the new ordinance. They have requested a Conditional Use permit under section 23.180 because it does exceed the size. This would go on to City Council and you could add anything to your motion as to time restraints. The previous sign would be considered pre-existing non-conforming.

Derek Byrne asked that if we recommend approval do we have some teeth that if the sign starts to go into disrepair we can ask them to remove it.

Christie Hutchings said as a Conditional Use you can put that condition on it.

Joe Johnson with Westfield Properties was present for the request and stated that they are going to keep the existing pole bases and are down sizing it 50 sq ft. He said they don't want it to be so small that it won't be seen or noticed from the freeway, although it will be double sided now as opposed to before

with the one side. With the Mountain View Corridor going in we want to have this up and going concurrently with that opening.

Public Hearing closed at 9:13 p.m.

Kerry Schwartz said that this is a huge sign which will have two frontages. He can see granting some additional signage size but this is extremely large.

Ed James discussed the fact that this is a large piece of property and that this sign won't have to be taken down until the last lot is sold. That doesn't seem right – maybe the developer can start on a monument sign now and use it for the whole time of the development.

Christie Hutchings said that the sign can stay up for two years after the issuance of the first building permit. You can change that since it's a Conditional Use

Ed James thinks that they should know where their entrances will be at subdivision and this can be taken down and the monument sign put up.

Joe Johnson said that the monument sign will advertise the businesses within the property and this sign is for the leasing of the property.

Marilyn Schiess said for the next two years – they will need a sign this big. She doesn't think this sign is too big for what is going in out there for the next few years.

Kim Struthers said that one of the concerns is that it is a little different; this is for a commercial project and the other signs we have dealt with were for residential. Exceptions are only allowed for Commercial projects so we need to relate what we do approve to the commercial use in order to help with the enforcement of the signs along there.

Marilyn Schiess said that because of the construction that will be happening out there this is ok.

Ed James said that a large property like this warrants this size of a sign.

Ed James moved to recommend approval for IR Lehi LLC's request for a Conditional Use permit to allow a temporary project sign that exceeds the standard size and height requirements for a commercial project located at 2100 North Thanksgiving Way in an existing Commercial zone noting that the sign shall not exceed 16' high by 20' wide and be single sided V-shaped and that the sign must be kept in a condition as approved through out it's life and the reasoning is that the size of the property warrants the size of the sign; the last condition is that the sign be constructed as proposed and that it's in architectural harmony with the development. Second by Carolyn Nelson.

Joe Johnson said that they can just replace the face as it is now.

Christie Hutchings said it does not conform to the existing code.

Ed James withdrew his previous motion.

Ed James moved to recommend approval for IR Lehi LLC's request for a Conditional Use permit to allow a temporary project sign that exceeds the standard size and height requirements for a commercial project located at 2100 North Thanksgiving Way in an existing Commercial zone with the approval being for a single-sided V-shaped sign as presented, not to exceed 16' x 20' on each surface of the V and that it be

kept in repair as proposed throughout the life of the sign with the justification that the size of the property warrants the size of the sign. Second by Derek Byrne.

Discussed the size – again! Justification being the size of the property.

Kim Struthers said that the existing sign wasn't ever permitted – if it was then they could just maintain the one that's there.

Ed James moved to amend his motion to include that if this is approved the original sign should be torn down. Second stands by Derek Byrne. Motion carried 5-2 with Kerry Schwartz and Carolyn Nelson opposed.

4.3 FULLMER BROTHERS LANDSCAPE MAINTENANCE INC – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL TO OPERATE A LANDSCAPING BUSINESS FROM AN EXISTING BUILDING LOCATED AT 1697 WEST 2100 NORTH IN AN EXISTING LIGHT INDUSTRIAL ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented the request and stated that it is in a Light Industrial zone down 1700 West off of 2100 North and there is an access road in between the greenhouses. They have turned in a landscape plan. The applicant has said that there would only be a small amount of employees coming and going. Most of them would go right to the job site.

Craig Newbold and Hud Fullmer were present for the request. Craig said that there would not be any clients or customers there. He said they have adequate space in front of the office for parking and they can stripe the stalls. We're still in the process of fixing the place up.

Public Hearing closed at 9:44 p.m.

Derek Byrne moved to grant final approval of Fullmer Brothers Landscape Maintenance Inc's request for Site Plan and Conditional Use to operate a landscaping business from an existing building located at 1697 West 2100 North in an existing Light Industrial zone with the following conditions: that they implement the landscape plan as presented, put striping in front of the planter and include DRC comments. Second by Marilyn Schiess. Motion carried unanimous.

4.4 ANDREW BYBEE – REQUESTS REVIEW AND RECOMMENDATION FOR THANKSGIVING PARK PLAT B, INCLUDING A VACATION OF LOT 1 OF THANKSGIVING PARK PLAT A LOCATED AT 2880 WEST CLUBHOUSE DRIVE IN AN EXISTING RESORT COMMUNITY ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented both items 4.4 and 4.5 together. She said they filed a Site Plan last week for a commercial strip mall and bank on the first piece.

Discussed the overall plan.

Andre Bybee was present for the request and stated that there is a five bay strip center and then a proposed credit union which will both face Ashton Blvd. Lot 1 of Plat C will be for other buildings to start hopefully in the fall.

Public Hearing closed at 9:51 p.m.

Ed James moved to recommend approval of Andrew Bybee's request for Thanksgiving Park Plat B, including a vacation of Thanksgiving Park Plat A, Lot 1 located at 2880 West Clubhouse Drive in an existing Resort Community zone and include DRC comments. Second by Marilyn Schiess. Motion carried unanimous.

4.5 ANDREW BYBEE - REQUESTS REVIEW AND RECOMMENDATION FOR THANKSGIVING PARK PLAT C, INCLUDING A VACATION OF LOT 3 OF THANKSGIVING PARK PLAT A LOCATED AT 2880 WEST CLUBHOUSE DRIVE IN AN EXISTING RESORT COMMUNITY ZONE.

Public Hearing opened at 7:00 p.m.

Discussion included under item 4.4.

Public Hearing closed at 9:51 p.m.

Ed James moved to recommend approval of Andrew Bybee's request for Thanksgiving Park Plat C, including a vacation of Thanksgiving Park Plat A, Lot 3 located at 2880 West Clubhouse Drive in an existing Resort Community zone and include DRC comments. Second by Marilyn Schiess. Motion carried unanimous.

APPROVAL OF MINUTES

5.1 APPROVAL OF MINUTES FROM THE APRIL 1, 2010 WORK SESSION.

Marilyn Schiess moved to approve the minutes from April 1, 2010. Second by Carolyn Player. Motion carried unanimous.

5.2 APPROVAL OF MINUTES FROM THE APRIL 8, 2010 REGULAR MEETING.

Ed James wanted to clarify under item 4.1 he wants it mentioned that he was concerned about the size of the sign with that top portion added on.

Ed James moved to approve the minutes from April 8, 2010 with the change. Second by Kordel Braley. Motion carried unanimous.

CITY BUSINESS

Kim Struthers said that Ed James wanted the handout from the work the committee did on State Street brought up.

Ed James said they met numerous times and had done some research and feel that they are supporting and agreeing on the revitalization plan and that we ought to have that area looked at as 3 distinct kinds of zoning. The City needs to really promote the Trax station in that study. They have summarized that thinking and feel that they need to get the stake holders involved at this point.

Kerry Schwartz said that he wouldn't suggest that we move this onto City Council until we have had a chance to review it further at our work session in June.

Kim Struthers said the combined meeting with City Council is May 4th at 5:30.

Kerry Schwartz said that we could move forward sharing our information of Main Street with the City Council and we can report that we are still working on VLDR and State Street.

Mark Johnson will check with the City Council on specifically what they want to discuss. He brought up emergency planning.

ADJOURN

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

Meeting ended at 10:07 p.m.

Date Approved _____

Chairman _____

Secretary _____