

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, July 8, 2010 in the Lehi City Council Chambers.

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

Members Absent: Carolyn Nelson – excused, Chris Bleak – excused

Other: Kim Struthers, Christie Hutchings, Frankie Christofferson, Lorin Powell, Council member Mark Johnson

Meeting began at 7:00 p.m.

REGULAR AGENDA

3.1 Rod Pace and Jodi Joan Scott – Requests approval of a Major Home Occupation permit to operate a denture lab from their home located at 107 East 750 South in an existing RA-1 (residential/agricultural) zone.

Kim Struthers presented the request and stated that the applicants are requesting approval to operate a denture lab from their home. The home is located in Old Farm Estates Subdivision, just south of 700 South. They don't propose any clients coming to the home, but because of potentially hazardous materials used by the applicants, it requires a major home occupation approval. They have worked with the Fire Marshal. The applicants have filed for a building permit to finish the basement, but are waiting for their approval tonight to do so. Motion should be contingent upon completion of all applicable inspections.

Ed James stated that he has concerns because there are a lot of deliveries and waste associated with this type of business.

Jodi Joan Scott stood as the applicant. She indicated that deliveries and pickups are once in the morning and once in the evening. They mostly operate as mail order. They only make prosthetic dentures. Delivers are all through FedEx and USPS.

Rod Pace indicated that plaster of Paris is the only waste product, and there is less than a normal size garbage can twice per week, picked up by the City garbage service. The operation is not noisy

Kordel Braley questioned the size of the operation.

Rod Pace indicated that it is a one person lab – one or two dentures per day. He is resident of the home.

Derek Byrne asked about any safety issues with this business, specifically with the chemicals to be used. He noted that ventilation and fire sprinklers were recommended as per the Fire Marshal.

Jodi Joan Scott indicated that the inspectors asked for fire safe door, 20 minute rating; ventilation (commercial ventilation); and a fire wall - all of which have been complied with.

Ed James asked whether this manufacturing use was appropriate as a home occupation. He views home occupations as primarily service based, and wonders if this sets precedence for other types of manufacturing businesses.

Kim Struthers has stated that we have seen other small manufacturing-type businesses. If the Commission has a specific concern, he suggests amending the Ordinance. The intent of the ordinance is to protect the residential character of the neighborhood.

A general discussion was held regarding the home occupation ordinance, and whether or not there can be a time limit on the approval given.

Kim stated that the ordinance allows the City to revoke a permit if it finds that the business owner is violating conditions of approval or the ordinance or if it becomes a nuisance to the neighborhood.

Ed James moved to approve item 3.1, Rod Pace and Jodi Joan Scott's request for approval of a Major Home Occupation permit to operate a denture lab from their home located at 107 East 750 South in an existing RA-1 (residential/agricultural) zone conditional upon approval from the building permit inspector and Fire Marshal, noting that the City has the potential to revoke the permit if issues arise. Second by Carolyn Player. Motion carried unanimous.

3.2 Greg Baird – Requests approval of a Major Home Occupation permit to operate a recording studio from his home located at 1741 North 250 West in an existing R-1-12 (single family residential) zone

Kim Struthers presented the request and stated that this home occupation is in the Hill Creek subdivision along Dry Creek. This request is for a recording studio, mostly for his own use but occasionally for other groups that may create a demand for more than 2 patrons per hour. The ordinance does allow the Commission to authorize the additional patrons, provided that it does not affect the neighborhood. He has not finished his basement yet, because he wants approval from the Commission first. Any motion should be contingent upon passing all applicable inspections.

Ed James asked if any neighbors had called with concerns.

Christie Hutchings indicated that no neighbors had expressed concerns.

Greg Baird stood as the applicant.

Derek Byrne asked what type of sound proofing would go into the business to assure it will not affect the neighbors.

Greg Baird indicated that no sound should get into our out of the studio. Sand filled walls with fiberglass walls should keep sound in and out. The ceiling will also be treated. There are no windows. There will be electronic amplification systems, amps, microphones, soundboards, and computers.

Ed James asked to describe other types of groups that may use the facility.

Greg Baird stated that the studio is small, tailored to vocal bands. Occasionally, standard rock bands may be able to record, but the intent is for mainly vocal work only.

Ed James asked about hours

Greg Baird stated that he expects hours would be fairly reasonable, mostly Friday and Saturday until midnight and weeknights between the hours of 6-10 pm. Outside groups may be daytime hours on occasion.

Kerry Schwartz indicated that parking must be off-street and asked how many cars could fit in the driveway.

Greg Baird stated that 4 cars can fit within his driveway.

Ed James made the applicant aware that the permit can be reviewed by the City if at any time there are concerns with the business.

Kerry Schwartz asked if there is an outside entrance to the basement.

Greg Baird indicated that patrons come in the front door and down the stairs. A separate entry is not in his immediate plans.

Kordel Braley would like to see the operating hours in writing on the application. He thinks that the outside groups should follow more traditional hours. He also asked where the other members of the band live, and how often they will come.

Greg Baird stated that there are 5 people in the group. He has no expectation as to how often they will be. He is fine to require them to carpool as to minimize impact to the area.

Kerry Schwartz indicated that 5 cars at one time could pose a safety concern for the neighborhood.

Greg Baird said at this time is unsure how often he will use the studio. Some of his work may be done without any clients coming to the home.

Marilyn Schiess moved to grant final approval to Greg Baird for the home occup permit to operate the studio from his home located at Derek second

Marilyn Schiess moved to grant final approval to Greg Baird for approval of a Major Home Occupation permit to operate a recording studio from his home located at 1741 North 250 West in an existing R-1-12 (single family residential) zone. Second by Derek Byrne.

Ed James asked to consider amending the motion for time frames

Kordel Braley also asked for a condition that all building permits and inspections be included in the motion.

Marilyn Schiess amended the motion to include a condition that all permits and inspections be included. Second stands by Derek Byrne.

Kordel Braley also asked for a clarification of hours

Marilyn Schiess reminded the applicant that if neighborhood complaints come in the permit can be revoked.

Motion carried 5-1. Ed James opposed.

3.3 Jennifer May – Requests approval of a Major Home Occupation permit to operate a daycare from her home located at 2343 North Sunset Drive in an existing R-1-8 (single family residential) zone.

Kim Struthers presented the request and stated that the applicant is requesting approval for a daycare. She has previously had a permit, but has moved and needs a new approval for the new residence. She will have no more than 6 children. Access to the business is through the front door and parking is in the driveway. She has passed her safety inspection.

Ed James asked whether there were previous complains from her prior location.

Kim Struthers indicated that there have been no complaints

Jennifer May stood as the applicant.

Kerry Schwartz asked if the entire yard is fenced.

Jennifer May indicated that the entire yard is fenced.

Derek Byrne asked about the drawings of the home, and what areas are to be used.

Jennifer May explained which areas of the home will be used for the home occupation – the kitchen area and adjacent living room. There are gates shutting off the other levels of the home.

Marilyn Schiess asked about hours.

Jennifer May stated that hours of operation will be from 7am to 6pm.

Kerry Schwartz asked about patrons.

Jennifer May stated that some of the children are families and all come staggered times.

Kordel Braley moved to grant final approval to Jennifer May for a Major Home Occupation permit to operate a daycare from her home located at 2343 North Sunset Drive in an existing R-1-8 (single family residential) zone. Second by Marilyn Schiess. Motion carried unanimous.

3.4 Lucia Arana – Requests approval of a Major Home Occupation permit to operate a daycare from her home located at 42 South 780 West in an existing R-1-8 (single family residential) zone.

Kim Struthers presented the request and stated that this request is for a daycare located in Chappel Valley on 780 West. There will be no off-premise employees and she will have 6 children maximum. This item has also been reviewed by DRC and those minutes were provided to the Commission - DRC comments should be included with the motion. The basement was finished previously without a permit and there are some areas not built to code and need to be corrected to be compliant with the IBC. She is the renter of the home, and needs to work with the home owner to apply to the permit.

Ed James clarified that making a motion subject to passing all inspections will assure the items are all completed.

A discussion was held as to how the motion should be made. It was determined that the Commission should make a condition that the business be subject to all DRC comments.

Lucia Arana stood as the applicant.

Kordel Braley asked about the noticing by certified mail, and why the neighbors could not be contacted.

Kim Struthers acted as the translator, as the applicant is more comfortable speaking in Spanish.

Lucia Arana stated that no one was home at those addresses when she tried to contact them, so she sent notification by certified mail.

Kim Struthers stated that certified mail is acceptable, that the signature is just notification and not approval.

Kordel Braley stated that the creek is located adjacent to the homes, and asked about safety concerns.

Lucia Arana stated that the yard is fenced from the creek.

Kerry Schwartz clarified that she is the resident of the home.

Lucia Arana indicated that she is a resident of the home.

Ed James moved to approval Lucia Arana's request for a major home occupation permit to operate a daycare from her home located at 42 South 780 West in an existing R-1-8 (single family residential) zone, with the condition that all DRC comments, especially regarding the fire inspection and building permit be met. Second by Marilyn Schiess. Motion carried unanimously.

3.5. CA Advisors/Kirk Tanner – Requests Concept Plan review and recommendation for Traverse Landing Assisted Living at Thanksgiving Point, an assisted living facility for the elderly located at 3350 West Pilgrim's Loop Road in an existing PC (Planned Community) zone.

Kim Struthers presented the request and stated that the request is a concept plan for an assisted living facility located in Pilgrim's Landing immediately adjacent to Gymcats and a business park. To the north, the DRC reviewed a site plan for a storage facility that should be to the Commission shortly. The facility is a 68 bed facility with a *porte-cochere* in the front for drop off. There are a mixture of studio rooms, 1 bedroom units and 2 bedroom units. This proposed use is within the Pilgrim's Landing area plan, but will require a conditional use approval with the site plan.

Kordel Braley asked about the John Sterzer memo attached to the staff report.

Kim Struthers indicated that the memo is actually the table of uses from the original area plan.

Ed James asked whether there will be any review required by an HOA or will the project have to conform to any CC&Rs.

Kim Struthers stated that there is a master HOA that does have review authority. Staff will verify to assure that any architectural review committee requirements be met.

Ed James asked to show the additional area on the south with the shared parking to be on the site plan. He also asked about the comment from DRC about the common property line on the south side of the property.

Kirk Tanner stood as the applicant. The shared access easement would allow the entrance to be through the same access as Gymcats, which would allow for better traffic flow. The shared access agreement would be presented with the site plan approval.

Kerry Schwartz asked why the shared access and parking would be needed, as both sites appear to have ample parking.

Kirk Tanner indicated it makes it easier.

Kordel Braley asked why there is more parking than is required.

Kirk Tanner indicated that there could potentially be more units or services that would need additional parking. There is an exam room in the facility. The extra parking allows for the expansion. He also has three times more landscaping that is required as well.

Marilyn Scheiss asked how many residents would have cars.

Kirk Tanner indicated that generally the residents will not drive.

Kerry Schwartz asked for sidewalk connectivity to the north.

Kirk Tanner would want a gate or other security, but may consider adding connectivity with security.

Ed James likes the general layout and feels that the applicant has done a nice job. He wonders why the building is crowded down to the front. He suggests moving the building back to give some landscape buffer between the entrance and units.

Kordel Braley asked how many employees would be at the facility at any given time.

Kirk Tanner indicated that there may be approximately 10 employees at peak times.

Derek Byrne asked why types of employees will be there.

Kirk Tanner indicated that a project this size will have a director, assistant director, activities director, full-time maintenance and some cross-over with other responsibilities. There are also CAN/medical people and housekeeping staff. Again, there may be some cross over to provide food service, but there will be a full-time cook.

Kordel Braley asked about Gymcats.

Kirk Tanner indicated that Gymcats has been sold, but there is an understanding on the access.

Kordel Braley questioned if the applicant would be amenable to shared parking with Gymcats.

Kirk Tanner stated that a shared parking would be a part of the shared access agreement. Gymcats does not have big events, but he would allow shared parking in the event that it is needed.

Kerry Schwartz asked about building materials.

Kirk Tanner stated that it is mostly hardyboard, masonry, and some stucco, and no aluminum siding. He is trying to create the nicest project in the state, or at least to compete with the nicest projects.

Ed James stated that lots of trees will help with the aesthetics.

Kirk Tanner added that the HOA at Pilgrim's Landing has been difficult to find. He had no problems with getting the Gymcats project approved. He is aware of the CC&Rs and the structure does comply with their requirements. The HOA has been notified.

Derek Byrne asked if the Commission could get more information from the Pilgrim's Landing area plan HOA for the future reviews.

Kim Struthers stated that the staff will assure that any approvals from the HOA will be made with the site plan approval.

Ed James moved to recommend concept plan approval for CA Advisors' assisted living facility located at 3350 West Pilgrim's Loop Road in an existing Planned Community zone with the following stipulations: 1) that DRC comments met; 2) that staff be provided a documentation on the terms of the cross access to the south; and 3) documentation from the HOA that they have been contacted for comments. Second by Carolyn Player. Motion carried unanimous.

3.6. Dale Harvey – Requests review of changes to the elevations and Site Plan of the approved Burger King restaurant located at 1466 East SR-92 in an existing C (Commercial) zone.

Kim Struthers presented the request. He stated that the site plan for Burger King was approved in October. Since that time, Burger King has released a new corporate design, and the applicant would like to change the elevations to meet the new standard. There is also a small change to the site plan, specifically with the removal of the playground and moving of the dining area. They have provided some samples of the dining area. Additional information on the elevations was handed to the Commission tonight. The new site plan does have more parking than the previous site plan.

Derek Byrne asked if there has been a calculation of the difference in stone from the previous elevations to this new submittal. He would like to know specific percentages of materials by type.

Ed James asked if there was an architectural palette approved with the overall development. He questions if this palette fits within the other buildings that have been approved. He would like to establish a theme for the entire development.

Dale Harvey stood as the applicant. He stated that Burger King finalized the new design in February right before the building permit was pulled. Burger King has offered the developer incentives to meet the new corporate design that is trying to "rebrand" the corporate look. The building design is intending to reflect the corporate design. 36% of the building is stucco, 64% is brick, corrugated metal, and ceramic tile. He passed out samples of the building materials to the Commission. The horizontal corrugation is to reflect the look of the barbecue grill.

Ed James indicated that it appears the brick is less than 10% of the total building materials.

Jeff Vincent, project architect, indicated that the brick is more than 10%, but the exact amount has not been calculated. The ceramic tile will be located in the front of the building as a highlight, and will be reddish in color.

Kerry Schwartz asked about the size of the building and why it is smaller.

Dale Harvey stated that the playground has been eliminated and electric toys will be added instead. There may be a small toddling-toy for the children to climb on.

Derek Byrne asked the applicant about the reason why the playground is being removed. He feels the playground is an important component.

Dale Harvey indicated that his building in Draper has an indoor playground. It does get used occasionally; however during school hours it doesn't get used much. The play toy is expensive and there is a liability; it also only appeals to a small age group of children. The electronic toys appeal to a large age group and will be at each individual table.

Kordel Braley asked for a clarification on electronic toys.

Dale Harvey indicated that they are interactive, touch screen, electronic games. There is a 20 year warranty on the materials.

Kerry Schwartz asked what the treatment is the surrounds the building.

Dale Harvey stated that the treatment is just in the rendering, and appears to be stamped concrete, but it is not the intent to use that material on the actual building.

Jeff Vincent stated that this is not a metal building. The metal panel is just an accent and is a durable material. This panel is used on several buildings in the area, such as the REI at Southtowne Mall and at some commercial developments in the Meadows in American Fork.

Kerry Schwartz asked if there has been coordinating with the overall developer of Center Pointe

Dale Harvey indicated that they had coordinated, and the response was positive. The only concern was the monument sign, which still has to be approved.

Ed James asked about the DRC comments, specifically stating that the building must include at least 51% rock or brick in the building materials.

A general discussion was held that the Commission could deviate from the Commercial Design Standards from Chapter 5 of the Development Code.

Kordel Braley feels that the metal accents could be treated as a durable material, and would bring the total close to the 50%

Ed James has a dilemma because he feels the Design Standards should be met.

Kim Struthers indicated that the Design Standards are the ordinance. He read from the ordinance, section F, regarding what the standard says. He also indicated that Planning Commission has the discretion to make exceptions.

Derek Byrne asked if they would be opposed to adding more brick to be in conformance with the standards. He likes to remain consistent.

Jeff Vincent indicated that the issues were always stucco with the DRC, and this is only 40% stucco. The other buildings in this development are majority stucco. As an architect, he likes the design of the building

Dale Harvey stated that the percentages of materials are 36% stucco, 27% metal, with 37% brick and ceramic tile and glass.

Kerry Schwartz suggested brining the brick wainscot higher up on the walls of the building.

A general discussion was held regarding what could be done to the building to conform with the requirements of the ordinance.

Kordel Braley asked about Burger King's corporate requirements.

Dale Harvey indicated that the elevations will also required Burger King approval.

Ed James hinks all the other materials are ok – he just wants to see more brick or rock.

The Commission reviewed the submitted elevations, and gave suggestions to the applicant.

Ed James moved that the Commission grant final approval to the changes to the elevations and site plan of the approved Burger King restaurant located at 1466 East SR-92 in an existing Commercial Zone with the conditions that all DRC comments be met. Second by Derek Byrne.

Kerry Schwartz asked for a clarification about the percentages.

Ed James would like to give some flexibility to the applicant to decide how to meet the standards, so he does not want to include exact percentages in his motion.

Kim Struthers read from the ordinance as to what is permitted for building materials.

Ed James amended his motion to allow the ceramic tile as a durable material. Second by Derek Byrne stands.

Ed again amended his motion to allow the fourth material as shown. Second by Derek Byrne stands. Motion carried unanimous

3.7. Box Elder Properties – Requests an extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone.

Kim Struthers presented the request. He stated that this extension was filed by Patterson Construction. He reminded the Commission of the original approval for the extended stay hotel to be located north of Fox Hollow Elementary school in a Business Park zone with frontage on Bull River Road. This is the third extension that has been filed. The DRC review brought up a concern with the newly adopted fire code that requires a second fire access. Because the Bull River road access onto SR-92 has been permanently closed, there is only one access to the hotel now. The previous motion of approval has been included.

Ed James asked for clarification as to why the SR-92 issues weren't known in 2007. He also asked if there are any master planned access roads that would affect this parcel.

Kordel Braley indicated that Triumph Blvd is shown as a future access.

Lorin Powell indicated that the Triumph Blvd connection is 2300 West, and will extend to the Lake. There could be a future connection for Bull River Road

Kordell Braley clarified that the DRC felt that the extension should not be granted unless a second fire access road is available

There was a discussion held regarding the DRC comment in relation to the requirement for the second fire access.

Steve Sowby stood as a representative for the applicant. He indicated that the owner has not caused the access issues, and feels the City has caused the access issues by closing the road and changing the code. He will accept an extension based upon the fact that they met the code at the time the original approval was given.

Kerry Schwartz asked why the approval has been expired for over a year, and wonders why it is now being requested.

Steve Sowby indicated that he has been out of town for over a year.

Kerry Schwartz feels that based upon the history of this project and the controversy surrounding the original approval, an extension should not be granted without additional public comment.

Kim Struthers indicated that there have been continuing discussions with Patterson Construction.

Steve Sowby stated that a zone change to residential was submitted previously on this parcel that was not approved.

Ed James has a concern that this use is not viable for the location.

Steve Sowby indicated that this use was viable at the time it was requested and approved.

Ed James asked if there is other property in the area that Patterson owns.

Steve Sowby indicated that there are other parcels in the area, adjacent to this piece, that Patterson owns.

Kerry Schwartz does not understand why the applicant would want to extend a project that is not viable. There are other uses allowed in Business Park, and he feels there would be more viable uses in this area. If the applicant does feel this is a viable use, he would like to see it meet the current codes.

Ed James moved to deny the extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone because of the comment made by the DRC in terms of new requirement of the Code for dual access and to include all DRC comments.

The motion died for lack of second

Marilyn Schiess remembers the controversy with all the neighbors, but the site plan was still approved.

A discussion was held regarding the history of other applications that have been extended, and this specific issue that was contentious at the time of approval.

Carolyn Player asked about the possibility of a secondary fire access, and whether one can be obtained.

Steve Sowby is willing to work to find a secondary access.

Kerry Schwartz asked if the applicant intends to build an extended stay hotel in this location.

Steve Sowby indicated that he cannot state that a hotel will be constructed in this area because of the status of the current market.

Kerry Schwartz has concerns with extending the approval because the applicant has no intent of constructing a hotel in this location. He also recalls that this was a controversial project at the time it was approved. He feels like the public should be given an opportunity to comment before an extension is granted.

Kordel Braley wondered if the previous concerns have anything to do with the fire access. He doesn't feel like the access issue was ever a concern of the neighbors.

Derek Byrne feels that this facility is highly unlikely to ever be built in this area.

Derek Byrne moved to approve the extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone with all DRC

comments and with the provision that before moving forward with the project must provide for the second access.

Kim Struthers indicated that the provision for the fire code would trigger a new site plan. Expiration dates are in place because Codes do change over the course of time, and the expiration allows the city to evaluate whether or not the project is still viable under the current ordinances.

Derek Byrne withdrew his motion.

Ed James feels the zoning on the property allows a variety of uses and a revised site plan would be required to solve the fire code issue.

Ed James moved to deny the extension the extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone. Second by Marilyn Schiess.

Kordel Braley also noted that the Commercial Design Standards have changed since the approval, and utility issues may have changed as well.

Kerry Schwartz indicated that on any extension the Commission has the ability to deny the request due to changed in City Codes.

Steve Sowby commented that he doesn't like denials. He would accept the fact that the extension is granted but that they need to obtain the second access.

Ed James indicated that a revised site plan is required in order to comply with the DRC comments.

Kim Struthers clarified the difference between major and minor revisions.

Steve Sowby indicated that there have been additional properties acquired by Patterson since that time.

A vote was taken. The motion failed with a 3-3 vote – Marilyn Schiess – yes; Carolyn Player – no; Kordel Braley – no; Kerry Schwartz – yes; Ed James – yes; Derek Byrne – no.

Kordel Braley indicated that he is confused on how to make a motion, and whether or not the extension allows changes to the site plan.

Ed James feels that because of the new code, a motion to deny should be made, which would give the applicant the chance to reapply and meet current ordinances.

Lorin Powell indicated that he believes the Commission can grant the extension with conditions – whether the requirement is for additional DRC review and even more approval by the Commission.

Ed James feels that the access issue will take a long time to resolve than the time of the extension would allow.

Kordel moved to grant a conditional extension for Box Elder property's request for the extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone with the conditions that all DRC comments are addressed and that all changes are brought back to the Planning Commission prior to construction with an extension for one year from today. Second Carolyn Player.

Kerry Schwartz had concerns that the conditional extension is not something that can be done.

Kordel Braley amended his motion to grant the extension for one year from the date the last extension expired. Second by Carolyn Player stands.

A discussion was held regarding whether or not a conditional extension can be granted

Ed James questioned what the difference in impact would be between granting the extension vs. denying the request and reapproving when the issues have been worked out.

Kim Struthers indicated that he would like to get a ruling from the City Attorney as to whether an extension with conditions can be made.

Kordel Braley withdrew his motion.

Kordel Braley moved to table the extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone until staff has had time to research what can be done on extensions legally. Second by Carolyn Player.

Derek Byrne thinks that tabling the motion is just denying the inevitable.

Kordel Braley would like to wait to have the facts before the decision is made.

A vote was taken. The motion failed with a 3-3 vote: Carolyn Player – yes; Marilyn Scheiss – yes; Kordel Braley – yes; Kerry Schwartz – no; Ed James – no; Derek Byrne – no.

Ed moved to deny the request the extension of approval for the North Bench Business Park Extended Stay Site Plan & Conditional Use Permit for an extended stay suites hotel located at approximately 1500 West Bull River Road in an existing BP (Business Park) zone. Second by Derek Byrne.

A discussion was held as to whether or not a denial is appropriate.

Motion passed with a 5-1 vote with Kordel Braley opposed.

3.8. Autumn View Properties – Requests an extension of approval for the Center Point South Professional Office Site Plan located at approximately 1600 East 3200 North in an existing C (Commercial) zone.

Kim Struthers presented the request. He indicated that this project is located south of the Smith's Marketplace, and was approved for an office development. There were 2 buildings approved. The original approval was February 14, 2008.

Kerry Schwartz asked if the extension can be granted given the amount of time that has passed.

Kim Struthers read from the ordinance and indicated that the extension can be granted.

Ed James indicated that the DRC comments are different in this situation and asked for a clarification in what is different between the Design Standards and Public Improvements Manual

Kim Struthers indicated that the new Public Improvement standards were approved October 2009.

Derek Byrne asked if it is fair to apply the new standards to this project

Kim Struthers indicated that the general feeling of the DRC was that there was no reason to deny the extension.

Steve Sowby stood as the applicant for the project. He asked for a clarification of dates of approval.

Christie Hutchings clarified that an extension was granted in 2009, that expired on February 14, 2010.

Kordel granted one year extension until feb 14 2011 for the site plan approval for centerpointe south professional offices located with DRC comments second by ed motion carried unanimous

Kordel Braley moved to approve a one year extension until February 14, 2011 for the extension of approval for the Center Point South Professional Office Site Plan located at approximately 1600 East 3200 North in an existing C (Commercial) zone with all DRC comments. Second by Ed James. Motion carried unanimous.

3.9. Autumn View Properties – Requests an extension of approval for the Carter Corner Site Plan & Conditional Use Permit for a commercial bank with a drive-thru located at the southwest corner of 1200 East and SR-92 in an existing C (Commercial) zone.

Kim Struthers presented the request. He indicated that this property is located at the intersection of 1200 east and SR92. It was approved for a bank with a drive-thru facility.

Christie Hutchings indicated that a previous extension was granted that expired on March 6, 2010.

Ed James asked if there were any changes to SR92 that would affect this project.

Kim Struthers indicated that the intersection is going to move north and would provide for additional landscaping in front; however the property line hasn't changed. SR92 does not directly affect the site.

Steve Sowby stood as the applicant.

Kordel Braley asked if the site plan meets the current Commercial Design Standards.

Kim Struthers indicated that the proposed building would be primarily brick and would meet the architectural standard.

Ed James moved to approve the request for of approval for the Carter Corner Site Plan & Conditional Use Permit for a commercial bank with a drive-thru located at the southwest corner of 1200 East and SR-92 in an existing C (Commercial) zone with the extension until March 6, 2011 and with all DRC comments. Second by Marilyn Schiess. Motion passed unanimous.

3.10. Ivory Development – Requests Concept Plan review and recommendation for Platinum Fields PRD, a proposed 48-lot Planned Residential Development located at approximately 300 North 2150 West in an existing R-1-22 (residential/agricultural) zone.

Kim Struthers presented the request. He indicated that this is a concept plan for a single family residential PRD. There were items handed out for this that were not in the packets. A PRD requires 20% open space. The waste ditch crosses this project diagonally. At one point a standard subdivision was approved for this property; however the property was foreclosed upon by the bank. The future 2300 west runs adjacent to this property to the west – plans are in the works for 2300 West, but the construction date is unknown at this time. Current zoning is R-1-22, which is a density of 1.75 units per acre. There was a grading permit issued that added some fill to the property. The new concept does not include all of the property from the original approval, because of portion was sold to an adjacent property owner. The proposed park would be public. There is a proposed density bonus of 5 lots shown in lieu of right of way dedication, road and trail improvements, and improvements of the waste ditch channel. The previous improvements to this channel helped immensely with the spring flooding this year.

Ed James questioned the DRC comments about the park staffing issue.

Kim Sturthers indicated that the Parks Department has major issues with staffing and their ability to effectively maintain the current City parks.

Ed James asked for a clarification on the proposed density bonus. He also asked about the Parks Master Plan.

Kim Struthers indicated that the Parks Master Plan does not classify this area as deficient – the goal is to have a park within walking distance of every City resident. This area is shown on the

Parks Master Plan for a trail. The Master Plan just indicates a minimum standard, but nothing that says they cannot exceed the standard.

Kordel Braley asked about the passive park and staff's opinion on the development of such a park.

Kim Struthers indicated that the original version showed grass, but this option helps with the parks concern over maintenance.

Christie Hutchings also indicated that there was an issue with water conservation, and the new design helps with water conservation.

Ed James asked if the Parks Master Plan called for a trailhead.

Kerry Schwartz had issues with the amount of parking. It seems like a lot for a park that has no soccer fields.

Kordel Braley wonders if the residents of this area would want a passive park.

Brad Mackey stood as a representative for the applicant. The property is owned by the FDIC, and Ivory has it under a 30 day option. They like the PRD alternative and feel the design makes a lot of sense. The natural park addresses issues with parks maintenance and water usage issues. This proposal shows native fescue grass with an irrigation system that uses less water and requires less maintenance. In the future, if the City chooses to convert this to an active recreation park, the infrastructure would exist. The value of the park is \$600,000 to the City.

Ed James asked the applicant about the road to the south that is shown currently as a ½ road.

Brad Mackey indicated that City ordinance requires the road to be constructed this way to eliminate a protection strip to the property on the east side of the road.

Ed James has concerns that the ½ road does not provide sufficient access into his project.

Lorin Powell indicated that this is still the same asphalt width as a full road, it just lacks the curb and gutter on the west side.

Kordel Braley feels like the road configuration aligns with the access from the junior high. He also asked about the area that has been purchased by adjacent property owners.

Brad Mackey indicated that Barnes Bank had sold some of the property to another property owner; however the county doesn't show it as being a recorded transaction. There were errors on the legal description that was recorded with the deed.

Kordel Braley questioned how the property that has been sold to the adjacent property owner would be provided access to a future development. He also asked about the bridge over the creek.

Brad Mackey indicated that the bridge would need to be large enough to support a truck for maintenance.

Kordel Braley questioned if a street on the north end of the property would be in better interest to the City to provide more continuity between adjacent parcels

Lorin Powell indicated that the environmental assessment is being done currently on 2300 West and the City already owns the right-of-way. He doesn't feel that the access issues are a concern. 2375 West will remain as a local road. He feels like the park in this area would work better than having homes that access out onto 2300 West. This is the road that will connect up to Triumph Blvd, and will be the only road from the low hills to the lake.

Kordel Braley asked if the City would bridge the canal.

Lorin Powell does not envision bridging the channel. It would be difficult because bridges create problems with flooding. The channel is 57 feet wide in this location.

Kerry Schwartz commented on the park. He likes to see that this is a different concept. He suggests a reduction in parking and adding a restroom facility.

A discussion was held as to the requirements of PRD for installing improvements, and what is the developer's responsibility vs. the city's responsibility

Lorin Powell indicated that nothing has been determined at this time. The improvements will need to be finalized. He feels that green spaces around the trails add value to the trails. He also feels that it is very important that this project provides 1000 feet of trail. He also stated that the PRD reduces 650 feet and over ½ acre of asphalt in roadways – the future maintenance for the Streets Department is reduced by this proposal.

Mark Johnson feels like this would be a nice location for a fishing pond for the City, as water could be diverted from the ditch.

Ed James recommend approval for the concept plan for Platinum Fields PRD, a proposed 48-lot Planned Residential Development located at approximately 300 North 2150 West in an existing R-1-22 (residential/agricultural) zone including all DRC comments and with the recommendation that the park area be further studied for alternatives uses, such as a fishing pond, soccer field, or passive open space. Second by Marilyn Schiess. Motion carried unanimous.

PUBLIC HEARINGS

- 4.1. CJS & Company/Atlas Eng – Requests Preliminary Subdivision review and recommendation for Mill Pond Subdivision Plat A, a 6-lot commercial/light industrial subdivision located at 675 South Mill Pond Road in an existing LI (Light Industrial) zone.**

Public Hearing opened at 7:03 pm

Kim Struthers presented the request and stated that this request is for a light industrial subdivision. Gerber construction is currently located in this area, just west of the Mill Pond. Mill site road is existing on the site, and the property has been developed as a site plan. The applicant is looking to subdivide the property so that lots can be sold for development in the future. There is some uncertainty as to how this will be developed with the pioneer crossing. Prelim and final will be granted at the city council.

Kordel Braley asked if there was any concern about future uses with only one fire access. He also clarified the adjacent zoning and land uses.

Ed James wondered if there will be any access points to the west along the railroad tracks.

Kerry Schwartz indicated that the majority of the lots already have existing businesses.

Kordel Braley would like to consider the possibility of extending the road to the west for the future.

Kim Struthers indicated that 600 East is a residential road, and historically has had neighborhood opposition to commercial traffic being increased.

Max Gerber stood as a representative for the application.

Kerry Schwartz asked the applicant his thoughts on the concern for the east/west stub road.

Max Gerber indicated that the road would bisect the Gerber construction property and it would not work for them. In the future, he envisions the cul-de-sac looping to the south so that it extends back to Mill Pond Road (850 East).

Derek Byrne moved to extend the meeting for 30 minutes. Second by Carolyn Player. Motion passed unanimous.

Max Gerber stated that the subdivision is being done because there is a possible sale of a portion of the property. Gerber Construction plans to maintain their business currently at this location.

Kordel Braley asked for a clarification on what would be planned for future roads.

Max Gerber indicated that they have had some issues with Pioneer Crossing that should be resolved now.

Public Hearing ended at 10:31 pm

Kordel Braley doesn't want to split Gerber Construction, but would like to see the extension of the road for the future.

Ed James noted that there is the 20-foot easement shown to the west currently.

Kordel Braley suggested that the easement be extended to be the width of a road for possible future expansion to the west.

Max Gerber would like to have the road re-evaluated as individual site plans are brought in for approval.

Marilyn Schiess moved to recommend approval to the City Council for Preliminary Subdivision review and recommendation for Mill Pond Subdivision Plat A, a 6-lot commercial/light industrial

subdivision located at 675 South Mill Pond Road in an existing LI (Light Industrial) zone, including all DRC comments. Second by Carolyn Player.

Kordel Braley asked to consider amending the motion to allow for the easement to be enlarged

Lorin Powell does not believe that the ordinance would allow for the requirement for the easement to be extended.

Max Gerber has concerns that the road may never be there.

Motion carried 5-1 with Ed James opposed.

4.2. Lehi City – Requests review and recommendation for an amendment to the Lehi City Development Code, Chapters 20 and 36, relating to daycare and preschool regulations.

Public Hearing opened at 7:03 pm

Kim Struthers presented the request and stated that this request has been initiated by the Fire Marshal in his dealing with home occupations. It gives staff the discretion to forward home occupations to the drc. It also changes the definitions in chapter 36 dealing with daycare and preschool to assure that the IBC and IFC requirements are met.

Ed asked for a clarification on the definitions between daycare and preschool.

Carolyn asked for a clarification on the definitions of IFC and IBC.

Public Hearing ended at 10:38

Kordel Braley asked for a clarification on the process of approval for a home occupation permit

Ed James moved to recommend approval to the City Council for an amendment to the Lehi City Development Code, Chapters 20 and 36, relating to daycare and preschool regulations. Second by Marilyn Schiess. Motion carried unanimous.

CITY BUSINESS

Kim reminded the Commission that the July 22 meeting is cancelled due to the 24th holiday. If any Commissioners have any suggestions on the work session please contact the Planning Department.

APPROVAL OF MINUTES

6.1 Approval of minutes from the June 3, 2010 work session.

Marilyn Schiess moved to approve the minutes from June 3, 2010 work session. Second by Carolyn Player. Motion carried unanimous.

6.2. Approval of minutes from June 10, 2010 regular meeting.

Carolyn Player moved to approve the minutes from the June 10, 2010 regular meeting. Second by Marilyn Schiess. Motion carried unanimous (Kerry Schwartz abstained because he was not in attendance at the meeting)

ADJOURN

Carolyn Player moved to adjourn. Second by Marilyn Schiess. Motion carried unanimous.

Meeting ended at 10:42pm

Date Approved _____

Chairman _____

Secretary _____