

## LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, September 09, 2010 in the Lehi City Council Chambers,

Members Present: Ed James, Kordel Braley, Marilyn Schiess, Carolyn Player, Carolyn Nelson

Members Absent: Kerry Schwartz – excused, Derek Byrne – excused

Others: Kim Struthers, Noreen Edwards, Brad Kenison, Council member Mark Johnson

Meeting began at 7:03 p.m.

*Kordel Braley nominated Marilyn Schiess as temporary chair. Second by Carolyn Player. Motion carried unanimous.*

(Carolyn Nelson came in 7:20)

Kim Struthers said that the applicant for item 4.6 has asked to withdraw.

### REGULAR AGENDA

#### **3.1 CARLIE LARSEN – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION PERMIT TO OPERATE MS. CARLIE’S LITTLE LEARNERS PRESCHOOL FROM HER HOME LOCATED AT 1893 WEST 1400 NORTH IN AN EXISTING RA-1 ZONE.**

Kim Struthers presented the request and stated that everything conforms to the Home Occupation requirements. The applicant will have two sessions twice a week for 2 hours each with 10 students per session.

Carlie Larsen was present for the request and said that she has passed her inspections and that this will only be on the main floor of the house.

*Carolyn Player moved to approve Carlie Larsen’s request for a Major Home Occupation permit to operate Ms. Carlie’s Little Learners Preschool from her home located at 1893 West 1400 North in an existing RA-1 zone finding it is in compliance with our ordinance. Second by Ed James. Motion carried unanimous.*

#### **3.2 STEVEN JONES & DIANNE FARLEY-JONES – REQUEST SITE PLAN APPROVAL FOR ALPINE HEALTH CLINIC LOCATED AT 1175 EAST 3200 NORTH IN AN EXISTING COMMERCIAL ZONE.**

Kim Struthers presented the request and stated that it is a one story all masonry building with a partial basement. They have a shared entrance with the daycare off 3200 North.

Ed James asked if it meets the landscape requirements and asked about what the purpose for the garage.

Kim Struthers said it does meet the landscape requirements. He said that staff questioned the garage as well: on the one hand it is a little unusual on a plan like this but it would be a better transition between the residential and commercial. There is nothing in the Development Code that prohibits the garage.

Steven Jones was present for the request and stated that this will be a family practice. The garage will be for them and for storage of equipment to maintain the grounds.

Kordel Braley asked if the parking will be adequate.

Steven Jones said that he feels it is adequate.

Ed James asked about having the school nearby and how they would feel about sharing the parking with the school.

Steven Jones said they may consider evening hours eventually but if we don't then we won't have an issue with that. He said they have more than adequate parking for three providers.

*Ed James moved to grant final approval of Steven Jones & Dianne Farley-Jones' request for Site Plan for the Alpine Health Clinic located at 1175 East 3200 North in an existing Commercial zone including the DRC comments. Second by Carolyn Player. Motion carried unanimous.*

## **PUBLIC HEARINGS**

### **4.1 DUANE SHEELY – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL TO OPERATE LEHI JUJITSU, A MARTIAL ARTS AND YOGA INSTRUCTION BUSINESS FROM AN EXISTING BUILDING LOCATED AT 68 WEST MAIN STREET IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that this is for an athletic instruction business. He said as part of the Site Plan there is parking shown in the back. DRC had concerns about pick up and drop off. There is also parking available on Main Street. There is no actual minimum parking requirement because it is in a Mixed Use zone. Their hours of operation would be Tuesday – Thursday from about 5:30-8:30.

Kordel Braley asked if that is a public street there behind.

Brad Kenison said it is City owned. We have considered putting parking in there and also on the east side of Porter's Place.

Duane Sheely was present for the request and stated that he will not encourage people to drop off on Main Street. There is limited parking on Main and in the evenings there is not a lot of traffic now on Main Street. He doesn't think parking is a problem; a lot of times there is more than one person coming from the same household.

Kordel Braley asked about the door in the back of the building.

Duane Sheely said that they would have to walk around to the front to enter. He is only leasing the front part with the option to expand.

Kordel Braley asked about the DRC comment about having the landlord come to the meeting.

Duane Sheely said that she was not able to come.

Public Hearing closed at 7:24 p.m.

Kordel Braley said his concern is that it seems kind of a mess in the back with no striping. The City or the landlords should consider striping that area.

Ed James said that he would feel more comfortable if the entire building was being leased so they could have access in the back.

Kordel Braley asked if he is concerned with kids being dropped off in the back in the winter time.

Duane Sheely said that it's not a concern and if there is a problem the instructors can walk the students out.

*Carolyn Nelson moved to approve Duane Sheely's request for Site Plan and Conditional Use to operate Lehi Jujitsu, a martial arts and yoga instruction business from an existing building located at 68 West Main Street in an existing Mixed Use zone including DRC comments. Second by Ed James. Motion carried unanimous.*

**4.2 DAVID ETHINGTON – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL TO OPERATE SUNCREST AUTO FROM AN EXISTING BUILDING LOCATED AT 1223 EAST MAIN STREET IN AN EXISTING COMMERCIAL ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that since this is in Commercial we can allow auto sales on less than an acre. There have been other auto sales businesses there in the past. They will occupy the west half of the building. There was a concern in DRC with the canopy and site distance. The Assistant Building Official suggested that that be removed.

Ed James asked about an item that was discussed a few months ago on the same. We had discussion about the look of that area; parking stalls, landscaping treatments, etc.

Kim Struthers said that you can make that as part of the Conditional Use.

Kordel Braley asked about the parking plan and how they were going to fit 22 cars there.

Kim Struthers said we haven't seen anything showing where the vehicles would be located.

Ed James said that there is a possible conflict of interest but he doesn't feel it could cause problems with the discussion.

The commission feels he is ok to take part.

Discussed that the applicant is operating there right now.

Marilyn Schiess asked if the awning was moved back a little would it meet the requirements especially since that it is a dead end street.

Ms. Ramirez was present for the request and said that the awning thing can be removed. She said she doesn't know whether the owner is planning on doing striping but parking has not been a problem so far. The only part they are leasing is the highlighted part on the plan. There will be parking for customers in the front against the building. She said they have landscaping along the front of the building by the door.

Brad Kenison said that DRC also wondered whether the display stalls should be striped. If they did that then they wouldn't have as much of an opportunity to show their vehicles in any manner. He said we wanted to leave them the ability to show their cars in another manner.

Ed James and Kordel Braley wonder if they will be able to fit all 16 cars in there to sell.

Kordel Braley thinks that the applicant should show how 16 cars will fit.

Discussed that they don't think it will work striping it for that many cars.

Ed James doesn't feel comfortable with a motion unless we know how many will fit on it. He asked if the commission would feel comfortable having the applicant show staff the parking.

Kordel Braley said that when it's a tenant and not an owner, it's difficult to make them do architectural upgrades. It's in their best interest to make the place look attractive.

Public Hearing closed at 7:38 p.m.

*Ed James moved to approve David Ethington's request for Site Plan and Conditional Use to operate Suncrest Auto from an existing building located at 1223 East Main Street in an existing Commercial zone and as part of the motion to include the DRC comments and to have the applicant have a final site plan drawn and submitted to the Planning Department for final approval that would show up to 22 parking stalls for display or auto storage, up to 5 guest parking stalls and one employee parking stall and they should meet the standard for City parking requirements; and once it's approved they will have to stripe those parking stalls. Second by Carolyn Nelson.*

Kordel Braley agrees with the DRC's line of thinking about not striping the display area but to only stripe the stalls for customer parking. If they come in with the site plan and can only show 10 parking stalls then they shouldn't be allowed to have 22 cars; they can accommodate what they can fit on site.

*Ed James moved to amend his motion to include that they will only be approved to sell the number of cars that the Site Plan can fit and that only the 5 customer and the one employee parking stalls need to be striped. Second by Carolyn Nelson stands. Motion carried unanimous.*

**4.3 MATT AZURE & TADD CASPER – REQUEST SITE PLAN AND CONDITIONAL USE APPROVAL FOR LAKEVIEW DENTAL LAB LOCATED IN THE STONEHAVEN DENTAL OFFICE PLAZA AT 181 NORTH 1200 EAST IN AN EXISTING COMMERCIAL ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that this would be located on the east side of the building in the center.

Ed James asked about the seven stalls in the analysis and if those are assigned to the dental lab.

Kim Struthers said that the parking was based on the basement square footage as well as the main floor areas.

Matt Azure and Tadd Casper were present for the request. Matt said that they work with the doctors here in the local area and that the seven stalls are adequate.

Public Hearing closed at 7:52 p.m.

Carolyn Player asked if they got a building permit to finish the basement.

Matt Azure said that they have put their stuff in the basement but everything had been done prior to. He said the Fire Marshal has been there and stated what needed to be done.

Kim Struthers said that Lynn Jorgenson couldn't find a permit for this finish so at one time it was done. Lynn is willing to work with them on this so they can go through and do some basic inspections on some things to make sure they're up to code.

Penny Tobler, the owner was present and stated that the basement they just had finished and didn't get a permit for. She said they will work with Lynn to get a permit for the basement.

*Ed James moved to approve Matt Azure & Tadd Casper's request for Site Plan and Conditional Use for Lakeview Dental Lab located in the Stonehaven Dental Office Plaza at 181 North 1200 East in an existing Commercial zone including DRC comments and specifically that a building permit be issued within 30 days of the approval of this body. Second by Carolyn Nelson. Motion carried unanimous.*

#### **4.4 SCOTT GREENWOOD – REQUESTS APPROVAL OF BECSCO SUBDIVISION, A 2-LOT RESIDENTIAL SUBDIVISION WITH AN EXISTING HOME LOCATED AT 201 EAST 300 SOUTH IN AN EXISTING R-2 ZONE.**

Public Hearing opened at 7:05 p.m.

Kim Struthers presented the request and stated that there is an existing home and a barn on the property. The owners would like to subdivide the lot and the new lot doesn't go the full depth of the property. Lot #2 is not big enough for a duplex but it will accommodate a single home.

Ed James asked if there is enough room for a flag lot if they ever decide to further subdivide for a 3<sup>rd</sup> lot in there.

Kim Struthers said in theory they could come in later for a flag lot as a Conditional Use.

Dodd Gear from Civil Science was present for the request.

Kordel Braley asked about the new curb, gutter and sidewalk that was put there where it doesn't go all the way to the east.

Dodd Gear said it runs into a power pole.

Kim Struthers said that normally it would be required on only the new lot and they put in more than they were required to.

Dodd Gear said that they would either have to move the pole or the concrete would have to go around it.

Scott Greenwood, the owner, said that he doesn't know what he will do with the property in the future.

Public Hearing closed at 8:04 p.m.

*Carolyn Nelson moved to approve Scott Greenwood's request for Becsco Subdivision, a 2-lot subdivision with an existing home located at 201 East 300 South in an existing R-2 zone including DRC comments. Second by Carolyn Player. Motion carried unanimous.*

**4.5 MICHAEL AND NATALIE BARRON – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL OF A SMALL WIND ENERGY SYSTEM FOR THEIR HOME LOCATED AT 61 EAST 2200 NORTH IN AN EXISTING A-1 ZONE. (Tabled from August 26, 2010)**

Public Hearing left opened from the August 26, 2010 meeting.

Kim Struthers presented the request and stated that they had done some visual simulations of what the tower would look like with the setback and height. He said as we looked at it in DRC it looked like they met the setback requirements and height requirements. Kim said that the wind energy is a separate section in the Development Code and the height can go up 45 feet.

Kordel Braley asked if anything new was turned in since the last meeting. He said that the commission had asked about the decibel level and clarification in the code.

Kim Struthers said that Christie Hutchings was the one that had been working with them – but nothing new was turned in.

Carolyn Player said she rode up to the other one at Adamson's and pulled clear in the back and the wind mill was turning and she heard no noise what so ever.

Natalie Barron and Steve Painter were present for the request. Steve, the installer, presented the information on the decibel levels. He said that the only time they do make any noise is in a high wind situation which will hit the 45 decibel area. He said they just did two in Alpine in which we put a Styrofoam plug in and it did quiet it down. He said they're continually trying different things to get them quieter. The noise they make is just a hum. We don't have an issue with neighbors complaining.

Ed James asked about the 50 feet from the property line and the noise level.

Steve Painter said that the studies show that the decibel level is 45 at the base of the tower so the further you go the less noise you'll hear.

Ed James asked the reason why the Barron's didn't split the difference from north and south.

Steve Painter said that they try to place it in the best location to catch the wind and still meet the criteria.

Kordel Braley asked about a comment made at the last meeting about the breaking system and the noise.

Steve Painter said that there is no noise involved as far as breaking.

Kordel Braley asked about the 45 foot height and where it's measured from.

Kim Struthers said that it is the actual tower height from the base, the ground, to the top of the blades.

Reed Powell said he went to Kay Adamson and went back and stood at the base today and was impressed that he couldn't hear it from the street. He asked the neighbor to the north and the neighbor said he has a hot tub and can no longer hear the birds or other nature sounds, etc. because of the hum of the wind mill. He said the Roberts on the south said that they felt obligated to sign off on the wind mill because they're related. He said the distances those homes are from the wind mill is 2-3 times the distance that his is from this one.

Kim Powell said that it was like a siren.

Kurt Melling, north of this property, said that he has ambivalent feelings about this. He said that Natalie Barron said that they want to be good neighbors so if others don't want it they may not put it in. He is not necessarily concerned with the noise but his bedroom window faces that side and he is worried about the buzzing or humming. He is more concerned about the aesthetic value. His preference would be to deny the request for now but at least have signatures of the three touching neighbors.

Reed Powell said he wants the commission to realize the elevation change – this will put the blades at the neighbors' upper level of their home.

Public Hearing closed at 8:27 p.m.

Carolyn Player asked Natalie Barron about the sounds and why they would be interested in having it.

Natalie Barron said that the one on 12<sup>th</sup> East doesn't have the foam in it. The ones in Alpine where they put the foam in are a lot quieter. She said that she did call the neighbors to let them know they were on the meeting tonight. She said if it makes too much noise she doesn't want it in her yard so if it's irritating then they won't put it in. She said she would like to hear the ones they've adapted to see if they're going to drive her nuts.

Ed James said that he doesn't feel that he has enough background as to whether it's good or bad. He said he has been to the other one and also to the ones as Camp Williams and he doesn't feel its offensive to the surrounding neighborhood. His own personal feeling is that it is not negatively impacting the neighborhood.

Kordel Braley said that he is concerned with having an application before us from someone that doesn't know for sure if they want to do it.

Natalie Barron said that they will go ahead with it but if the noise level is not acceptable then they won't put it in, but the changes that they are making with the foam blocks are suppose to make a big difference.

Steve Painter said that they can retrofit the existing wind mills with the foam blocks.

Ed James said that he likes the idea of the Conditional Use with the three abutting neighbors and have them work through the noise issue.

Kordel Braley said that there is an ordinance that was approved and the way it sits right now it meets all the criteria, however he is still concerned that we are approving something that they might not even want to do.

*Ed James moved to approve Michael and Natalie Barron's request for Site Plan and Conditional Use for a small wind energy system for their home located at 61 East 2200 North in an existing A-1 zone as per the Site Plan and include DRC comments. Second by Carolyn Player. Motion carried 3-2 with Kordel Braley and Carolyn Nelson opposed.*

**4.6 CADENCE CAPITAL – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR SPRING RANCH, A 22-LOT PLANNED RESIDENTIAL DEVELOPMENT WITH PARK BUY-BACK LOCATED AT APPROXIMATELY 2540 WEST 1500 NORTH IN AN EXISTING R-1-22 ZONE. (Tabled from August 26, 2010)**

Public Hearing left opened from the August 26, 2010 meeting.

The applicant requested that this item be withdrawn.

**CITY BUSINESS**

Kim Struthers reminded everyone about the APA conference.

Brad Kenison said that he put together a chart from the counters off Main Street – the counts went down 35-40% since Pioneer Crossing opened.

**APPROVAL OF MINUTES**

**6.1 APPROVAL OF MINUTES FROM THE AUGUST 26, 2010 REGULAR MEETING.**

Carolyn Player pointed out a typo on page 4 – ‘fro’ should be ‘for’.

Ed James said on item 4.2 in the motion he wants it clarified that it’s 2.5 ‘parking stalls’.

*Carolyn Player moved to approve the minutes from August 26, 2010 with the changes. Second by Carolyn Nelson. Motion carried unanimous.*

**ADJOURN**

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

Meeting ended at 8:47 p.m.

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

Chairman\_\_\_\_\_

Secretary\_\_\_\_\_