

LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission Meeting held on Thursday, October 14, 2010 in the Lehi City Council Chambers.

Members Present: Kerry Schwartz, Carolyn Player, Derek Byrne, Kordel Braley

Members Absent: Carolyn Nelson – excused, Marilyn Schiess – excused, Ed James - excused

Others: Christie Hutchings, Noreen Edwards, Brad Kenison

Meeting began at 7:00 p.m.

REGULAR AGENDA

3.1 KATIE BAHR – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION PERMIT TO OPERATE HOME AWAY FROM HOME DAYCARE FROM HER HOME LOCATED AT 4023 BOUNTY COVE IN AN EXISTING PLANNED COMMUNITY ZONE.

Christie Hutchings presented the request and stated she has parking in her driveway. The applicant asked for 8 children but the code does not allow more than 6. She had indicated that part of her upstairs was going to be used and the Fire Marshal said that she cannot do that.

Katie Bahr was present for the request and stated that the back yard is not fenced and that 2 of the kids are hers so they would not count.

Christie Hutchings said that if you feel comfortable with waving the requirement for the back fence then you can do that especially since it's against open space.

Katie Bahr said that there is a play room upstairs but they could bring the toys down. She said the Fire Marshal has not come to check on that.

Kordel Braley said that unless there is a second access downstairs they would not be allowed to have them there either.

Katie Bahr said that she has talked to her home owners insurance and they said they didn't have to have a fence and the childcare place said that it didn't matter to them. She said there might be two other homes that are fenced but typically we all keep it open to have a bigger lawn area.

Kordel Braley said that he hates to have fences go into a neighborhood like this because it takes away from the openness of the neighborhood.

Derek Byrne said that this neighborhood is set up so it can be walk-able so fences would defeat that purpose.

Discussed the code and if this could be approved without a fence.

Kordel Braley moved to grant approval of Katie Bahr's request for a Major Home Occupation permit to operate Home Away From Home Daycare from her home located at 4023 Bounty Cove in an existing Planned Community zone and that any DRC comments be included also that the daycare facility is limited to the main floor only unless there is a walk out door in the basement with another finding that the

children cannot be unsupervised in the back yard and because of that we are allowing her to do this without a fence and to have the Fire Marshal inspection. Second by Carolyn Player.

Kordel moved to amend his motion to say 'secondary access from the basement' instead of walk out door. Second by Carolyn Player stands. Motion carried unanimous.

3.2 VERL GREENHALGH – REQUESTS DISCUSSION OF THE PREVIOUSLY APPROVED CONCEPT PLAN FOR FERRELL FAMILY DENTAL, A PROPOSED DENTAL OFFICE LOCATED AT 10 EAST STATE STREET IN AN EXISTING MIXED USE ZONE.

Christie Hutchings presented the request and stated that the applicant was unable to be here tonight however he asked that we look again at the Concept we looked at a few weeks ago to see if it's ok how he oriented the building out to State Street. He wanted to get it to the commission to make sure that was the intent. The entrance is on the south side with a secondary on Center Street. He has filed Site Plan but wanted to make sure the changes were ok. They had an entrance out to State Street but they figured it wouldn't be functional so they took that out. The upstairs main entrance would be on the south and then on the west the basement level would have entrance.

Kordel Braley asked regarding Center Street and State Street.

Brad Kenison said that there was a suggestion about realigning Center Street into State Street. But with all the projects the city has going right now we wouldn't be able to do that. On his site plan he has labeled an area for future dedication to the city if the city decides to realign that road. They would either need to give an easement or a dedication. They plan on landscaping all the way to that corner until the city decides to realign that road.

Derek Byrne asked if the dedication area has any water retention or was the applicant able to contact the landowner about an easement to Dry Creek.

Christie Hutchings said they have met and they just need to sign the agreement.

Kordel Braley said that given this site the applicant has done a good job trying to meet the requirements. Kordel said that he thinks he does need an access on State Street on the north elevation - to make it more inviting.

Brad Kenison said that the DRC had the same concern but they felt like they had done everything they could to make it more presentable on State Street.

Discussed the possibility of another door on the north side.

Kordel Braley moved to approve Verl Greenhalgh's request for discussion of the previously approved Concept Plan for Ferrell Family Dental, a proposed dental office located at 10 East State Street in an existing Mixed Use zone finding that we've reviewed the Concept and feel it's a good improvement and agree on all changes with the exception of having an entrance to the basement on the north with connectivity leading up to the sidewalk on State Street and continue the idea that the space out to the northwest remain available for future realignment. Second by Derek Byrne. Motion carried unanimous.

3.3 US DEVELOPMENT – REQUESTS SITE PLAN APPROVAL FOR THE THANKSGIVING POINT THEATER EXPANSION LOCATED AT 2950 NORTH THANKSGIVING WAY IN AN EXISTING RESORT COMMUNITY ZONE.

Christie Hutchings presented the request and stated that 2300 West will be realigned slightly to the south. The entrance will be moved to the south side of the building. The biggest issue is that they are asking for a reduction in the required parking. Thanksgiving Point feels comfortable with the shared parking. The addition adds 70,000 sq ft of building. There is quite a bit of landscaping being added.

Kerry Schwartz asked about this being part of the Resort Community and with the realigning of that road does that cause problems with the lot lines.

Brad Kenison said that currently the city is in the process of realigning 2300 West now. The city is vacating that right of way but will have to maintain an easement through there and a new right of way dedication to the new location.

Newt Andrus with Thanksgiving Point and George Smith with US Development were present for the request. Newt said that the future road will be built with retaining walls and there is an 80' right of way – and it will go across the Frontage Road as well.

Kordel Braley asked about the parking and where the reduction came from.

Newt Andrus said they have looked at developments in other parts of the state – they have been granted reductions which is what we based this on.

Kordel Braley said he is ok with the one space with the 5 seats. He agrees that there will be some reductions out there with the cross access agreements.

George Smith said that when they did the analysis for the development in Centerville this is what they went with. They just want to get away from the big seas of parking.

Kordel Braley asked about the peak periods for some of the other buildings out there.

Newt Andrus said that he has collected that data but doesn't know quite how to present it.

Kordel Braley asked about breaking up the parking lots a little more.

Newt Andrus said that is outside of what we're doing.

Discussed the entrances and grade changes – security is an issue if there is more than one entrance.

Derek Byrne said that it will require more than just matching the existing buildings to break up the south and north elevations on such a large building.

George Smith said that they are adding a lot more to the building to get it to match more with the other structures at Thanksgiving Point.

Kordel Braley asked about having another traffic study done.

Brad Kenison said at this point we haven't really felt that there needs to be a traffic study.

Derek Byrne asked about the accent building lighting.

George Smith said that the lighting will look like the rest of Thanksgiving Point and there will be lights that focus back onto the building.

Derek Byrne asked about the marquee and if there is going to be an electronic sign.

George Smith said that they will use the big freeway sign. The sign on the building now will be relocated.

Christie Hutchings said that the commission can approve it tonight and have them bring the elevations back in as a city business item.

Brad Kenison said that we need to discuss the property lines.

Newt Andrus said that the theater is using two parcels. The intent is to put enough land into the theater that includes the footprint of the theater and the parking will be in Thanksgiving Point ownership with cross parking agreements.

Christie Hutchings said that those property lines would need to be worked on.

Kordel Braley said that given where this is and if they feel its ok – then the parking is fine; it won't spill into a neighborhood, but it wouldn't be a bad idea to verify the parking data. He still would like to see an access on the west side so there could be cross access between the land uses.

George Smith said that they only have the one theater with more than one entrance and they hate it – they have to have some kind of control for people going in.

Derek Byrne moved to grant final approval of US Development's request for Site Plan approval for the Thanksgiving Point theater expansion located at 2950 North Thanksgiving Way in an existing Resort Community zone with the stipulation that the property line agreements or plats, as recommended by the City, be considered prior to construction and the final rendering be approved by the Planning Commission before construction begins and include DRC comments. Second by Carolyn Player. Motion carried unanimous.

PUBLIC HEARINGS

4.1 JONATHAN FRANCOM – REQUESTS REVIEW AND RECOMMENDATION OF A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 14.99 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 3900 NORTH FRONTAGE ROAD FROM A PLANNED COMMUNITY TO A COMMERCIAL ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented the request and stated that the property is on the General Plan as commercial but it is zoned Planned Community but has never been a part of the Traverse Mountain Area Plan. She said this will be part of what Adobe will be using.

John Bankhead standing in for John Francom was present for the request.

Public Hearing closed at 8:27 p.m.

Derek Byrne moved to recommend approval of Jonathan Francom's request of a Zone District and Zone District Map Amendment on approximately 14.99 acres of property located at approximately 3900 North Frontage Road from a Planned Community to a Commercial zone since it conforms to the General Plan and include DRC comments. Second by Carolyn Player. Motion carried unanimous.

4.2 CADENCE CAPITAL – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR SPRING RANCH, A 19-LOT RESIDENTIAL DEVELOPMENT LOCATED AT APPROXIMATELY 2540 WEST 1500 NORTH IN AN EXISTING R-1-22 ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented the request and stated that this did have a park buy back but there was not an agreement with the city for that so they have gone with a standard subdivision – all the lots conform to the zoning.

Brad Kenison said at this point in time we didn't require that those roads be connected even though it is slightly longer than our block length.

Ryan Bybee was present for the request and stated that this wouldn't be feasible with a connection onto 1500 North.

Brad Kenison said that the offset was only 150 feet.

Public Hearing closed at 8:37 p.m.

Kordel Braley feels that because there wasn't an agreement met for the park buy back we are left with a poor plan.

Derek Byrne said that we have made the recommendation many times for developers to look at PRD's and PUD's.

Kordel Braley asked Ryan if he had the option to put a road in and have smaller lot sizes would he do that.

Ryan Bybee said that you would have to add lot sizes –

Kordel Braley moved to recommend denial of Cadence Capital's request for Preliminary Subdivision for Spring Ranch, a 19-lot residential subdivision located at approximately 2540 West 1500 North in an existing R-1-22 zone based on the fact that the block lengths would not meet our standard of 1000'. Motion dies for lack of second.

Derek Byrne moved to recommend approval of Cadence Capital's request for Preliminary Subdivision for Spring Ranch, a 19-lot residential subdivision located at approximately 2540 West 1500 North in an existing R-1-22 zone and include DRC comments. Second by Carolyn Player.

Ryan Bybee said that they have gone through a lot of different iterations and DRC has seen this plan and know that a connection is not feasible on this property.

Kordel Braley said that he will not vote for it.

Brad Kenison said that if the motion would include a caveat that the City Council consider the maximum block length.

Kordel Braley said there would need to be something in this motion that the Planning Commission could not come to a unanimous vote.

Discussed taking this to the next meeting.

Derek Byrne withdrew his motion.

Kordel Braley moved to table Cadence Capital's request for Preliminary Subdivision for Spring Ranch, a 19-lot residential subdivision located at approximately 2540 West 1500 North in an existing R-1-22 zone to the next meeting on October 28th with the justification that we aren't certain that we can come to the needed unanimous vote tonight so we will wait for the rest of the commissioners to meet. Second by Carolyn Player. Motion carried unanimous.

4.3 VERL DOMAN – REQUESTS APPROVAL OF A SITE PLAN AND CONDITIONAL USE PERMIT TO OPERATE LANDECOR, A LIGHT MANUFACTURING LANDSCAPE PAVER BUSINESS FROM AN EXISTING BUILDING LOCATED AT 530 WEST 300 NORTH IN AN EXISTING LIGHT INDUSTRIAL ZONE.

Public Hearing opened at 7:00 p.m.

Christie Hutchings presented the request and stated that this is seasonal but they do store things outside until it's time they're shipped out – this use does fit within the zoning.

Bryce Doman was present for the request and stated that the city wouldn't let them put any more asphalt in there because it would have caused a drainage issue so we will just put gravel there. We supply about 850 Home Depots. He stated that they've had the Fire Marshal and OSHA over there. He said they've been working on that building for one month. He said they would consider cleaning up that area in the UDOT right of way.

Brad Kenison said that it was determined on the DRC level that the improvements are so small that it doesn't warrant other improvements.

Public Hearing closed at 9:04 p.m.

Carolyn Player moved to grant final approval of Verl Doman's request for Site Plan and Conditional Use permit to operate Landecor, a light manufacturing landscape paver business from an existing building located at 530 West 300 North in an existing Light Industrial zone and include DRC comments. Second by Derek Byrne. Motion carried unanimous.

4.4 MATT GNEITING – REQUESTS REVIEW AND RECOMMENDATION OF AN AMENDMENT TO THE LEHI CITY GENERAL PLAN LAND USE ELEMENT ON 7 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 400 NORTH 1200 EAST, CHANGING THE LAND USE DESIGNATION FROM LDR (LOW DENSITY RESIDENTIAL) AND MDR (MEDIUM DENSITY RESIDENTIAL) TO C (COMMERCIAL).

Public Hearing opened at 7:00 p.m.

Christie Hutchings present items 4.4 and 4.4a together and stated that the existing zoning is TH-5. If the General Plan is to be changed a Zone Change is required and then a Site Plan and Conditional Use - so there would be other public hearings. She said that the majority is for assisted living. The applicant has brought the Concept forward now because if he can't do it he won't go forward with the Zone Change.

Mike Schnangle and Matt Gneiting were present for the request. Mike said that the owner thinks this is a good use and we want to make sure this is an acceptable use as well.

Matt Gneiting said that this is very preliminary. They have received some feedback from DRC. He had a power point presentation that he went through. He stated that this would be a nice transitional use and would be an all inclusive structure.

Kerry Schwartz wanted the letter they had received from Buck & Ella Rose mentioned in the minutes and stated that they are opposed to this General Plan Amendment.

Wayne Garner said that the properties to the north, west and east are all residential. He said before they moved in to the senior housing at Meadow Park Villas they called the city to see what the zoning would be. He said they were told that everything to the east of 1200 East would be commercial and everything to the west would be residential.

Corine Garner said that there is so much commercial southeast of this property and there is a lot of traffic. She said they are concerned with more traffic.

Jody Jones Samuels whose mother owns the property said that 20 years ago this piece was approved for storage units. She said their family feels that this would be very beneficial for this area and the community. The bottom half of this property would still be farmed – this is her mother's retirement.

Howard Bartlett said that the General Plan is a good plan. He said if they only need 3 acres for the facility why are they changing all 7 acres and what if something fails. He would like to see something go in there that doesn't impact the streets anymore.

Mitch Harmon north of this said that he is confused; if this project is taking up the top 3 acres it will be right next to his property so he would propose that the developer meet with him to purchase that little corner of his property. He said that they had the same concerns when the villas went in. He is concerned with the whole thing going commercial and if this falls through we don't want to see other kids of commercial in there.

Maria Lund is not opposed to the project but is concerned about the traffic – this will still generate more traffic.

Ed Samuels said that before the villas were here this family owned this property including the villas. He said that the bottom piece was always figured to be commercial.

Public Hearing closed at 9:43 p.m.

Kordel Braley said that it was inferred that MDR would generate more traffic than commercial and he disagrees with that. He feels a traffic study should be done.

Matt Gneiting said that the 3 acre piece was located with the villas next door in mind. The opposition is for the unknown of the commercial not necessarily the development.

Kordel Braley likes the idea of this next to senior housing. He asked if they had any discussion with the development to the west for connection between the two.

Mike Schnangle said that even after this project if complete we're 100% full. This type of facility is in high demand.

Discussed that we all buy property and the property is zoned different ways but the zoning doesn't always stay the same. Discussed that we have to consider it to see if it's a valuable use.

Kordel Braley said the concept is a good idea and does create a good transition. He said that unfortunately our code doesn't have a code to allow this without going to commercial. There are no guarantees that it will actually go there and he doesn't feel comfortable with any old commercial going there. He thinks this type of facility should be a Conditional Use in other residential zones.

Discussed whether this piece would ever be anything but commercial.

Carolyn Player moved to recommend approval of Matt Gneiting's request for an amendment to the Lehi City General Plan Land Use Element on 7 acres of property located at approximately 400 North 1200 East, changing the land use designation from LDR (Low Density Residential) and MDR (Medium Density Residential) to C (Commercial) and include DRC comments. Second by Derek Byrne.

Kordel Braley said that he would like to at least do a traffic study so we will know what commercial will do to this area just in case the care center doesn't go in.

Carolyn Player moved to amend her motion to include that a traffic study is done to show the impacts of full commercial use on the entire 7 acres.

Derek Byrne said that we are making an amendment to the General Plan so are we saying that this cannot fully change until the traffic study is completed.

Second by Derek Byrne stands. Motion failed 3-1 with Kordel Braley opposed.

Kordel Braley feels that a traffic study needs to be done if we're ok with commercial going all the way up. If not then it's safer to change the code to allow assisted living in residential.

Discussed the reasoning and justification.

Kordel Braley moved to recommend that City Council deny without prejudice Matt Gneiting's request for an amendment to the Lehi City General Plan Land Use Element on 7 acres of property located at approximately 400 North 1200 East, changing the land use designation from LDR (Low Density Residential) and MDR (Medium Density Residential) to C (Commercial) and that the findings of fact are 1) that impacts of changing this to commercial have not been studied with one being related to traffic and there may be other items as well; 2) the area should stay in a transitional use; the assisted care does fit and we're recommending that City Council look into changing the Conditional Use in the R-2 zone to include this type of use. Second by Derek Byrne. Motion failed 2-2 with Kerry Schwartz and Derek Byrne opposed.

Kerry Schwartz feels we need to table it to get the feeling of the rest of the commission.

Mike Schnangle said that he would have no problem with another means to the same end. He said if it's a Conditional Use in a residential setting there is no problem with that.

Matt Gneiting said that he thought that by having such a wide road on 1200 East it was intended to have commercial there.

Kordel Braley moved to extend the meeting by 15 minutes at 10:30 p.m. Second by Carolyn Player. Motion carried unanimous.

Discussed that R-3 makes more sense; this type of use is conditional in that zone.

Jody Jones Samuels said that they will zone it whatever they need to in order to put this unit on it.

Derek Byrne moved to table items 4.4 and 4.4A to the next meeting on October 28th to allow the applicant and staff to work together to see how they want to proceed at this point based on the discussion from tonight. Second by Kordel Braley. Motion carried unanimous.

4.4A MATT GNEITING – REQUESTS CONCEPT PLAN REVIEW FOR A PROPOSED 90 UNIT ASSISTED LIVING FACILITY ON PROPERTY LOCATED AT 400 NORTH 1200 EAST IN A PROPOSED COMMERCIAL ZONE.

Discussion included under item 4.4.

Derek Byrne moved to table items 4.4 and 4.4A to the next meeting on October 28th to allow the applicant and staff to work together to see how they want to proceed at this point based on the discussion from tonight. Second by Kordel Braley. Motion carried unanimous.

4.5 BECK & BECK CONSTRUCTION – REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO LOCATE A TEMPORARY SCREEN/CRUSHER IN THE EAGLE SUMMIT 6 SUBDIVISION AT TRAVERSE MOUNTAIN IN AN EXISTING PLANNED COMMUNITY ZONE.

The applicant withdrew his application.

CITY BUSINESS

No City business at this time.

APPROVAL OF MINUTES

6.1 APPROVAL OF MINUTES FROM THE SEPTEMBER 23, 2010 REGULAR MEETING.

Derek Byrne moved to approve the minutes from the September 23, 2010 regular meeting. Second by Kordel Braley. Motion carried unanimous.

ADJOURN

Carolyn Player moved to adjourn. Second by Kordel Braley. Motion carried unanimous.

Meeting ended at 10:42 p.m.

Date Approved _____

Chairman _____

Secretary _____