

## LEHI CITY PLANNING COMMISSION MEETING

Minutes from the Lehi City Planning Commission meeting held on Thursday, April 28, 3011 in the Lehi City Council Chambers.

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

Members Absent: None

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

Meeting began at 7:05 p.m.

### CONSENT AGENDA

#### **3.1 APPROVAL OF MINUTES FROM THE MARCH 24, 2011 REGULAR MEETING.**

*Kordel Braley moved to approve the Consent Agenda items including any DRC or Staff comments and finding that they conform to the Development Code. Second by Carolyn Player. Motion carried unanimous.*

#### **3.2 APPROVAL OF MINUTES FROM THE APRIL 7, 2011 WORK SESSION.**

*Kordel Braley moved to approve the Consent Agenda items including any DRC or Staff comments and finding that they conform to the Development Code. Second by Carolyn Player. Motion carried unanimous.*

#### **3.3 MARGARITA GUZMAN SALAZAR – REQUESTS APPROVAL FOR A MAJOR HOME OCCUPATION PERMIT TO OPERATE LIVING BALANCE PHYSICAL THERAPY FROM HER HOME LOCATED AT 2183 WEST WHISPERWOOD DRIVE IN AN EXISTING PLANNED COMMUNITY ZONE.**

*Kordel Braley moved to approve the Consent Agenda items including any DRC or Staff comments and finding that they conform to the Development Code. Second by Carolyn Player. Motion carried unanimous.*

#### **3.4 CHARELLE BROADHEAD – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION PERMIT TO OPERATE A SALON FROM HER HOME LOCATED AT 2780 WEST FOX HUNTER’S LOOP IN AN EXISTING PLANNED COMMUNITY ZONE.**

*Kordel Braley moved to approve the Consent Agenda items including any DRC or Staff comments and finding that they conform to the Development Code. Second by Carolyn Player. Motion carried unanimous.*

#### **3.5 JONEAN DETRICK – REQUESTS APPROVAL OF A MAJOR HOME OCCUPATION PERMIT TO OPERATE GOOD VIBRATION ENERGY CLINIC FROM HER HOME LOCATED AT 1089 SOUTH 200 EAST IN AN EXISTING RA-1 ZONE.**

*Kordel Braley moved to approve the Consent Agenda items including any DRC or Staff comments and finding that they conform to the Development Code. Second by Carolyn Player. Motion carried unanimous.*

**PUBLIC HEARINGS****4.1 BILL WALLEY – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL FOR THE EXISTING FRESH MARKET BUILDING LOCATED AT 760 EAST MAIN STREET IN AN EXISTING COMMERCIAL ZONE.**

- A. A NEW PHARMACY DRIVE-THRU**
- B. A NEW 120 FOOT FLAG POLE**
- C. RELOCATION OF THE EXISTING POLE SIGN AND INCREASE THE HEIGHT FROM 25 FEET TO 35 FEET**

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that this entire request deals with Fresh Market. There are changes that they want to make to the site. The flag pole that they are requesting is 120' and anything over 50' requires a Conditional Use. There is also an existing pole sign and they want to change it and bring it closer to Main Street and raise it from 25' to 35'. DRC did have a comment about them removing the landscaping and we do ask that the sign architecture match the building; what they have presented may not.

Ed James asked if we have a 120' flag pole in the city.

Christie Hutchings said she didn't think so.

Brad Kenison said if they do move the sign forward it will not meet or current code.

Bill Walley with Associated Food Stores was present for the request and stated that Fresh Market and Macey's changed ownership. He said their desire is to enhance our standing here in Lehi. Our goal here is to take a decent site and hopefully create a viable opportunity with Macey's. The flag poles height of 120' has a many fold purpose; Walt Macey was a vet and loved his country. His son put in 120' flag poles at each of the Macey's. The flags are changed monthly and checked for damages. He said that the sign for the store is only as strong as its recognition. The current sign is 25' and does adhere to the current standards and we are not opposed to making the architecture match. He said they're not necessarily interested in moving it forward if we can get the height and if we can move it forward we won't need to make it higher. Our concern as an anchor tenant is that we want to be visible. He said in order to enhancement our business we need to have the drive thru pharmacy. There is enough stacking for 3 cars in the driveway.

Kerry Schwartz asked about the driveway and if there will be a pop out at the window.

Bill Walley said that there will be a canopy over the window that will conform to the existing design of the building. The width of the drive is 12'.

Kerry Schwartz asked about the existing sign.

Bill Walley said that each site is owned separately. We would love to have co-ownership on the signs with other businesses putting in but we have had no interest from anyone else.

Kordel Braley asked if there was a preference of height or moving it the sign.

Bill Walley said they would rather go taller.

Kordel Braley said that the City's line-of-site triangles are meaningless in his opinion and he would have no problem with it being moved forward. He asked about the possibility with the pitch portion of it be in addition to the 25'; the city would still get the pitch and the main part of the sign be at 25'.

Bill Walley said that if we moved forward we would still be outside of the PUE that DRC was concerned about.

Kordel Braley asked if that was far enough to go just the 6' forward.

Ed James asked about the flag pole and if there is concern about the flag going over onto the Bank of American Fork property.

Bill Walley said that there are only a few places that the flag would work. He said they tried to get a location that would guarantee safety of the flag and this seemed to be a better location. We could put in a colored rock instead of concrete around the flag. He said he hasn't had any conversation with Bank of American Fork.

Derek Byrne asked if we could get more technical information on the flag pole – Lehi can get windy.

Bill Walley said it is installed 16' in the ground – it is set for a 65x30 flag that will hold up to 85 mph wind gusts.

Kordel Braley asked about the drive thru – will there be signage preventing entrance from the south end.

Bill Walley said there will be signs to say do not enter – one way, etc.

Public Hearing closed at 7:42 p.m.

*4.1A Ed James moved to approve Bill Walley's request for Site Plan and Conditional Use for a **pharmacy drive-thru** for the existing Fresh Market building located at 760 East Main Street in an existing Commercial zone as presented and along with that motion are the DRC redline comments. Second by Marilyn Schiess.*

Kordel Braley said that one of the comments should be to add the arrows striped on the ground and he thinks we need the signage as well that says do not enter.

Ed James said that it should be left to the applicant – they're going to want the most efficient way of operating. Motion stands.

Derek Byrne said that he appreciates the appropriately sized trees being put in.

*Motion carried unanimous.*

*4.1B Kordel Braley moved to approve Bill Walley's request for Site Plan and Conditional Use for a new **120 foot flag pole** for the existing Fresh Market building located at 760 East Main Street in an existing Commercial zone as marked on the site plan and that we also include any redline comments. Second by Carolyn Player. Motion carried unanimous.*

Brad Kenison said that we are in the process of relooking at that standard for line of site and he would suggest that the Engineering Department would support that sign being moved closer to the street as per the AASHTO standard. They need to demonstrate that it will meet the standard which varies on site distance and speed.

Kordel Braley said that you could move it out by the street and it would meet that standard.

Kerry Schwartz said that he would like to see other tenants located on that sign as well.

Ed James said that this area has a multitude of owners and the applicant has already indicated that they have tried to get cooperation.

Discussed having a sign put in to accommodate other businesses.

Marilyn Schiess doesn't have a problem with moving it forward and making it higher – it's the same height as those buildings.

*4.1C Ed James moved to approve Bill Walley's request for Site Plan and Conditional Use for the existing Fresh Market Building located at 760 East Main Street in an existing Commercial zone moving the sign forward to the easement line and that they be allowed to have the 35 ft height on the condition that they provide in the design and work with other property owners to have a joint use sign and include redline comments of the DRC. Second by Kordel Braley.*

Bill Walley said that on the DRC redlines it says that we not use stucco, but for us to build the sign as DRC has suggested will be costly.

Ed James moved to amend to modify the redline comment on stucco. No second.

Discussed the architectural features and that there is a definite theme especially with what's across the street. Discussed tabling it to have them come back showing spaces below for collocation of other tenants.

Bill Walley said that he would even go as far as to put space on the sign for other tenants – the concern is timing – we want to open in mid June.

Discussed the overall sign size and if it could include tenant signs.

Derek Byrne said that he would be willing to go up to 45' with multi-tenant signs.

*Ed James moved to amend his motion to say that they may move it up to the easement line and that they need to provide staff with enough information to verify that it complies with AASHTO standards and allow for 4 tenants minimum based on the comments we've received and recommend that they would be allowed up to a 45' sign if they provide a minimum of 4 co-tenant spots on that sign and if they don't have that then the height would be 35' and the sign should match the architecture of the building. Second by Kordel Braley stands. Motion carried unanimous.*

#### **4.2 DESTROY CRUMP – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL TO OPERATE LITE TECH SIGNS, A PRINTING AND TRADESMAN BUSINESS LOCATED AT 1020 EAST STATES STREET IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that they want to locate in the Swift Printing building. One of the DRC concerns was that there is debris and outside storage that needs to be cleaned up and there was also a comment about the fencing; at the time it was developed there was a letter from the owner that any fencing is fine. There are no site improvements to be made and there is enough parking for their needs.

Ed James said that they are not increasing the square footage or any additional parking. The ingress egress and the site already conform to standards. He said that if we make a motion to approve and one of those conditions is the debris – do we have the capability to go out and check it before the business license is issued?

Jany's Hutchings said that outstanding fire inspection issues need to be resolved.

Christie Hutchings said that Kerry Evans, the Fire Marshal does have to sign the business license as well.

Jany's Hutchings said that it shows a separate access.

Destry Crump owner of Lite Tech signs and Brad Gurney owner of Swift printing were present for the request.

Brad Gurney had the letter from the property owner adjacent to this saying that they would be ok with any type of fence.

Kim Struthers said that the owner decided to just leave the fence that's there.

Destry Crump said that he has a max of maybe 5 employees; most of it is outside sales with not a lot of walk in traffic.

Brad Gurney said he only has 2 employees now instead of 12.

Destry Crump said that they will be putting in a firewall between the businesses.

Public Hearing closed at 8:25 p.m.

*Carolyn Player moved to grant final approval of Destry Crump's request for Site Plan and Conditional Use to operate Lite Tech Signs, a printing and tradesman business located at 1020 East State Street in an existing Mixed use zone including DRC comments especially about clean up of the debris and striking the DRC comment #7. Second by Ed James. Motion carried unanimous.*

#### **4.3 SCOT LITKE – REQUESTS SITE PLAN AND CONDITIONAL USE APPROVAL TO CONSTRUCT A NEW WOODWORKING SHOP AT 90 EAST MAIN STREET IN AN EXISTING MIXED USE ZONE.**

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that they are not planning to do any commercial business out of it at this time but it still is a Conditional Use. The proposed building would match the architecture of the existing building. There would not need to be any more parking.

Ed James said that he thought we had approved a storage building in this area.

Christie Hutchings said that it was a separate business and is now located somewhere else.

Jany's Hutchings asked to recuse herself from the discussion.

Discussed landscaping and that there is no minimum parking requirement in the Mixed Use zone. If that does turn into a commercial use then it would have to come back for approval.

Scott Litke was present for the request and stated that the wood shop would be for fun. He doesn't have a shop at his house and if he puts it here it could possibly be converted to commercial sometime in the future.

Brett Hutchings said that at the time of the original approval the restaurant had to have 33 parking spaces and it only has 18 parking spaces. He said their employees park in Hutch's parking lot all the time and customers park wherever they want. He is concerned if the business gets sold. He would like to see the detention pond area used for more parking.

Tom Jackson lives to the other side and owns First East Grooming. He has them occasionally eating and parking under his tree – he would rather see more parking in there.

Public Hearing closed at 8:43 p.m.

Kordel Braley said that there was a discussion on the parking requirement and he wasn't aware that there were parking requirements in the Mixed Use.

Ed James said that we were looking at a different kind of use for that back building at the time. We need to have some awareness as to how it might be used in the future and see if the site can handle it.

Kordel Braley said that downtown areas like this are not supposed to be giant parking lots and so he doesn't see the need.

Janys Hutchings said that people park so we can't get our semi's in and we have to pay for the dumpsters to be emptied because people park in front of them. If we have a tow away zone people will be mad at us not Emmett's.

Discussed the future use of that shop and that there is already a parking problem there.

Derek Byrne said he is not opposed to this use but he can't see that it would ever be approved by a future commission to be used as commercial – so it may turn into a storage building.

Scott Litke said that at the time of the original approval they had enough parking to meet the use – we did meet the requirement when we built.

Ed James asked if you would be willing to show a conceptual parking plan for future use in that detention basin. He said that he would support a motion to approve as a hobby shop with no commercial activity with a conditional that the applicant give to staff a conceptual parking plan if that turns into a commercial use.

Kerry Schwartz said that he still thinks parking is an issue here.

Discussed how adding the hobby shop is making the problem worse and maybe putting in a wall between Hutch's and Emmett's.

Scott Litke said that the bulk of his business is at night; if this is not approved then he won't be doing parking anyway.

*Ed James moved to approve Scott Litke's request for Site Plan and Conditional Use to construct a new woodworking shop at 90 East Main Street in an existing Mixed use zone include the following conditions: 1) the applicant be required to present to staff and staff must approve or agree to additional parking at some time in the future; 2) the site must still conform to the buffer open space requirement of the code and 3) include DRC comments. Second by Carolyn Nelson.*

Kerry Schwartz said he would be opposed to this.

Kordel Braley said that he realizes now that there may be more of a parking issue that he didn't understand before. He still doesn't feel that the use of this building is going to make the problem any worse.

Ed James said there really isn't a solution to take care of the problem.

Derek Byrne said that he will not be voting for this motion because in a situation like this there needs to be some give and take. He feels that something can be done to alleviate the problem now.

*Motion carried 4-3 with Kerry Schwartz, Derek Byrne and Marilyn Schiess opposed.*

**4.4 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF A ZONE DISTRICT AND ZONE DISTRICT MAP AMENDMENT ON APPROXIMATELY 37 ACRES OF PROPERTY LOCATED BETWEEN CENTER STREET AND 300 WEST AND 2300 NORTH AND 2600 NORTH FROM A-1, COMMERCIAL AND LIGHT INDUSTRIAL ZONES TO A PUBLIC FACILITIES ZONE.**

Public Hearing opened at 7:05 p.m.

Christie Hutchings said that this is to put City property into compliance with the General Plan as a Public Facilities zone.

Brad Kenison said the northeast corner will have an increase to the P.I. reservoir, the southeast corner will be a detention pond, and the southwest corner is the landfill and a potential salt storage building.

Wade Allred said that it is safe to have that landfill there. We just renewed our permit to 2013. It is an active landfill; it's just used for City projects and we recycle the concrete and asphalt.

Public Hearing closed at 9:24 p.m.

*Carolyn Nelson moved to recommend approval of Lehi City's request for a Zone District and Zone District Map Amendment on approximately 37 acres of property located between Center Street and 300 West and 2300 North and 2600 North from A-1, Commercial and Light Industrial zones to a Public Facilities zone. Second by Marilyn Schiess. Motion carried unanimous.*

**4.5 LEHI CITY – REQUESTS REVIEW AND RECOMMENDATION OF AMENDMENTS TO THE LEHI CITY DEVELOPMENT CODE, CHAPTER 12A, HILLSIDE PRESERVATION AND GRADING PERMIT.**

Public Hearing opened at 7:05 p.m.

Christie Hutchings presented the request and stated that this is under the direction of the City Administrator. The ordinance is divided into 2 sections. One of the biggest issues is that the Hillside Preservation was an overlay zone; now it's a standard that applies to properties with over 10% grade and we encourage PRD's, etc. The Grading Permit has the most changes. We added a definition for grading to distinguish it from mining disguised as grading. A lot of these are just procedural on how we accept the application; it gives people a little more ability to work on their own property. Christie went over the different changes.

Discussed the changes and if the Planning Commission wants to see the grading plans.

Public Hearing closed at 9:38 p.m.

Discussed Traverse Mountain and if this would apply to any new things. The grading going on now will not change but anything new that's not yet approved would have to go with this new ordinance.

*Kordel Braley moved to recommend approval of Lehi City's request for amendments to the Lehi City Development Code, Chapter 12A, Hillside Preservation and Grading Permit and include DRC comments. Second by Marilyn Schiess.*

Carolyn Player said that section 12A-7n asked about the fee and then in section 12A-9 it says there is a permit fee but no amount is mentioned.

Christie Hutchings said there will be a fee but it's easier not to have the amount in the ordinance.

*Kordel Braley moved to amend his motion to further define the re-vegetation requirements. Second stands by Marilyn Schiess. Motion carried unanimous.*

**CITY BUSINESS**

**5.1 DISCUSSION OF DRAFT COMMUNITY VISION STATEMENT.**

Kim Struthers said as a staff we went through each of the five options and would just like direction on those; we can only have one vision statement.

Ed James read what he sent into staff as his vision statement.

Discussed changes and that Ed's contains everything and makes it specific to Lehi.

#1- the commission likes this one

#2 - the commission feels it's too generic so take it off

#3 - the commission wants this taken off

#4 - the commission wants this taken off

#5 - the commission likes this one

Ed's - the commission likes Ed's

(Christie has all the options – see attachment A)

Brad Kenison said that as an update on Main Street – UDOT approved our proposal with almost 6 million dollars for us to take over Main Street and 500 West. They will maintain the street lights for an additional 4 years and will plow for another year. We delivered the agreement to UDOT today. We want to have some kind of a committee with a Planning Commissioner on it. Janys Hutchings volunteered to be that member.

Kerry Schwartz said he will be gone next Tuesday for the joint work session at 5:30.

**ADJOURN**

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

Meeting ended at 10:21 p.m.

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

Chairman\_\_\_\_\_

Secretary\_\_\_\_\_