

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
JULY 14, 2015

FINAL

Chairman Robert Drinkall called the meeting to order at 6:34 p.m. and welcomed those present.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Kim Jensen
Commissioner Kent Kirkham
Commissioner Stephen Garn
Commissioner Ted Knowlton
Council Member Ryan Mumford (arrived at 7:22 p.m.)

EXCUSED: Commissioner Lisa Watts Baskin

STAFF PRESENT: Ken Leetham, Assistant City Manager and Community and Economic Development Director; Sherrie Christensen, Senior City Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Kelly Peterson, Slickrock Towing LLC; Jim Wilson, Maureen Wilson, Todd Smith, residents; Will Keiffer, Xiaokun Qiu, US Easy LLC; residents; Dave Curtis, National Commercial Properties; Cesar Flaminio, Tango Auto & Towing.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR
SLICKROCK TOWING LLC, AN IMPOUND/TOW YARD AT 215 WEST 500
NORTH. KELLY PETERSON, APPLICANT

Sherrie Christensen reported that there are currently eight towing companies on-site including SlickRock Towing and Tango Towing which are both on the agenda for conditional use permits. Development Review Committee (DRC) recommends approval of the conditional use permit for Slickrock Towing LLC with the condition that the applicant must submit a sign permit application and be issued a sign permit prior to installation of a sign.

Commissioner Kirkham asked if there was a conclusion to the signage questions. Sherrie Christensen replied that the issue was with the number of signs and that the State Tax Commission requires each business to have a sign. She said that this would be discussed later in the meeting per the agenda item regarding signage in the S-3 sign overlay zone.

Commissioner Jensen moved that the Planning Commission approve the proposed conditional use permit for Slickrock Towing at 215 West 500 North subject to the following condition:

- 1) The applicant must submit a sign permit application and be issued a sign permit for any proposed signs on the site prior to installation.**

Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn and Knowlton. Commissioner Baskin and Council Member Mumford were excused.

3. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR TANGO AUTO & TOWING LLC, AN IMPOUND/TOW YARD AT 215 WEST 500 NORTH. ANDREA CEBRIO, APPLICANT

Sherrie Christensen commented that this application is for the same location and requirements as the previous item.

Commissioner Garn moved that the Planning Commission approve the proposed conditional use permit for Tango Towing at 215 West 500 North subject to the following condition:

- 1) The applicant must submit a sign permit application and be issued a sign permit for any proposed signs on the site prior to installation.**

Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn and Knowlton. Commissioner Baskin and Council Member Mumford were excused.

4. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR US EASY LLC, A HOME OCCUPATION INTERNET TRAVEL INFORMATION BUSINESS AT 882 NORTH SKIPTON DR. XIAOKUN QIU, APPLICANT

Sherrie Christensen reported that the applicant is requesting a conditional use permit for a home occupation at a property located in the Foxboro development which is a Planned (P) zone. This home business would be a home office for a website offering travel information for Chinese nationals traveling to the United States. There would be no customers visiting the home and the DRC recommends approval of the conditional use permit with no conditions.

Commissioner Knowlton moved that the Planning Commission approve the proposed conditional use permit for US Easy LLC with no conditions. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn and Knowlton. Commissioner Baskin and Council Member Mumford were excused.

5. CONSIDERATION OF A PROPOSED FINAL PLAT FOR PHASE 1 OF THE TOWNE PLAZA PROJECT GENERALLY LOCATED BETWEEN CENTER STREET AND ORCHARD DRIVE ON 130 EAST. NATIONAL COMMERCIAL PROPERTIES, APPLICANTS

Ken Leetham reported that this is Phase 1 of the general development plan for the Towne Plaza project. The City Council approved the preliminary design plan on June 16, 2015 and the subject application is for the final plat for Phase 1 of the Towne Plaza development. The proposed plan is in conformance with the general plan approval and the construction plans which were reviewed by the City Engineer. There are minor corrections to the plan that need to be made but these do not hold up the Planning Commission approval and will be submitted to the City Council for approval on July 22nd.

Commissioner Drinkall asked how the street names were determined. Dave Curtis, National Commercial Properties replied that they were named after his wife.

Commissioner Jensen asked what the proposed timeline and anticipated completion date for the project would be. Dave Curtis replied that the project would commence in 3-4 weeks with Phase 1 to be completed in one year and the entire project to be completed within two years. There will be HOA fees in this development but they will be very low. He also said that the home prices in this development would start at \$190,000 and would be 3-5 bedroom homes.

Commissioner Drinkall commented that these types of successful projects help to achieve the vision of the general development plan of the City.

Commissioner Kirkham moved that the Planning Commission recommend approval to the City Council of Phase 1 of the Towne Plaza project. Commissioner Knowlton seconded the

motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn and Knowlton. Commissioner Baskin and Council Member Mumford were excused.

6. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR A SINGLE FAMILY DWELLING LOCATED AT 52 NORTH HWY 89 (BEHIND WILSON VETERINARY HOSPITAL). JIM & MAUREEN WILSON, APPLICANTS

Sherrie Christensen reported that this conditional use permit is for a single family home located at approximately 52 North Highway 89 east of the Wilson Veterinary Hospital. This area is zoned Commercial Highway (CH). After a recent site visit it was found that the 22' x 98" fenced dog exercise area had been recently installed on the veterinary hospital property. There is currently not a lot of existing fencing on-site but if this conditional use permit is approved it is recommended that a lot line adjustment be done to include this existing chain-link fenced dog area. If the chain-link fence is removed a lot line adjustment would not need to be done.

Sherrie Christensen then addressed the additional issues and possible solutions including requiring 40' setbacks from the west and south property lines and 30' setbacks from the north and east property line are recommended for a buffer in the commercial zone. It is also recommended that 6' fencing along with landscaping be installed as an additional buffer. The applicant has agreed to work with South Davis Metro Fire (SDMF) agency on providing approved emergency access and turnaround.

Ken Leetham commented that the DRC has struggled with this application as the character of the Highway 89 area is changing. However the safety issues have been mitigated and after speaking with a land use attorney on conditional uses who expressed that if the negative impacts are mitigated that State law would then presume that these uses be permissible. The Planning Commission may have less discretion than previously thought.

Commissioner Jensen commented after reviewing the Planning Commission guide that if the application complies with City ordinances then the Commission would have to approve it regardless if they believe it is a good idea or not.

Commissioner Knowlton said that the report shows that the application does not meet the minimum lot size and frontage. Sherrie Christensen replied that the Planning Commission has the authority to modify the lot size and could make this property a flag lot.

Commissioner Drinkall clarified that the motion would require four votes either in opposition or approval.

Sherrie Christensen then explained the building moratorium which was put in place for the Highway 89 areas and said that it restricts building during a certain time period but that State law only allows for a six month moratorium. The paperwork for this application was submitted well before the moratorium and if it becomes necessary for the applicant to submit a new application it would be subject to the moratorium at that time. She also explained that the Planning Commission has two options for mitigating the frontage issue: the Commission could recommend a variance for the frontage or a lot line adjustment could be done to approve the lot as a flag lot.

Commissioner Garn asked the applicant how many animals would be in the fenced 22' x 98' dog exercise area at a time. Jim Wilson, 610 East Raygene Way, replied that there would be one to three dogs in the area at a time and that the fenced area was installed to prevent animals from getting loose. He also explained that the animals are housed indoors for the majority of the time which would help to cut down on noise and that he has never had a noise complaint.

Commissioner Drinkall asked if an approval is given if the applicant would prefer to remove the fence or include the area in a lot line adjustment. He also asked if the veterinary hospital could easily be converted to another use if the building was sold. Jim Wilson replied that he would prefer the fenced area to be included in the lot line adjustment and said there is lead in the walls of the x-ray room but that it could be removed and easily remodeled.

Council Member Mumford arrived at 7:22 p.m.

Commissioner Knowlton commented that he appreciates the Planning Commission handbook as well and that it directs the Commission to do their job in a calculated way and to not make decisions based on the applicant or their circumstances. He said that this is essentially three conditional use permits for a single family home, lot line adjustment and frontage and seems beyond the standard application. Ken Leetham said that in order for the primary application to be approved it would require the Planning Commission to render judgment on the lot size and provide special approval for access. If all the items are mitigated then the City is obligated to approve this application. The only option for this application to mitigate the two conditions is the removal of the lot line and to then combine this property into one lot which would make it conform and provide access to Highway 89. If the application is denied the applicant would have 10 days to appeal the decision or possibly provide a new application.

Commissioner Drinkall clarified that the lot is non-conforming and that solutions include combining the lot, form a flag lot or approving the application with the following conditions: providing adequate access and turnaround per SDMF, a lot line adjustment be made to provide

inclusion of the dog exercise area on the veterinary clinic parcel, buffering per landscaping and fencing, and the requirement of minimum setbacks. The application can also be denied.

Commissioner Drinkall expressed concern with water runoff and a retaining wall and asked if a retention pond would be necessary on the property. Ken Leetham replied that if the home is approved that the applicant would be required to indicate to the City how the lot would drain.

Council Member Mumford asked if the application is denied due to the minimum lot size requirement if that meant the applicant could not use their property. Ken Leetham commented that he was unsure if the lot was legally divided and asked the applicant if it was already divided when they purchased the property.

Jim Wilson commented that the property was originally one lot and the current split was approved by the City in 2000. Sherrie Christensen replied that City staff would need to look into the history of the lot division as it pertains to the lot size and access issues.

Council Member Mumford moved to table further action pending information on how the two lots were separated and requested that this item be moved to the next Planning Commission agenda. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn, Knowlton and Council Member Mumford. Commissioner Baskin was excused.

7. CONSIDERATION OF PROPOSED AMENDMENTS TO THE CITY OF NORTH SALT LAKE LAND USE ORDINANCE REGARDING ON-PREMISE SIGNAGE IN THE S-3 SIGN OVERLAY ZONE. JOSH PATEL-PROPERTY OWNER, APPLICANT

Sherrie Christensen reported that she had modified language in the City ordinances and had reviewed State and industry standards in regards to signage. She asked for feedback from the Planning Commission and said that a public hearing had been held for the original changes that the applicant had suggested. Ms. Christensen recommended tabling this item and holding a second public hearing after revisions and suggestions from the Planning Commission had been received.

Commissioner Jensen moved to table the consideration of the proposed amendments to the NSL Land Use Ordinance in regards to the S-3 sign overlay zone application for property owner Josh Patel. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn, Knowlton and Council Member Mumford. Commissioner Baskin was excused.

8. APPROVAL OF MINUTES

Council Member Mumford moved to approve the Planning Commission minutes from June 23, 2015. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Kirkham, Garn, Knowlton and Council Member Mumford. Commissioner Baskin was excused.

9. ADJOURN

Chairman Drinkall adjourned the meeting at 8:13 p.m.



Chairman



Secretary