

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
JUNE 13, 2017

FINAL

Chairman Pro Tem Ted Knowlton called the meeting to order at 6:31 p.m. and led those present in the Pledge of Allegiance.

PRESENT: Commissioner Ted Knowlton
Commissioner Lisa Watts Baskin
Commissioner Stephen Garn
Commissioner Kent Kirkham
Commissioner Leslie Mascaro

EXCUSED: Commission Chairman Robert Drinkall
Council Member Ryan Mumford

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Cliff Lillywhite, Lila Lillywhite, Oakdell Egg Farms; Debra Holdaway, Damon Holdaway, Ethan Holdaway, Atlas Academy Preschool; Robert Owen, Emergency Road Service; Brett Kearney, JZW Architects; Amy Herold, Polly Tribe, Alisa Van Langeveld, Rob Baskin, residents.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A PROPOSED FINAL PLAT FOR CHESHAM VILLAGE
SUBDIVISION, PHASE 2 AT APPROXIMATELY 260 EAST 350 NORTH, TAYLOR
SPENDLOVE, BRIGHTON HOMES, APPLICANT

Sherrie Llewelyn reported that Chesham Village located at approximately 260 East 350 North includes two phases with Phase 1, which is currently under construction, consisting of 53 townhomes, park and pool amenities, and two commercial lots. Phase 2 will consist of 32 townhomes on the south portion of the property. The Development Review Committee (DRC) recommends approval of the Final Plat for Chesham Village. Phase 2 with no conditions.

It was noted that the only change from the General Development Plan, was made on the southern street. The asphalt width is narrowed to twenty feet to provide for a landscape buffer between the curb and the adjacent retaining wall. This will provide additional buffer from neighboring properties and still meet the minimum width for the Fire District.

Commissioner Kirkham moved that the Planning Commission recommend approval to the City Council on the proposed final plat for Chesham Village, Phase 2 located at approximately 260 East 350 North with no conditions. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Baskin, Garn, Kirkham, and Mascaro. Commissioner Drinkall and Council Member Mumford were excused.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ATLAS ACADEMY PRESCHOOL AT 51 SOUTH 130 EAST, DEBRA HOLDAWAY, APPLICANT

Sherrie Llewelyn reported that this conditional request permit is for Atlas Academy Preschool to be located in the former Orchard Drug at 51 South 130 East. The property is zoned Commercial Shopping (C-S). Elementary and secondary schools are listed as permitted uses in the zone, child daycare is listed as a conditional use, and other miscellaneous schools are listed as an "S", which is defined as a use which is permitted when similar to permitted uses in the zone and conditional when similar to conditional uses listed in the ordinance. City staff determined that this use would be categorized as a conditional use as preschools are not specifically listed and are more closely related to child care/day care facilities.

The proposed hours for the preschool classes will be Monday, Wednesday, and Friday with a morning class from 9 a.m. to 11:30 a.m. and an afternoon class from 12:00 p.m. to 2:30 p.m. Additionally there will be Kindergarten classes held Monday through Friday at 8:30 a.m. to 11:15 a.m. and 12:15 p.m. to 3:00 p.m. There will be a fifteen minutes gap between class start/stop times to help mitigate traffic issues. The ages of the children will range from 3 to 5 years old and each class will have the capacity for 24 students.

The business is approximately 3,800 square feet in size and will be divided into two classrooms. A maximum of two classes will be in session at any one time with a maximum of 24 students per class. There will be up to six employees on site and the applicant will be responsible to obtain all the appropriate licensing and approval through the State for preschools/kindergartens.

The site currently has 24 existing parking spaces with one ADA space. The City is currently improving 130 West which will include a new drive approach for the property, curbing, sidewalk, and street trees. The new curbing will provide for the future striping of eight to nine additional parking spaces if necessary as the parking standard for a daycare center, which is the

most closely related use, is one stall per company vehicle and one stall per six children. With the maximum occupancy of 48 students the requirement would be for eight parking spaces. The DRC recommends a minimum parking requirement of 14 spaces to accommodate up to six staff. If classes are staggered as recommended then no greater than 24 drop-off and pick-ups would occur within any 15 minute period and 24 parking spaces should meet the demand of parents and the six staff members. The DRC recommends approval with the following three conditions including pick up and drop off areas may not block access to the driveways for other tenants or emergency vehicles, start and stop times shall be staggered a minimum of 15 minutes with no two classes starting or stopping at the same time, and operation shall be limited to no greater than two classes at any one time with a maximum class size of 24 students.

Commissioner Kirkham asked if the start and stop times would correspond with Orchard Elementary school. Debra Holdaway, Atlas Academy, responded that the drop-off and pick-up times would coordinate with Orchard Elementary for those parents that wanted their children to attend kindergarten for a full day.

Commissioner Garn asked if there would be an outdoor play area. Debra Holdaway replied that there would be no outside play area as this would be a school and not a daycare.

Chase Chandler, representing Atlas Academy, asked why this application is considered a conditional use permit in this zone. He said that Orchard Elementary has a preschool. Sherrie Llewelyn replied that this is a preschool/kindergarten and provides similar uses to a daycare so staff felt that this application would be a conditional use with review by the Planning Commission. She explained that a conditional use is similar to a permitted use but has conditions and also that Orchard Elementary is a public school which the City does not regulate.

Chase Chandler then commented on the pick-up and drop-off designated area and the potential for unsafe conditions. He said that the main concern is that cars drive quickly through the parking lot and asked if there was anything that could be done in regards to condition one such as the potential to install a barrier in the future.

Commissioner Mascaro asked how many access points there are onto the property. Chase Chandler replied that there are two access points with one located where Orchard Drug used to be and the second access by Sunshine Café.

Sherrie Llewelyn commented that there is currently direct access to the site near the Sunshine Cafe. The DRC suggested speed bumps could be installed or traffic cones to help reduce the speed but did not want to restrict cross access with a permanent barrier.

Commissioner Baskin asked the applicants to clarify whether they wanted temporary or permanent obstacles in regards to the speeding issue. Chase Chandler replied that they were not requesting anything at this point but did not want to be stuck with a condition that would not allow them to do something in the future or would force them to come back the City.

Sherrie Llewelyn replied that the DRC would like the applicant to come back especially if they wanted to add a permanent barrier or block part of the property off.

Chase Chandler commented that they do not want cars to drive quickly through the area and then having to wait months to be able to do something, such as install a barrier, if it becomes an issue in the future. Sherrie Llewelyn replied that the concern by the fire marshal was that a permanent obstacle would require another access point to the adjacent properties, as the distance from the existing drive to the east and the end of parking where a barrier would be placed was over 150 feet with no turn around. She further noted that the City Engineer is concerned that a barrier would restrict storm runoff and pose a flooding threat to this business and others in the development.

Commissioner Baskin asked about the existing building and commented that the applicant was not asking for any changes to the exterior. Debra Holdaway replied that they were spending \$35,000.00 on the exterior including the installation of new windows. She said that her main concern is that the parking lot is already busy and has a blind corner which could potentially lead to an accident with the small children that will be in the area.

Damon Holdaway, Atlas Academy, said that the improvements they are making to the building will be welcome in that area as it is currently rundown. He said that the concern is the safety of the children as the parking lot is used by others as if it were a public street.

Commissioner Knowlton clarified that the City is willing to work with the applicant but would need to see a proposed solution to the speeding or internal traffic in regard to the impact on emergency access and drainage.

Sherrie Llewelyn commented that as a proposed solution was not part of the current application it would need to be prepared by the applicant along with the other affected property owners.

Amy Herold, 574 Lofty Lane, said that her concern is the restrictions and what would or would not be approved in the future. She said an access point could be made above the proposed building and that the conditions on the application ties the property to certain restrictions which she felt would put the lives of children and the success of the business at risk.

Commissioner Knowlton commented that the applicant may postpone the application and work with staff on the proposal and conditions.

Juan Arce-Larrera said that it appears the City and the applicants are on the same page as the City is asking for staggered class times to lessen the traffic impact. He said that everyone is concerned about the safety of the children and there are solutions to accomplish this such as potentially adding another access point, etc but that a speed bump and/or cones would not work that well.

Sherrie Llewelyn commented that there are ways to mitigate the issue but the City cannot pay for the access or improvements as this is private property. Adding a new access would require a site plan amendment, engineered drawings with hydrology, drainage and possibly a crash gate, with review and approval by the City engineer and the fire marshal all of which must be done by the applicant.

Commissioner Knowlton said that the applicant may either continue with the application for approval or table and amend the application for future review. He commented that the proposed use is a great use for the site and for the City and said that the City's job is to administer the law including meeting access standards and site review.

The applicant decided to discuss their options and come back before the Planning Commission later in this meeting with the decision to proceed with the application as is or withdraw it.

Commissioner Baskin moved to table the item temporarily so the parties could discuss their options. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Baskin, Garn, Kirkham, and Mascaro. Commissioner Drinkall and Council Member Mumford were excused.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR EMERGENCY ROAD SERVICES AT 68 NORTH 640 WEST, ROBERT OWEN, APPLICANT

Sherrie Llewelyn reported on the application for a conditional use permit for a towing and impound lot located at 68 North 640 West. It is zoned Manufacturing Distribution (M-D) with the building to consist of office space and storage. The tow yard will be located in the rear of the building enclosed by a six foot high fence with slats. The site plan meets the minimum standards for landscaping and the applicant will be required to obtain a sign permit for the City for any signs prior to installation. The DRC recommends approval with the conditions that the applicant must submit and receive a sign permit prior to installation of any signs and that a chain-link fence gate, visible from the street shall be slatted or otherwise screened from view.

Commissioner Baskin moved that the Planning Commission approve the Conditional Use Permit for Emergency Road Service at 68 North 640 West with the following conditions:

- 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;**
- 2) The chain link gate shall be slatted or otherwise screened from view from the street.**

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

5. CONSIDERATION OF A SITE PLAN AMENDMENT FOR OAKDELL EGG FARMS AT 675 NORTH MAIN STREET, CLIFF LILLYWHITE, APPLICANT

Sherrie Llewelyn reported that Oakdell Farms is currently located at 675 North Main Street in the M-D zone. The existing site is 9.2 acres in size with an existing warehouse of 3,957 square feet. The proposed addition will expand the office and warehouse spaces and improve the façade. The new accessory building will be 1,600 square feet and will contain bulk compost storage, and palletized bags of compost. The compost is processed off-site and will produce no odor. The existing structure is a metal structure and the proposed façade will have stone and timbers with architectural accents. The accessory structure will be a similar metal with a 4' wainscot on the façade that will match the main building. She then showed those present the existing building and the proposed extensions and accessory structure.

As the parking proposal does not meet the minimum standard per City code which would require 20 parking spaces the applicant is requesting variation to thirteen spaces as only a maximum of seven employees will be on-site with the majority of the building to be used for storage of dry egg cartons.

The parking area on the north side of the property is 2' from the existing fence line and the Planning Commission can require an 8' buffer. However the applicant has a 20' easement north of the property line so the DRC is not recommending the 8' wide landscape perimeter. The landscaping is approximately 50% of the site with improved landscaping along the street. The DRC recommends approval with two conditions that a brick or stone wainscot be added to the front façade of the accessory structure and a reduction in the parking requirement is approved at 13 parking spaces with one ADA space.

Cliff Lillywhite commented that they have been doing business in the City for 25 years and are happy to be a part of the City.

Brett Kearney, JZW Architects, asked if the applicant could install rock mulch instead of a grass strip on the north side of the parking spaces along the fence line. . Sherrie Llewelyn replied that the area just needs to be landscaped which could consist of rock mulch, or shrubs instead of grass.

Commissioner Kirkham commented that he would recuse himself on this item due to a conflict of interest and would be abstaining from voting on this item.

Cliff Lillywhite commented on the compost and the potential for odor and said it has no smell because it is fully cured. He then produced samples for the Planning Commission which had no odor.

Commissioner Knowlton asked how many animals were anticipated to be at this location. Cliff Lillywhite replied that there would be no animals at this location and the warehouse would be for storage of dry products.

Commissioner Baskin moved that the Planning Commission approve the site plan amendment for Oakdell Egg Farms at 675 North Main Street with the following conditions:

- 1) A brick or stone wainscot be added to the front façade of the accessory structure;
- 2) A reduction in parking requirement is approved at 13 parking spaces, including one ADA space.

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

6. **CONDITIONAL USE PERMIT FOR ATLAS ACADEMY PRESCHOOL AT 51 SOUTH 130 EAST CONTINUED**

Chase Chandler asked for clarification on condition one with access for emergency access and regular traffic access and if they could bring back a proposal that would block regular traffic but still allow emergency vehicles. Sherrie Llewelyn responded that staff could concede modifying the condition to remove the requirement for providing driveway access for other tenants as long as this matter was settled as a civil matter with the other business owners directly.

Commissioner Mascaro moved that the Planning Commission approve the Conditional Use Permit for Atlas Academy Preschool at 51 South 130 East with the following conditions:

- 1) **Pick up and drop off areas may not block access to the driveways for emergency vehicles;**
- 2) **Start/Stop times shall be staggered a minimum of 15 minutes, with no two classes starting or stopping at the same time;**
- 3) **Operation shall be limited to no greater than 2 classes at any one time with a maximum class size of 24 students.**

Commissioner Garn seconded the motion.

Commissioner Baskin clarified that by voting in favor of this motion that it did not mean a crash gate was approved. She said this would be an option but the tenants must work among themselves for access and safety and return for an amendment to the site plan for any permanent barrier.

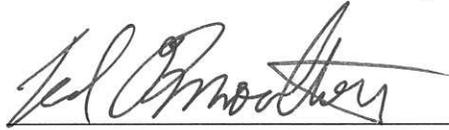
The motion was approved by Commissioners Knowlton, Baskin, Garn, Kirkham, and Mascaro. Commissioner Drinkall and Council Member Mumford were excused.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of April 25, 2017 were reviewed and approved. **Commissioner Knowlton moved to approve the minutes of April 25, 2017 as amended. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Knowlton, Baskin, Garn, Kirkham, and Mascaro. Commissioner Drinkall and Council Member Mumford were excused.**

8. ADJOURN

Chairman Pro Tem Knowlton adjourned the meeting at 7:35 p.m.



Chairman Pro Tem



Recorder