

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
JUNE 26, 2012

Commission Chairman Eric Klotz called the meeting to order at 7:00 p.m. and welcomed those present. He introduced Ryan Mumford as the newest member of the Planning Commission, and invited Mr. Mumford to tell a little about himself.

PRESENT: Commission Chairman Eric Klotz
Commissioner Robert Drinkall
Commissioner Kim Jensen
Commissioner Ryan Mumford
Commissioner Bruce Oblad
Commissioner Allen Tidwell
Council Member Brian Horrocks

STAFF PRESENT: Ken Leetham, Community and Economic Development Director; Ali Avery, City Planner; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Wilford Cannon, Sky Properties; Matt Mullin and Jack Koson, developers; Betiana Herpenreter, GW Towing; Mariela Montiel, Utah Towing; Brittany Peters, Wasatch Auto Group.

1. CITIZEN COMMENTS

There were no citizen comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF A PLAT AMENDMENT FOR EAGLEPOINTE ESTATES PHASE 12 LOTS 1211 – 1213. SKY PROPERTIES, APPLICANT.

Ali Avery reported that Eaglepointe Estates Lots 1211 - 1213 are properties that have been affected by the new Kern River Gas Pipeline. This plat amendment is to adjust the lot sizes to accommodate the Kern River easement across the properties.

Chairman Klotz opened the public hearing at 7:05 p.m. There were no public comments, and he closed the public hearing at 7:06 p.m.

Chairman Klotz asked about Lot 1211 and the easement and asked Wilford Cannon about disclosure of the easement to potential purchasers. Wilford Cannon responded that all information is provided to lot purchasers, as it is displayed on the plat, and also because these lots are physically across from the valve station, it is difficult to miss.

Ken Leetham asked Mr. Cannon about allowed fencing. Mr. Cannon said his recollection is that homeowners may put a fence across the easement as long as the gate is unlocked.

Commissioner Drinkall moved that the Planning Commission recommend approval to the City Council of a plat amendment for Eaglepointe Estates Phase 12 Lots 1211-1213 subject to the following condition: that the utility companies affected by the vacation of public utility easements must consent to the vacation of the easements by submitting letters of consent prior to recording the plat. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.

3. PUBLIC HEARING FOR AND CONSIDERATION OF A PLAT AMENDMENT FOR EAGLEPOINTE ESTATES PHASE 13 LOTS 1308 – 1311 & 1319 – 1322. SKY PROPERTIES, APPLICANT.

Ali Avery reported that this item is also due to the Kern River pipeline and has also been reviewed and approved by the City Engineer. This plat amendment is also for the redistribution of lots to accommodate the easement, and one lot is proposed to be removed from the plat. **Chairman Klotz opened the public hearing at 7:12 p.m. There were no comments, and he closed the public hearing at 7:12 p.m.**

Chairman Klotz asked how long did the City, and Sky Properties, know that this pipeline was coming through. Wilford Cannon stated that even if they hear speculation about pipeline locations, etc. they can only deal with what they know to be a fact at the time. Therefore, they have to deal with the easement changes if, and when, this happens.

Ken Leetham stated that the City did not know the location of the easement, as it was only created recently, so Sky Properties and other developers can make these property changes at this point. Ali Avery stated this is the last of the plats that has been affected by the Kern River pipeline.

Chairman Klotz asked about the City's Trails Advisory Board and their desire to use that area as a way to bring the trail down through the area, along their easement. Ken Leetham said this plan needs to be included in the City's General Plan, and Wilford Cannon added that this should be brought up sooner, rather than later.

Commissioner Oblad moved that the Planning Commission recommend approval of a plat amendment for Eaglepointe Estates Phase 13 lots 1308-1311 and 1319-1322 to the City Council subject to the following condition: the utility companies affected by the vacation of public utility easements must consent to the vacation of the easements by submitting letters of consent to the vacation prior to recording the plat. Commissioner Drinkall seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.

4. PUBLIC HEARING FOR AND CONSIDERATION OF AN AMENDMENT TO THE CITY'S LAND USE ORDINANCE. MATT MULLIN, APPLICANT.

Ken Leetham stated that staff has met with the applicants, discussed their request, and made an attempt to work through this plan for private garage units. The concept is that individuals would be able to purchase, like a condominium unit, a garage space in order to have personal space away from home to engage in hobbies, recreation, or other activities that would be typical of persons spending leisure time using a shop or garage. A quick review of the Land Use Ordinance indicated that the City did not have regulations that would accommodate this proposed use. The attached provisions are an attempt to define and codify this proposal. Staff has created a set of regulations that the DRC supports and includes the following items: a restriction on residential use of the property, a restriction that the units will not be used as business locations, and that CC&R's be established and an operating owner's association should manage the activities of owners.

Matt Mullin stated he and Jack Koson are residential real estate developers who have done many high-end projects in the United States. This is a new concept for Utah, but there are developments like this in other states. These units are owned by individuals, like condominiums.

Jack Koson said they plan to do more of these developments, and expand the concept in other cities, as he believes it meets a need in the community. The address for this proposed development is 120 N. Redwood Road.

Chairman Klotz opened the public hearing at 7:37 p.m. There were no comments, and he closed the public hearing at 7:37 p.m.

Mr. Mullin stated that they think the ownership element, and the pride of ownership, will really be the key to making this a nice place. The units will be priced from the high \$40,000 to the \$150-160,000s. They are proposed to be drive-in units with 16 ft. ceilings, and the developers have not decided about providing cable, internet, etc., but some units will be stubbed with sewer water. Individual owners would build out their own units. The clubhouse would have bathroom facilities. There would be CC&Rs that would also regulate this development.

Ken Leetham stated that this feels like a residential project and a non-residential project. It has elements of each, and is currently not compatible with the M-D zoning regulations, thus requiring an amendment to the city's Land Use Ordinance. He added that the nature and purpose of the project definitely gave pause to the Development Review Committee.

Council Member Horrocks stated that it appears this concept is just a way to get around calling them "storage units" since storage units are not allowed on Redwood Road. The City has zoned and limited storage units into certain areas within the City, but Ken Leetham said the developers have a specific vision in mind.

Chairman Klotz stated that it is a great idea, and as people are going to start downsizing their homes, they are going to want to "do their thing." For example, community gardens fit this purpose, and in Europe, very few people have big homes and yards, but they have gardening huts that couples spend their whole day in.

Jack Koson said they have been building very high-end projects in Deer Valley, Colorado, etc., and they pride themselves in having quality, high-end projects, and they take pride in what they do. Their intent is not to come build it and leave it to become junky. They want to expand the concept, so they are invested in making it a high-end concept that meets a need. Mr. Mullin stated that the units will be steel studded; meet fire code, and sprinkled. These should not be designed as business locations to which customers would come and go.

Chairman Klotz said storage units are usually put on property that is expected to go up in value in the future, and could easily be torn down. This concept does not seem to fit this description.

Ali Avery stated that the process for this project would be to create a code amendment, then review a condo plat and site plan together. At that time, the CC&Rs would be adopted. Council Member Horrocks and Commissioner Jensen both said they would vote no unless they see the CC&Rs. Ken Leetham said that passing the code amendment and then waiting to see if the subsequent CC&Rs are acceptable is taking a risk that the CC&Rs might not provide adequate support or protection. Ali Avery stated that the Planning Commission would not see CC&Rs for every project, and something like this could be approved anywhere in M-D Zone if the code amendment were approved as is.

Council Member Horrocks stated that although a public hearing was just held, the residents in the area of this proposed development do not know what is going on tonight, or what is being proposed, and he believes there would be opinions, and they should be informed about this project.

Mr. Mullin stated that Garagetown is the name of another similar development. Their website is www.Garagetown.com, and the Commission could look at this website and get a better idea of their vision. The one most similar to their proposal is the Phoenix Garagetown on Octillo Road.

Commissioner Jensen said she is appreciative of the DRC for addressing many of her concerns.

Ken Leetham stated that staff will provide the draft CC&Rs (taken from Garagetown's) to the Planning Commission. He stated that the other issue that needs to be reviewed is the zoning of the project. If this model is allowed, how does the City keep storage units in the specified area where they are allowed today? Council Member Horrocks said he would like David Church, City Attorney, to review this and figure out how to keep this regulated.

Council Member Horrocks moved to table this amendment to the City's Land Use Ordinance creating regulations for Private Garage Units, with the addition that staff provide the draft CC&Rs to the Planning Commission (sample, from another project) and that David Church, City Attorney, review the project. Commissioner Drinkall seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.

5. CONSIDERATION OF A SITE PLAN AND CONDITIONAL USE PERMIT FOR A PARKING LOT FOR WASATCH AUTO GROUP, LOCATED AT 855 WEST NORTHPOINTE CIRCLE. TIM FARNES, APPLICANT.

Ali Avery stated that Wasatch Auto Group has recently purchased the building at 847 West Northpointe Circle (formerly the Elevator Company) and the neighboring vacant property to the west at 855 West Northpointe Circle. They are proposing to have three businesses located within the existing building, and would not meet their parking requirement with the existing parking located on the same lot as the building. Therefore, they are proposing to develop the neighboring vacant lot into an area for display of their vehicles for sale, and to accommodate additional parking. The parking area is proposed to be developed in two phases. The first phase will be a strip of asphalt on the east side of the vacant lot, and the remainder of the vacant lot will be landscaped. When they are prepared to expand the business to include more area for display vehicles, then they will pave the portion of the vacant lot designated as "Phase 2, New Asphalt Surface." The detention area has been designed to accommodate the drainage for the entire site once both phases are complete, so they will not need to come back to the Planning Commission for site plan review once they decide to complete Phase 2. The vacant lot is currently 54,249 square feet, or 1.25 acres in size.

This proposal requires a conditional use permit because it is considered a free-standing parking lot. No signs are being proposed for the building at the time, but the applicant is aware that they must receive approval of a sign permit from the City prior to installation of any sign. An access easement is required to be recorded with Davis County, because there is not a proposed driveway access from the vacant lot.

The landscaping requirement for the parking lot is 10%. Mr. Leetham asked if the Phase 1 improvements would include the 10% landscaping, and that the landscaping should be required to be complete in 90 days. Brittany Peters, representing the applicant, stated that they would not be parking cars on the dirt. Mr. Leetham stated that normally for the conditional use permit and site plan approval, the applicant would not receive a business license unless the Phase 1 requirements are complete.

Commissioner Oblad moved that the Planning Commission approve the site plan and conditional use permit for a parking lot for Wasatch Auto Group subject to the following conditions: An access easement be recorded with Davis County prior to issuance of a business license for Wasatch Auto Group and that landscaping of Phase 1 be completed in 90 days from today, June 26, 2012, and Phase 2 improvements be complete by June 1, 2013. Commissioner Drinkall seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.

6. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR UTAH TOWING LOCATED AT 20 NORTH 700 WEST. MARIELA MONTIEL, APPLICANT.

Ali Avery reported that the applicant is seeking a conditional use permit because towing lots are conditional uses in the M-D District. Utah Towing is leasing a very small office in the building

and a storage yard for vehicles, approximately 15' x 25', at 20 North 700 West. There will be approximately 3-5 impounded vehicles stored on-site at a time. There will not be any storage of tow trucks at this site, and they expect to have two employees working on-site.

The storage yard is currently enclosed with a chain-link fence, and a solid fence or slats in the chain-link fence must be installed prior to issuance of a business license.

Ms. Montiel asked about her banner sign that is hanging on the fence. Mr. Leetham stated that the idea is to have professional, permanent signs affixed to the building. The City does not allow a banner attached to a fence. He stated that the City may be able to make an allowance for a banner sign within the storage lot and not facing a public street, but that a sign permit must be issued for a permanent sign attached to the building.

Commissioner Drinkall moved that the Planning Commission approve the proposed conditional use permit for Utah Towing subject to the following conditions: that the outdoor storage area must be screened by a solid fence or wall prior to issuance of a business license, and that a sign permit must be issued by the City for any sign proposed on-site. Council Member Horrocks seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.

7. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR GW TOWING LOCATED AT 20 NORTH 700 WEST. ALBERTO GASTON WACHTERDORFF, APPLICANT.

This application is the same as the application for Utah Towing. There will be two towing/impound companies at this location sharing the same space.

Commissioner Jensen moved to approve the proposed conditional use permit for GW Towing subject to the following conditions: that the outdoor storage area must be screened by a solid fence or wall prior to issuance of a business license, and that a sign permit must be issued by the City for any sign proposed on-site. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.

8. PRESENTATION RELATED TO THE PROPOSED GENERAL PLAN AMENDMENT

Mr. Leetham presented the General Plan Amendment document and provided a brief summary of what the chapters include. He then proposed a Planning Commission work meeting on July 10, 2012, with recommendations to be complete before July 31. A public hearing on the plan is tentatively scheduled for August 14, 2012.

9. APPROVE MINUTES – JUNE 12, 2012

The June 12, 2012 Planning Commission minutes were reviewed. **Commissioner Klotz moved to approve the Planning Commission minutes of June 12, 2012 as written. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Jensen, Tidwell, Mumford, Oblad, Klotz, Drinkall and Council Member Horrocks.**

10. ADJOURN

Chairman Klotz adjourned the meeting at 9:30 p.m.

Chairman

Secretary