

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
JULY 10, 2012

Commissioner Bruce Oblad called the meeting to order at 6:00 p.m. and welcomed those present.

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

EXCUSED: Commissioner Allen Tidwell

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

OTHERS PRESENT: Natalie Patane, Little Whoo's Daycare; Milt Taylor, 4017 S. Main St.; Matt Mullin and Jack Koson, Mancaves.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR LITTLE WHOO'S DAYCARE AND PRESCHOOL, LOCATED AT 1055 NORTH AMBERLY DRIVE. NATALIE PATANE, APPLICANT.

Ali Avery stated that childcare services are conditional everywhere within the City, and therefore the applicant, Natalie Patane, is required to receive a conditional use permit from the Planning Commission. Ms. Patane would like to tend six children in her home and yard from 7:00 a.m. until 5:00 p.m., Monday through Friday. She has obtained her appropriate licensing through the state, and City staff recommends approval with no conditions.

Commissioner Drinkall moved to approve a conditional use permit for Little Whoo's Daycare and Preschool located at 1055 N. Amberly Drive, NSL. Commissioner Mumford seconded the motion. The motion was approved by Commissioners Mumford, Drinkall, Oblad and Council Member Horrocks. Commissioners Klotz, Jensen and Tidwell were excused.

Commissioner Jensen arrived at 6:10 p.m. Chairman Klotz arrived at 6:15 p.m.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A REDUCTION IN MINIMUM LOT SIZE FOR THE PROPOSED ANNE TAYLOR SUBDIVISION,

LOCATED ON THE SOUTHEAST CORNER OF HIGHWAY 89 AND 4000 SOUTH.
VON HILL, APPLICANT

Ken Leetham stated that the applicant is seeking approval to divide the property into two lots that are smaller than the required minimum lot size. The C-H zoning district requires a minimum lot size of one acre. This same requirement also states that a conditional use permit may be granted that would modify this minimum size requirement. The City did previously review and approve this request for reduced lot sizes in 2009. The subdivision approved in 2009 was never recorded and the City's approvals related to it have expired. The Development Review Committee (DRC) has reviewed this proposal and recommends approval.

Council Member Horrocks moved to grant a conditional use permit for a reduction in minimum lot size for the proposed Anne Taylor Subdivision. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Mumford, Drinkall, Klotz, Oblad, Jensen and Council Member Horrocks. Commissioner Tidwell was excused.

4. CONSIDERATION OF A FINAL PLAT FOR THE ANNE TAYLOR SUBDIVISION,
LOCATED ON THE SOUTHEAST CORNER OF HIGHWAY 89 AND 4000 SOUTH.
VON HILL, APPLICANT.

Ali Avery stated that the Taylor Subdivision was approved originally in 2009 with some conditions of approval, but the plat was never recorded with Davis County, and the plat has since expired. The applicant is now asking for re-approval of the subdivision, which is now proposed to be named the Anne Taylor Subdivision.

The Development Review Committee (DRC) recommends approval of the final plat for the Anne Taylor Subdivision subject to the following conditions: 1) that the driveway on Lot #1 must come into conformance with NSL City Code, specifically in regards to the regulation that driveways must be three feet off the property line, and 2) that a business license application be submitted for the rental of a 4-plex prior to recording of the plat.

Milt Taylor, representing the applicant, stated that originally they found, in researching the ownership of the property, that they own 12 feet further to the east, which is in the middle of a house next door to them. They just abandoned that property line, and did not make a claim. Therefore, in an effort to maximize Lot #2, he put additional ground in another lot. There is about two feet between that wall and that driveway, so he just does not know that there is a lot of benefit of digging the driveway up to move it one foot. He said they could possibly replace it and move it 12 inches so the wall is included in the 4-plex, rather than the house. This was not included in the original requirement, but he would like to ask for a waiver of that requirement.

Commissioner Mumford asked what the purpose of the subdivision was, and Mr. Taylor said his mother wanted it deeded between the siblings. Mr. Taylor said there is no intent to sell the

property, although he acknowledged that could happen in the future. His sister owns the other lot and has no problem moving the property line.

Council Member Horrocks asked Mr. Leetham if the Commission has some leeway in this regard. Mr. Leetham stated that there are limited options. Firstly, there is an existing condition where there are two driveways very close together, so if the property line is moved, which is the least expensive way to handle this situation, it could result in having the lot line within 2.5 feet of both driveways. That would be the closest compliance to City code, and Mr. Leetham recommended doing this, if possible. The other option for the Planning Commission would be to recommend approval without the condition, recognizing that it is an existing use. Although there are nonconforming uses, Mr. Taylor is correct that it was not one of the original conditions of approval in 2009.

Chairman Klotz stated that one purpose for City ordinances is to protect property owners from each other. In this case, the property owners know each other and are family.

Mr. Leetham then stated the property owner could leave the lot line where it is, but decrease the driveway size by three feet. Commissioner Mumford asked if the required footage only applies to the entrance of the driveway. Mr. Leetham stated that the intent of the code would be met if the measurement is taken at the street.

Mr. Taylor stated that his measurements show that the property line would only have to be moved one foot. There are nine feet between driveways, so they would only need to make a lot line adjustment.

Commissioner Oblad moved to recommend approval of the final plat for the Anne Taylor Subdivision subject to the following conditions: 1) The lot line between the property be adjusted so that the driveways come into conformance with NSL code, and 2) that a business license application be submitted for the rental of a 4-plex prior to recording of the plat. Chairman Klotz seconded the motion. The motion was approved by Commissioners Mumford, Drinkall, Klotz, Oblad, Jensen and Council Member Horrocks. Commissioner Tidwell was excused.

5. AMENDMENT TO THE LAND USE ORDINANCE CREATING REGULATIONS FOR PRIVATE GARAGE UNITS

Mr. Leetham stated that staff reviewed the Planning Commission's recommendations and made several changes to the land use ordinance amendment. The result is the creation of an overlay zoning district called the Private Garage Unit Overlay Zone (PGUOZ). By establishing provisions that require an action equivalent to a rezoning of property in order to establish Private Garage Units, approval is completely discretionary to the City Council.

Other changes include: clarifying and making the language stronger that separates self-storage units from private garage units; establishing a rental provision; defining "residential use;" and establishing the City Councils' authority to deny any application without making a finding.

Jack Koson addressed the City's concern about taking regular storage units and converting them to this concept of private garage units. He said they have researched this concept quite a bit and said that this would not happen, as it is not an economically viable option. Also, to require a certain amount of parking is not an option for them, and he asked, "how many storage unit locations have parking spaces required?"

Mr. Mullin stated that the newly proposed #7 of staff's recommended requirements would make their financing options very difficult. He asked that the City eliminate the first line of #7 (requiring one-hundred percent of the units to have been sold before any units may be rented or leased).

Mr. Mullin also addressed business activity and said they would like to allow the same type of home-based businesses allowed by City code in these garage units.

Commissioner Jensen stated that this still seems like they're trying to get around the self-storage designation, and she pointed out that even Mr. Koson compared the parking requirements to self-storage units. Mr. Koson then stated that the nature of what they have planned is much more upscale than storage units, including a highly secured campus with nice landscaping, a clubhouse, and the finishes will be very nice.

Commissioner Mumford asked about the existing code for businesses in dwellings currently and what that would entail. Mr. Leetham stated that the City has provisions in its code that allow homeowners to have home occupations. (Ali Avery distributed copies of Section 10-10-5 of the City Code, "Home Occupations.") Mr. Leetham stated that this would be difficult to enforce in a non-home setting.

There was more discussion about the renting of these units, and how to prevent this development from becoming a rental operation. Council Member Horrocks asked what happens if someone purchases several units and rents them out to other individuals. He said he did not have a problem with this, and Chairman Klotz agreed with him.

Commissioner Oblad asked how many units would be in the development and how many have been pre-sold. Mr. Koson stated that there are 54 proposed, and they already have about 24 people expressing interest. Commissioner Oblad asked how many people would be buying them to rent out to other individuals. The answer was none. Commissioner Mumford asked if they see potential land use surrounding their development that is detrimental to their use. Mr. Mullin stated that he does not see this as a problem at all. Mr. Mullin then addressed #7 again (of the proposed changes to the code), and how it affects them. It is a restriction that their construction lender will review, and while that applies to the buyers, it applies to them as they try to develop it as well. The greater level of restriction, the harder it is to get something done that is going to work for all parties involved.

Commissioner Drinkall moved to recommend approval of the Land Use Ordinance amendment creating regulations for Private Garage Units to the City Council with the exception of the first sentence of #7 in Section 10-21-5 of the City Code. Commissioner

Oblad seconded the motion. The motion was approved by Commissioners Mumford, Drinkall, Klotz, Oblad, Jensen and Council Member Horrocks.

Council Member Horrocks stated that Ken Leetham's efforts have validity, and he is not sure he agrees totally with striking that first sentence of # 7, but will vote in favor of moving it on to the City Council. Commissioner Jensen agreed with that as well. Council Member Horrocks stated that he would not be at the Council meeting the following week, and would like his thoughts conveyed to the City Council.

6. APPOINTMENT OF A PLANNING COMMISSION VICE-CHAIR

Commissioner Drinkall moved to appoint Bruce Oblad as Vice-Chairman of the Planning Commission. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Mumford, Drinkall, Klotz, Oblad, Jensen and Council Member Horrocks. Commissioner Tidwell was excused.

7. APPROVE MINUTES

The Planning Commission minutes of June 26, 2012 were reviewed. **Council Member Horrocks moved to approve the June 26, 2012 Planning Commission minutes as written. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Mumford, Drinkall, Klotz, Oblad, Jensen and Council Member Horrocks. Commissioner Tidwell was excused.**

8. REVIEW AND DISCUSSION OF PROPOSED GENERAL PLAN AMENDMENTS

The Planning Commission discussed their review of the current version of the City's General Plan. Mr. Leetham added information, and they discussed the purpose for the General Plan, including implementation strategies, etc.

The Commission expressed concern about the southwest quadrant (Kimball Property) and high-density housing portion of the plan. Mr. Leetham said he would schedule a more structured discussion on goals and policies for the next meeting, and asked the Commission to review it further and let staff know which areas they are fine with, and where they have concern, or do not agree. He also suggested they discuss policy statements and tasks the Commission thinks are missing that would support the plan.

9. ADJOURN

Chairman Klotz adjourned the meeting at 9:00 p.m.

Chairman

Secretary