



## CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

### NORTH SALT LAKE PLANNING COMMISSION NOTICE & AGENDA January 11, 2022 6:30 p.m.

Notice is given of a public meeting of the North Salt Lake Planning Commission to be held on the above noted date and time in the North Salt Lake City Council Chambers located at 10 East Center Street. The agenda will be as follows:

- 1) Welcome, Pledge, and Introduction
- 2) Public comments
- 3) Appointment of Chair and Vice Chair
- 4) Consideration of a conditional use permit for Angel 7 Spa at 460 North Redwood Road, Unit D, Yong Zhen Yang, applicant
- 5) Consideration of a conditional use permit for Drift Hero at 164 East Center Street, Joe Newell, applicant
- 6) Report on City Council actions on items recommended by Planning Commission
- 7) Approval of minutes:
  - a. 12/14/2021

Adjourn

The public is invited to attend all Planning Commission meetings. If you need special accommodations to participate in the Planning Commission meeting, please call the City offices at (801) 335-8700. Please provide at least 24 hours' notice for adequate arrangements to be made. The agenda items may be heard in a different order as warranted by the Commission.

#### Notice of Posting:

I, the duly appointed recorder for the City of North Salt Lake, hereby certify that the foregoing agenda was posted on the Utah Public Notice website, at city hall, and sent to the required newspapers this 10th day of January, 2022.

Dated this 10th day of January, 2022.

Sherrill Pace  
Deputy City Recorder



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Mackenzie Bennett, Planner  
**DATE:** January 11, 2022  
**SUBJECT:** Conditional Use Permit for Angel 7 Spa located at 460 North Redwood Road, Unit D

---

### RECOMMENDATION

The Development Review Committee (DRC) recommends approval of the conditional use permit for Angel 7 Spa located at 460 North Redwood Road, Unit D with no conditions.

### BACKGROUND

Angel 7 Spa is proposing to locate a massage therapy business at 460 North Redwood Road in Unit D. This use is a conditional use under "Personal Services" in the Manufacturing Distribution (MD) zone.

Angel 7 Spa will employ one licensed massage therapist immediately and plans to employ one more therapist in the future. All clients will have scheduled appointments and there will be one client per massage therapist visiting at a time. There is ample parking provided on the property for the various uses in the building. The DRC has not identified any potential issues with permitting the business to operate at this location.

This conditional use permit is subject to the requirements of the City's Land Use Ordinance (10-7-1-4), requiring that every Conditional Use Permit shall expire by limitation and become null and void if the work authorized by such permit has not commenced within one (1) year, or is not completed within two (2) years from date of issue.

### POSSIBLE MOTION

I move that the Planning Commission approve the conditional use permit for Angel 7 Spa located at 460 North Redwood Road, Unit D with no conditions.

Attachments

- 1) Aerial/Zoning Map





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### MEMORANDUM

**TO:** Planning Commission  
**FROM:** Mackenzie Bennett, Planner  
**DATE:** January 11, 2022  
**SUBJECT:** Conditional Use Permit for Drift Hero located at 164 Center Street

---

#### **RECOMMENDATION**

The Development Review Committee (DRC) recommends approval of the conditional use permit for Drift Hero located at 164 East Center Street with the following conditions:

1. One parking stall be brought into ADA compliance;
2. All outdoor display shall be located a minimum of 10 feet behind the back of curb to provide pedestrian accesses across the property at the street.

#### **BACKGROUND**

The owner of Drift Hero, Joe Newell, is leasing the entire building at 166 East Center Street which has two units addressed 166 and 164 East Center Street. Drift Hero is proposing to occupy the side of the building with the address 164 East Center Street. A business license application has not been pulled for the other side of the building (166 East Center Street) but Mr. Newell has informed staff that he plans to use it for office space in the future. This building is within the Commercial Shopping (CS) zone.

Drift Hero offers retail and online sales of youth-sized go karts and mini bikes. The business has been classified as a "recreational vehicle, motorcycle, and boat dealer", which is a conditional use in the CS zone. One person will be employed at this location. The portion of the building to be occupied by Drift Hero is approximately 1,900 sq. ft. in size. Most of that space is for warehouse storage with some office space and an area dedicated to a retail floor/display area. The retail floor/display area will be located toward the front of the building.

Per City code 10-6-5, the business must provide a minimum of 5 parking stalls, one of which must be ADA compliant. There are 8 parking stalls for the entire building, none of which are currently ADA compliant. If needed, there are 10 additional diagonal parking stalls to the east of the building that are shared by other buildings and businesses in the complex. As of January 5, 2021, staff confirmed with the applicant that they have secured the materials necessary to make one of the parking stalls ADA compliant. It has been determined that the applicant has provided sufficient parking for the use based on the following table:

Use	Requirement	Sq. Ft.	Req. Stalls
General commercial and retail sales	1 stall per 200 sq. ft. of floor area	400	2
On site warehouse storage	2 stalls per 1,000 sq. ft. of floor area	1,500	3
Total Required Stalls			5

The applicant is proposing to display some of the merchandise (go karts and mini bikes) outside along Center Street during business hours. The applicant has informed staff that no more than 6-8 go karts or mini bikes will be displayed outdoors at any given time. Outdoor display of retail merchandise, as an accessory use is permitted in the CS zone. City code 10-1-33(E) requires that all outdoor display be located outside of the right of way or designated landscaped area and cannot obstruct a pedestrian walkway. The subject property does not currently have a sidewalk or landscaped park strip. As such, the DRC is recommending that all outdoor display be located a minimum of 10 feet behind the back of curb in order to allow space for pedestrian movement. The outdoor display should not block or use any space dedicated to drive aisles and parking stalls.

This conditional use permit is subject to the requirements of the City's Land Use Ordinance (10-7-1-4), requiring that every Conditional Use Permit shall expire by limitation and become null and void if the work authorized by such permit has not commenced within one (1) year, or is not completed within two (2) years from date of issue.

**POSSIBLE MOTION**

I move that the Planning Commission approve the conditional use permit for Drift Hero located at 164 East Center Street with the following conditions:

1. One parking stall be brought into ADA compliance;
2. All outdoor display shall be located a minimum of 10 feet behind the back of curb to provide pedestrian accesses across the property at the street.

Attachments

- 1) Zoning Map
- 2) Aerial Map
- 3) Site Plan

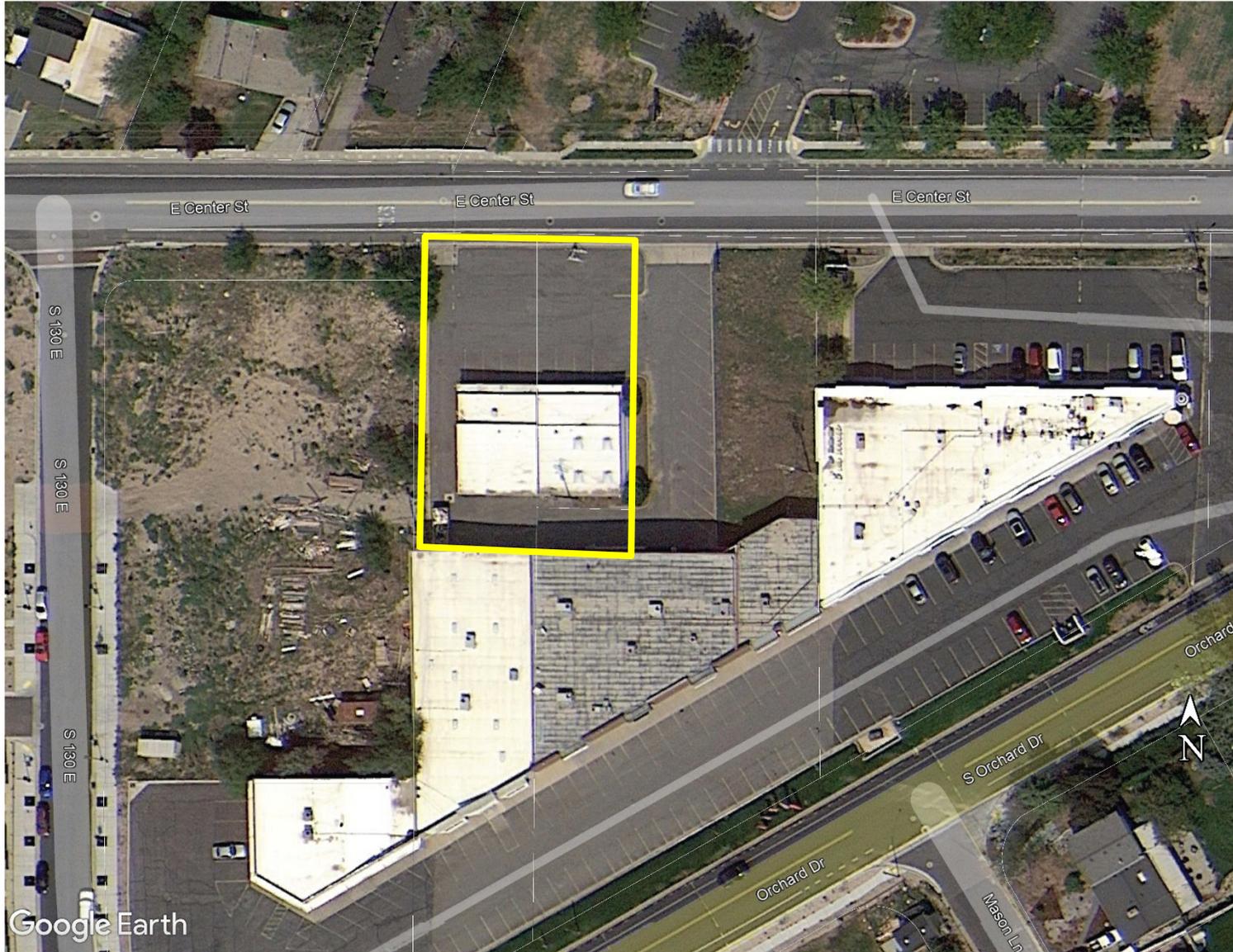


# Drift Hero 164 East Center Street Zoning Map



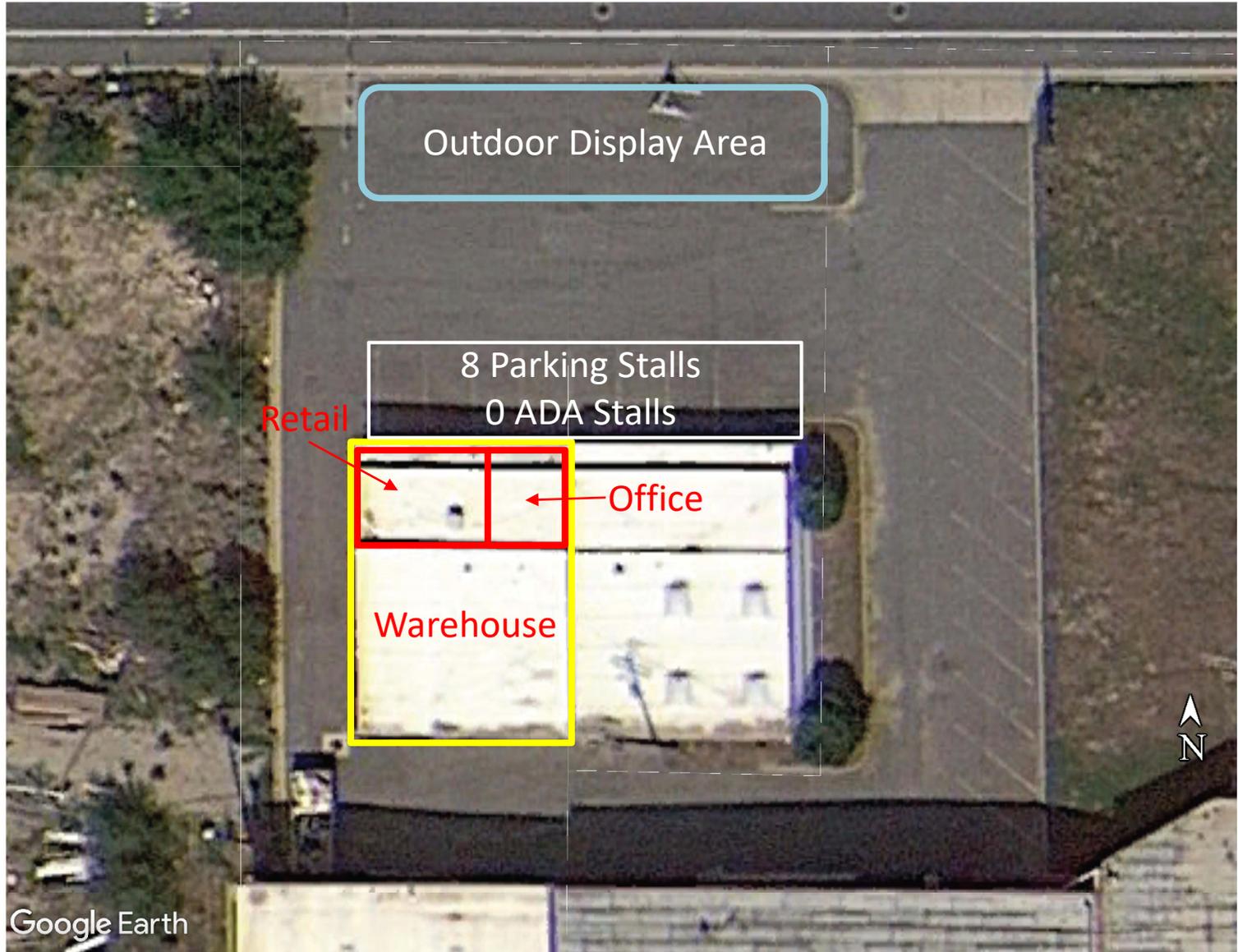


# Drift Hero 164 East Center Street Aerial Map





# Drift Hero 164 East Center Street Site Plan



1 CITY OF NORTH SALT LAKE  
2 PLANNING COMMISSION MEETING  
3 DECEMBER 14, 2021  
4

5 **DRAFT**  
6

7 Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and BreAnna Larson  
8 led those present in the Pledge of Allegiance.  
9

10 PRESENT: Commission Chair Ted Knowlton  
11 Commissioner Ron Jorgensen  
12 Commissioner BreAnna Larson  
13 Commissioner Katherine Maus  
14 Commissioner Alisa Van Langeveld  
15 Commissioner William Ward  
16

17 EXCUSED: Commissioner Brandon Tucker  
18

19 STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Bennett,  
20 Planner.  
21

22 OTHERS PRESENT: Dee Lalliss, resident; Brady Boardman, Salty; Andy Strine, TJ Jones,  
23 Phillips 66/Energy Transfer; Sam Brady, SBA Architecture; Scott Janke; Patricia Estada, Luz  
24 Astrada, Arcoiris Reception Center; John Crockett, resident/applicant; Jaden Malan.  
25

26 1. PUBLIC COMMENTS  
27

28 Dee Lalliss thanked the outgoing members of the Planning Commission and staff for their  
29 efforts. He spoke on the potential difficulties and issues in working with the public and  
30 developers and thanked staff and the Commission for serving the City.  
31

32 Chair Knowlton thanked Dee Lalliss for his involvement and comments pertaining to City  
33 matters over the years.  
34

35 2. PUBLIC HEARING: CONSIDERATION OF A PLAT AMENDMENT TO LOT 1016R,  
36 EAGLEPOINTE ESTATES PHASE 10 SUBDIVISION AT 674 EAST COUNTRY  
37 COURT, VACATING A PUBLIC UTILITY EASEMENT ON THE REAR PROPERTY  
38 LINE, JOHN CROCKETT, APPLICANT  
39

40 Mackenzie Bennett reported on lot 1016R in Phase 10 of the Eaglepointe Estates Subdivision,  
41 which was located at 674 East Country Court. Several years ago the property owners on the  
42 southern side of this street installed landscaping encroaching into the City's property. She  
43 explained that to fix the problem the City has been working with those property owners and

44 allowing them to purchase the encroached upon land. The former property owners of lot 1016R  
45 674 East Country Court, who installed the landscaping, sold the lot and home to the new owner  
46 prior to completion of the land transaction with the City.

47  
48 Mackenzie Bennett said a purchase agreement with the current owners of lot 1016R was  
49 finalized on December 1, 2021 for a total of 4,672 square feet of land. She showed a map of the  
50 property with a public utility easement along the back of the original lot line. This plat  
51 amendment would combine the purchased and existing property, vacate the existing public utility  
52 easement (PUE) along the back property line, and extend the City's PUE on the side property  
53 line to the new back property line. Ms. Bennett explained that the existing deed on the City  
54 property, which restricted use of the land for park/open space purposes, has been released  
55 through the use of an agreement and new recording.

56  
57 The Development Review Committee (DRC) recommended approval of the plat amendment  
58 with no conditions.

59  
60 Commissioner Van Langeveld asked for clarification on the existing public utility easement on  
61 the property. Mackenzie Bennett replied that the neighboring property to the west had been  
62 through the same process. She said the side PUE for that property was extended and the rear  
63 PUE was vacated. This same rule would be applied to the subject property at 674 East Country  
64 Court.

65  
66 Sherrie Pace noted that the City Engineer indicated that that the likelihood of the City accessing  
67 the PUE at the rear of the property was highly unlikely.

68  
69 **At 6:38 p.m. Chair Knowlton opened the public hearing. There were no comments and he**  
70 **closed the public hearing at 6:39 p.m.**

71  
72 **Commissioner Jorgensen moved that the Planning Commission recommend approval to**  
73 **the City Council of the plat amendment to lot 1016R, Eaglepointe Estates Phase 10**  
74 **Subdivision at 674 East Country Court with no conditions. Commissioner Maus seconded**  
75 **the motion. The motion was approved by Commissioners Jorgensen, Knowlton, Larson,**  
76 **Maus, Van Langeveld and Ward. Commissioner Tucker was excused.**

77  
78 3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ARCOIRIS  
79 RECEPTION CENTER AT 710 NORTH REDWOOD ROAD, LUZ ESTRADA,  
80 APPLICANT

81  
82 Sherrie Pace reported that this item was a continued item from December 2020 and had been  
83 tabled due to redline corrections as well as issues with alcohol licensing and parking. The  
84 Arcoiris Reception Center would be relocated from 240 North Redwood Road to 710 North  
85 Redwood Road. They previously operated under a conditional use permit at the location of 240

86 North Redwood Road. Conditional use permits are not transferable and are location specific so  
87 the business was required to obtain a new conditional use permit for the new location. This  
88 application was previously reviewed by the Planning Commission on December 8, 2020 and was  
89 tabled to address the following: submission of redline corrected site plan improving and  
90 installing additional parking spaces, confirmation of required alcohol licenses from DABC and  
91 the City Council, removal of the fence and any other storage located in the rear fire lane for the  
92 building and adjoining building upon which the cross-access easement existed, and confirmation  
93 of non-conflict of operating hours regarding shared or overflow parking onto the business to the  
94 south.

95  
96 Staff has worked with the applicant's architect and engineer on all the redline corrections which  
97 have been made to the site plan and construction drawings. The building has had an interior  
98 remodel with the following uses: open reception with no fixed seating on the main floor and  
99 office/open storage on the second floor. The minimum parking requirement for these uses would  
100 be 62 parking spaces. The current site had a total of 28 parking spaces and the proposed site plan  
101 and completion of the parking lot improvements would provide an additional 35 spaces for a  
102 total of 63 parking spaces, which would meet the minimum standard set by City code.

103  
104 In addition, the property has a cross access and parking easement with the building to the south.  
105 This easement would allow the reasonable use of the parking. As the proposed business was a  
106 reception and event center whose primary operations would be in the evening hours and on  
107 weekends, the applicant felt that during the operation of events that they would be able to utilize  
108 all 31 spaces to the south for overflow parking. The proposed hours for events would be 5 p.m.  
109 to 1 a.m. on weekends and would not conflict with the adjacent neighbor Revolution Auto. The  
110 proposed business would host banquets, weddings, anniversaries, quinceaneras, etc. City staff  
111 found that there were varying licensing requirements through DABC so it was determined that  
112 Arcoiris is required to operate in conformance with DABC requirements as well as City code  
113 requirements related to serving alcohol depending upon type of event. The City's police  
114 department would be responsible for investigating and enforcing compliance in the event of an  
115 issue. Violations by the business operator, or those hosting an event, may result in a revocation  
116 of the conditional use permit and business license.

117  
118 An additional concern regarding the request for a conditional use permit would relate to public  
119 health and the current COVID pandemic. The proposed use would be subject to county and state  
120 public health regulations and orders as applicable.

121  
122 Currently a chain link fence enclosing material and supply storage blocked the rear access  
123 around this building and the adjoining building to the south. The Fire Marshal indicated that the  
124 building to the south was in violation, which required a separate enforcement action and was not  
125 related to the approval of the conditional use permit for Arcoiris.

126

127 Ms. Pace also explained that conditional use permits were subject to the requirements of the  
128 City's Land Use Ordinance in which conditional use permits expired after one year if the work  
129 authorized by this permit had not commenced within one year or was not completed within two  
130 years from date of issue.

131  
132 The DRC recommended approval of the conditional use permit with one condition that the  
133 business operate in accordance with DABC and City regulations in relation to the consumption  
134 of alcoholic beverages.

135  
136 Sherrie Pace showed the revised site plan and said that staff required reducing the parking  
137 islands to less than the required nine (9) feet wide (per adopted City code) for an additional  
138 turning radius to align with the neighboring property. This reduction allows for better ease of  
139 movement within the parking area and is permissible to be varied by the Planning Commission.

140  
141 Samuel Brady, SBA Architecture, commented that they had worked closely with City staff on  
142 the updated site plan to comply with engineering requirements. He asked for approval and  
143 temporary occupancy and use of the site until the work could be completed.

144  
145 Sherrie Pace commented that in order for a temporary occupancy permit a bond would need to be  
146 in place for the proposed infrastructure and the operation hours could not conflict with  
147 Revolution Auto for the use of the overflow parking. She explained that the bond would be based  
148 on the City Engineer's estimate or the contractor's bid for the work. This bond could be cash, an  
149 escrow account at the bank, or an insurance policy surety bond.

150  
151 Samuel Brady clarified for the applicant/tenant that a bond for the proposed infrastructure and  
152 the cross access easement to coordinate with Revolution Auto for parking would allow them a  
153 temporary occupancy permit while finalizing site improvements. He asked that this be specified  
154 in the meeting minutes. Sherrie Pace responded that eligibility for a temporary occupancy permit  
155 would be based upon building code and the Building Official. She said then a bond could be  
156 accepted for the improvements to be completed within a certain timeframe and a limited  
157 temporary occupancy permit could then be issued.

158  
159 Commissioner Maus asked if insight could be provided on any negative impacts to neighboring  
160 properties. Sherrie Pace responded that at the previous location there were parking conflicts with  
161 other building tenants which resulted in overflow parking as well as complaints related to alcohol  
162 use by patrons attending events.

163  
164 Commissioner Van Langeveld clarified that if the additional improvements to the parking lot  
165 were not completed within one year that the conditional use permit would be revoked. Sherrie  
166 Pace confirmed that the approval would be void and the item would return for Planning  
167 Commission review. She expected that the applicant will be able to have the improvements  
168 completed in the spring when the asphalt plants re-open.

169  
170 Commissioner Jorgensen spoke on the DABC and City requirements related to alcohol and asked  
171 about best practices related to public safety in this respect. Samuel Brady replied that he  
172 expected elements of compliance for serving alcohol per the law and stipulated by the alcohol  
173 license.

174  
175 Sherrie Pace clarified that some of the DABC requirements, dependent on the type of event,  
176 were a licensed bartender to serve alcohol, onsite security, verification of identification,  
177 provision of a guest list, etc.

178  
179 Commissioner Jorgensen commented that it is important from a public safety standpoint that this  
180 was done responsibly. He asked that best practices be put into place at the facility to discourage  
181 drinking and driving.

182  
183 Commissioner Maus asked if the site met the landscaping requirements of the City. Sherrie Pace  
184 replied affirmatively.

185  
186 **Commissioner Maus moved that the Planning Commission approve the Conditional Use**  
187 **Permit for Arcoiris Reception Center at 710 North Redwood Road with the following**  
188 **condition:**

189  
190 **1) Business will operate in accordance with DABC and City regulations in relation to**  
191 **the consumption of alcoholic beverages.**

192  
193 **Commissioner Ward seconded the motion. The motion was approved by Commissioners**  
194 **Jorgensen, Knowlton, Larson, Maus, Van Langeveld and Ward. Commissioner Tucker was**  
195 **excused.**

196  
197 **4. CONSIDERATION OF A SITE PLAN APPROVAL FOR SALTY OVERFLOW**  
198 **PARKING AT 211 WEST CENTER STREET, BRADY BOARDMAN, APPLICANT**  
199

200 Mackenzie Bennett reported that the property at 211 West Center Street had frontage on Center  
201 Street and was vacant of any structures. Storage City owns this property located in the  
202 Manufacturing Distribution (MD) zone as well as the property and storage business south of the  
203 subject property. The applicant, Salty, provides rental vehicles to the construction, oil, and gas  
204 industries with a primary location at 875 North Main Street. Salty has temporarily leased a  
205 portion of the subject property for additional vehicle storage. Due to COVID, Salty has chosen to  
206 keep its existing fleet instead of transitioning to a newer fleet, which has triggered the need for  
207 overflow parking at this secondary location.

208  
209 The applicant has applied for a site plan to construct a 31,500 square foot outdoor parking area  
210 that would be surfaced with crushed asphalt. The proposed area would be fenced by a six foot

211 chain link fence with a solid black Aleko Fence Screen that would allow wind to blow through  
212 the material. The proposed parking area would hold a maximum of 110 vehicles at a time. The  
213 applicant anticipated no more than three to five vehicles being moved in or out of storage on a  
214 daily and weekly basis.

215  
216 The proposed parking area would be approximately 520 feet away from Center Street, which was  
217 measured from the back of the sidewalk. The property also had 20 feet of landscaping adjacent to  
218 Center Street.

219  
220 Mackenzie Bennett explained that it would be at the Planning Commission’s discretion to  
221 determine if the storage area was to be considered “outdoor storage” and governed by City code  
222 10-1-33 which would require the installation of a concrete tilt up or masonry wall or to be  
223 considered a “vehicle, automobile sales/rental and service” as defined in section 10-1-46. She  
224 said that the Police Chief had cautioned about catalytic converter theft and potentially avoiding  
225 site obscuring walls.

226  
227 The DRC recommended approval of the site plan and recommended that if the Planning  
228 Commission determined that the parking area met City code 10-3-33 that the walls be compliant  
229 with City code and be constructed on a minimum of the north and east sides of the affected lease  
230 area.

231  
232 Chair Knowlton questioned if I-15 was higher than the site. Mackenzie Bennett replied that this  
233 parcel was nearly level with and visible from the interstate.

234  
235 Commissioner Jorgensen commented that he had driven by the property and said it was currently  
236 being used for vehicle storage and was highly visible. He was unsure if the asphalt had already  
237 been applied. Mackenzie Bennett replied that the applicant had the crushed asphalt ready for  
238 installation as soon as the site plan was approved.

239  
240 Chair Knowlton asked if this was a temporary or permanent condition for Salty. Brady  
241 Boardman, Salty, responded that the reason they were retaining their inventory was due to supply  
242 issues per COVID. He said once these supply issues were rectified that they would no longer  
243 need vehicle storage and would sell their inventory. Mr. Boardman mentioned that there was still  
244 uncertainty as to when the supply issues would be fixed and what the future had in store for the  
245 company.

246  
247 Sherrie Pace commented that staff did not have any objections to temporary storage for a period  
248 of two years with the option for a one year renewal based on inventory per COVID. She said that  
249 if the need for storage persisted after three years the applicant could return to the Planning  
250 Commission.

251

252 Chair Knowlton asked if the applicant had any issue with a temporary timeframe. Brady  
253 Boardman replied that he had no issue with a temporary timeframe and would address any needs  
254 after three years with the City. He clarified that it would not be a storage area for anything other  
255 than parking the vehicles when they were not in use.

256  
257 Commissioner Larsen asked about the plan for security. Brady Boardman responded that there  
258 would be lighting and cameras attached to the facility. He said they would like to have some  
259 fencing as a deterrent to theft.

260  
261 Commissioner Maus questioned if this would be seasonal or year round storage. Brady  
262 Boardman said it would be more seasonal storage as the oil and gas industries tended to slow  
263 down in the fall/winter months. He said they would lease/rotate the vehicles from this location  
264 especially in the warmer months.

265  
266 Commissioner Jorgensen commented that a case could be made that this use fit under section 10-  
267 1-46 as a vehicle, automobile sales/rental and service. He did not see a compelling case for the  
268 walls as the fencing would provide better visuals of the site. Commissioner Maus was in  
269 agreement particularly as the vehicles would be leased and the temporary nature of the site.

270  
271 Commissioner Larson said she felt the same and that the fencing should be for the security of the  
272 site and less for a long term impact on the property.

273  
274 Sherrie Pace reported on what was written in City code for temporary uses and stated “a  
275 conditional use permit for uses which are of a temporary nature only and may be issued for the  
276 intended duration of the temporary use or two years whichever period of time is shorter”. She  
277 suggested a condition that stated a maximum of two years for temporary use.

278  
279 Chair Knowlton commented that this would be his preference. If the applicant needed an  
280 extension or permanent storage that the need for fencing could be determined at that time.

281  
282 Commissioner Van Langeveld asked if the site was approved as a conditional use permit for  
283 automobile sales/rental if that would apply to the entire site. She asked if the applicant would be  
284 beholden to only the designated section that was specified or if they could potentially fill up the  
285 entire site with vehicles. Sherrie Pace replied that this would need to be addressed through the  
286 conditions placed by the Planning Commission.

287  
288 Brady Boardman commented that they had trucks parked behind the fence near the substation but  
289 would move them to the proposed section. He said that the 31,500 square feet should be  
290 sufficient but would like to have some flexibility.

291  
292 Commissioner Van Langeveld commented that she felt the applicant should have flexibility to  
293 access and maneuver around the property but would have concerns if the applicant had requested

294 to park vehicles all the way to the property line. She said if this was a permanent site she would  
295 be more interested in the installation of fencing.

296  
297 Brady Boardman said they could obtain an automobile sales license if that was required by the  
298 Commission. Commissioner Van Langeveld commented that this seemed like an onerous  
299 requirement for a temporary need.

300  
301 Commissioner Ward was in agreement and felt that the temporary permit with the two year term  
302 was appropriate at this time. He suggested further review of the use if the applicant requested  
303 more time in the future.

304  
305 **Commissioner Ward moved that the Planning Commission approve the site plan for Salty**  
306 **Overflow Parking located at 211 West Center Street with the following conditions:**

307  
308 **1) Approval is granted for an initial two (2) year term. At the expiration of the term**  
309 **the applicant is required to reapply for approval to continue to operate.**

310  
311 **Commissioner Larson seconded the motion.**

312  
313 Commissioner Jorgensen asked if this tied the use to the 31,500 square feet footprint as shown  
314 on the site plan. Commissioner Van Langeveld clarified that for the two years the applicant  
315 would have the opportunity to park the entire property and asked if there should be any  
316 restrictions.

317  
318 Commissioner Ward commented that this was the intent as he wanted to allow the applicant the  
319 flexibility to do what was needed. He said that this meant the City could review the request in  
320 two years and potentially provide restrictions at that time.

321  
322 Commissioner Maus spoke on the crushed asphalt and if it would only be applied to the 31,500  
323 square foot area as proposed in the site plan. Sherrie Pace replied that if any portion of the  
324 property was greater than the 31,500 square feet it would need to be surfaced with the crushed  
325 asphalt or some other hard surface.

326  
327 **Commissioner Ward amended his motion to include an additional condition:**

328  
329 **2) That vehicles could only be parked on a hard surface.**

330  
331 Brady Broadman commented that they did not want to park the vehicles on the dirt. He thanked  
332 the Commission for the flexibility to use the site.

333  
334 **Commissioner Larson seconded the amended motion.**

335

336 **The motion was approved by Commissioners Jorgensen, Knowlton, Larson, Maus, Van**  
337 **Langeveld and Ward. Commissioner Tucker was excused.**

338

339 5. CONSIDERATION OF SITE PLAN APPROVAL FOR PHILLIPS 66 BUTANE  
340 BLENDING SYSTEM AT 245 EAST 1100 NORTH, ANDY STRINE, APPLICANT

341

342 Mackenzie Bennett reported that this property, located at 245 East 1100 North, was in the  
343 Manufacturing Distribution (MD) zone. Sunoco Partners has applied for a site plan amendment  
344 to add a butane blending system to the property. This would be an existing use, which has been  
345 at this location since the 1950s. The new butane blending system would consist of a 90,000  
346 gallon liquid propane/gas storage vessel that was approximately 11 feet in diameter and 133 feet  
347 long, a truck offloading station, a pump, an enclosure to house the analyzer and electrical  
348 equipment, and connected piping with several small equipment skids. She showed an aerial view  
349 of the property and the proposed location of the above ground tank and structure that would be a  
350 minimum of 185 feet from the front fence line. The new butane blending system would increase  
351 the imperviousness of the property by 2,788 square feet and increase the gravel areas by 8,102  
352 square feet for a total of 10,890 square feet of area to be affected.

353

354 The applicant noted that the requested site improvements would increase truck traffic by an  
355 estimated one to three additional trucks during blend season, which was September 16<sup>th</sup> to April  
356 30<sup>th</sup>, and up to six trucks during peak blend season, September 16<sup>th</sup> to September 30<sup>th</sup> and April  
357 1<sup>st</sup> to April 30<sup>th</sup>. The proposed operation has been reviewed by the Fire Marshal and City  
358 engineering staff and no adverse impacts were anticipated from the site improvements and  
359 additions.

360

361 Mackenzie Bennett explained that the subject property was within a Drink Water Source  
362 Protection (DWSP) area. The Assistant City Engineer, Karyn Baxter, reviewed the proposed  
363 project and was satisfied with the plans.

364

365 The existing fencing surrounding the property and adjacent to 1100 North was constructed of  
366 chain link. City code 10-1-33 regulates that fencing along Center Street, Redwood Road, Cutler  
367 Drive, or 1100 North shall not be chain link. In these situations, chain link fencing would only be  
368 permitted on the side and rear property lines if the property was not adjacent to a residential  
369 zone. The existing fence on the property line, along 1100 North, was chain link with barbed wire  
370 on top. This fence is considered legal nonconforming. The DRC had discussion as to if this site  
371 plan amendment application should spur the fence being brought into compliance with the  
372 current code. The fence along 1100 North could be constructed of decorative metal or be a site  
373 obscuring wall. The fencing determination would be up to the discretion of the Planning  
374 Commission. The applicant did not budget to update the fence with this project but proposed a  
375 screening material to be added to the existing chain link fence.

376

377 Due to this property being greater than five acres in size, City code requires that the application  
378 be forwarded by the Planning Commission to City Council for final approval.

379 Chair Knowlton asked for clarification on the change to what would be seen from 1100 North  
380 and 800 West. Mackenzie Bennett replied that the only visible change would be the butane tank,  
381 which was approximately 185 feet from the fence line on 1100 North. She said the new  
382 enclosure/structure would be next to existing structures on the property.

383  
384 Commissioner Jorgensen questioned what the Fire Marshal and City Engineer reviewed related  
385 to fire codes. He asked what standards would apply related to flammable products from the EPA,  
386 OSHA, Homeland Security, etc. related to security, fencing, and containment. Mackenzie  
387 Bennett reported that staff had reviewed the project and had no concerns related to engineering  
388 or the potential for water contamination, as this was a small addition to an existing use that had  
389 been in operation for a decades.

390  
391 Andy Strine, Energy Transfer, commented that they were constructing this project for Phillips  
392 66. He addressed Commissioner Jorgensen's questions including those related to National Fire  
393 Protection Association (NFPA)58 standards. He said they were governed by this and their entire  
394 system met all of the parts of that code. Mr. Strine explained they were also governed by PSM,  
395 which was part of OSHA, which included a fire safety analysis through an outside consultant. He  
396 said the fire chief also visited the site and had no further requirements. Mr. Strine spoke on  
397 secondary containment and said that butane generally vaporized when it hit air so secondary  
398 containment was not recommended. He provided an overview of the system and said gasoline  
399 was loaded at the truck rack from the storage tanks. Samples were taken of the gasoline and sent  
400 to two separate analyzers per the EPA and the amount of butane to be added was then  
401 determined.

402  
403 Commissioner Jorgensen asked about additional fencing needs. Andy Strine mentioned that they  
404 had installed over 100 of these systems and had chain link fence installed around most of those  
405 systems.

406  
407 Commissioner Van Langeveld questioned if air quality would be affected as the result of butane  
408 mixing with air. Andy Strine replied that if there was a leak that it would generally be minor and  
409 result in a frost ball forming on the container. He said a butane vapor would not spread  
410 throughout the community.

411  
412 Commissioner Van Langeveld also asked if the addition of this processing would alter air  
413 quality. She asked if the EPA had suggestions on how close residents should live to a system like  
414 this. Andy Strine said that Phillips 66 was permitted through the EPA and updated their existing  
415 permit based on emissions. He replied that he could obtain information on other systems in  
416 proximity to neighborhoods.

417

418 Commissioner Jorgensen asked about scenario modeling related to accidental releases, etc. Andy  
419 Strine responded that part of the PSM process was process hazard analysis. This included  
420 identifying potential hazards such as leaks, explosions and risk modeling and any additional  
421 measure that may need to be taken in regards to the proximity to residential areas. He said that  
422 no additional measures were found to be necessary.

423  
424 Mackenzie Bennett replied that per the National Advisory Committee for Acute Exposure  
425 Guideline Levels for Hazardous Substances that butane may have a disagreeable odor but the  
426 toxicity of butane was quite low.

427  
428 Commissioner Jorgensen asked if there were detectors or alarms. Andy Strine replied that the  
429 safeguards in the system included immediate shut down or notification of a potential issue. He  
430 said there was a hydrocarbon detector mounted on the process pump, which would detect any  
431 leaks and shut down the system.

432  
433 Chair Knowlton asked about the fencing and requirements in the code. Mackenzie Bennett  
434 responded that staff determined this was a legal nonconforming fence, which meant that the  
435 assumption was made that when the fence was constructed, it was built in compliance with the  
436 applicable codes of that time. The legal nonconforming use would allow the fence to continue as  
437 it was but it could not be enlarged or extended.

438  
439 Sherrie Pace clarified that the use on the property was conforming but the fence was legal  
440 nonconforming and any change to the fence would need to be an upgrade from chain link in the  
441 front setback.

442  
443 Chair Knowlton said that while he was not looking to create an issue for the applicant that this  
444 was an expansion of the use and the Commission could request that the fence be brought into  
445 conformance at this time.

446  
447 Commissioner Van Langeveld said that the new structure would be 185 feet from the sidewalk.  
448 She asked how close the existing structure was from the fence line. Mackenzie Bennett said it  
449 was 185 feet from the fence line and was approximately 15-20 feet closer.

450  
451 Sherrie Pace clarified that the Planning Commission should determine if the change in the site  
452 justified that the fencing should be brought up to the current standards. She said that the purpose  
453 was to make the property owners aware of the updated requirements and if the fence was ever  
454 updated that it could no longer be chain link along the front property line. Ms. Pace said that this  
455 fence did not need to be a buffer or site obscuring.

456  
457 Chair Knowlton commented that the reason he brought up the fence and its potential upgrade  
458 was that this was the way cities were improved. He said there was a standard for a reason and  
459 when changes were made to a site that this was how they were brought into conformance.

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Commissioner Ward said that he was comfortable with requiring a condition that the fencing be brought up to code. He said that his basis for this was the point made by Commissioner Jorgensen related to increased security for this use.

Commissioner Maus asked in regards to the difference between this site plan and a previous project. Mackenzie Bennett clarified that the aforementioned project, the conditional use permit for Bridger Towing seen by Planning Commission a few months prior, had outdoor storage whereas this site did not. She said that if the property was used for outdoor storage then an amendment to the property would require that screening be brought into compliance.

Sherrie Pace said that the change to the ordinance prohibited chain link fencing along Center Street, Redwood Road, etc. and if these fences were also for the purpose of screening outdoor storage then it must be opaque fencings such as a concrete or masonry wall. She clarified that the Commission needed to determine if the change in the site plan warranted an upgrade to the fencing to conforming materials.

Chair Knowlton commented that he did not have a firm stance either way. Commissioner Larson said that the proposed screening of the existing fence was more obtrusive than what was already there. She said a decorative metal fence would be a nice improvement and this could be the chance to encourage that.

Andy Strine commented that they had not obtained quotes for the fencing upgrade but he estimated that it could cost over \$100,000.

Commissioner Jorgensen asked in regards to the overall budget for the project. Andy Strine replied that it was approximately \$5 million.

Commissioner Maus commented that the Planning Commission could not require an ornamental iron fence. Mackenzie Bennett replied that the City could only specify what was prohibited or not allowed.

Commissioner Larson suggested either retaining the existing fencing with no changes or requiring new fencing. She was not in favor of the proposed screening to the existing fence.

Commissioner Van Langeveld asked if this site plan was approved and the existing chain link remained if the property could continue to operate indefinitely with the existing fencing and would not be required to upgrade the fencing. Sherrie Pace replied that the current code did not require that a fence be upgraded as a result of a site plan amendment application but the code could be changed to require that a significant site plan amendment of a certain square footage warrant the fence upgrade.

502 Chair Knowlton commented that the proposed improvements to the site were miniscule at  
503 approximately a 2-5% overall improvement. He questioned what should trigger improvements on  
504 the site. Commissioner Van Langeveld said that the current use of the site would most likely be  
505 in operation for at least another 70 years and how the property should present in the City. She  
506 was also not in favor of adding the mesh paneling to the existing fence and felt that updating the  
507 fence would not cause a significant hardship for the applicant.

508  
509 Commissioner Larson commented that there was a reason for the code to be updated to not allow  
510 chain link along 1100 North and that residents passed this property regularly.

511 **Commissioner Ward moved that the Planning Commission recommends to the City**  
512 **Council the approval of the site plan amendment for Phillips 66 Butane Blending System**  
513 **located at 245 East 1100 North with the following condition:**

514  
515 **1) The chain link fence along 1100 North will be brought into compliance with City**  
516 **code section 10-1-33.**

517  
518 **Commissioner Larson seconded the motion.**

519  
520 Chair Knowlton asked if the perimeter on the east, west, and south would need to be upgraded.  
521 Mackenzie Bennett replied only the front yard setback along 1100 North could no longer remain  
522 chain link.

523  
524 Andy Strine commented that there were several gates and said the chain link fence ran  
525 perpendicular to those gates. He asked for clarification on that fencing/gates. Mackenzie Bennett  
526 responded that gates and entryways could be chain link. She said she would review and approve  
527 any land use permit to update the fence and ensure that the new fencing along 1100 North meet  
528 the current code requirements.

529  
530 Commissioners Ward and Van Langeveld clarified that the City Council was the final approval  
531 and could determine that the upgraded fencing would not be required.

532  
533 TJ Jones, Phillips 66, commented that they would be installing barbed wire across the top of the  
534 upgraded fencing on 1100 North per national security requirements.

535  
536 **The motion was approved by Commissioners Jorgensen, Knowlton, Larson, Maus, Van**  
537 **Langeveld and Ward. Commissioner Tucker was excused.**

538  
539 **6. REVIEW 2022 ANNUAL MEETING SCHEDULE**

540  
541 The Planning Commission reviewed the proposed annual meeting schedule.

542  
543 **7. REVIEW 2022 WORK SCHEDULE**

544  
545 Sherrie Pace reported that the work schedule/task list for the upcoming year had not yet been  
546 completed. Chair Knowlton suggested reviewing the General Plan and determining the areas that  
547 were out of alignment.

548  
549 Chair Knowlton thanked Commissioner Van Langeveld for her service on the Commission.

550  
551 Commissioner Van Langeveld spoke on the comradery and collaboration she had with the  
552 Commission.

553  
554 Sherrie Pace presented Commissioner Van Langeveld with a plaque to thank her for her  
555 service.**REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY**  
556 **PLANNING COMMISSION**

557  
558 Sherrie Pace reported that the City Council adopted the new Annexation Policy Plan with Area D  
559 included. She commented that the City had not received an annexation petition at this time.

560  
561 8. APPROVAL OF MINUTES

562  
563 The Planning Commission meeting minutes of November 9, 2021 were reviewed and approved.

564  
565 **Commissioner Jorgensen moved to approve the November 9, 2021 meeting minutes as**  
566 **drafted. Commissioner Maus seconded the motion. The motion was approved by**  
567 **Commissioners Jorgensen, Knowlton, Larson, Maus, Van Langeveld and Ward.**  
568 **Commissioner Tucker was excused.**

569  
570 9. ADJOURN

571  
572 Chair Knowlton adjourned the meeting at 8:40 p.m.

573  
574 *The foregoing was approved by the Planning Commission of the City of North Salt Lake on*  
575 *Tuesday, January 11, 2021 by unanimous vote of all members present.*

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*Sherrie Pace, Deputy City Recorder*