

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
MARCH 8, 2022

FINAL

Commission Vice Chair William Ward called the meeting to order at 6:30 p.m. and Katherine Maus led those present in the Pledge of Allegiance.

PRESENT: Commissioner Ryan Holbrook
Commissioner Ron Jorgensen
Commissioner Katherine Maus
Commissioner Brandon Tucker
Commissioner William Ward

EXCUSED: Commission Chair BreAnna Larson, Commissioner Irene Stone

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

OTHERS PRESENT: Dee Lalliss, resident; Kelsee Kinder, Oscar Palma, Utah Valley Towing; Itua Youngyen; Serafi T.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING: CONSIDERATION OF AN AMENDMENT TO CITY CODE 10-1-46 AND 10-11-3 RELATED TO SOCIAL SERVICES, ITUAU YOUNGYEN, APPLICANT

Mackenzie Bennett reported that this was a consideration for an amendment to City code sections 10-1-46 and 10-11-3. The applicant, Itua Youngyen, approached the City with the desire to obtain a business license to operate an adult daycare facility in the commercial shopping (CS) zone. Adult daycare services were not listed in the current code so staff categorized the business as “services for the elderly and persons with disabilities” which was not allowed in the CS zone. Most social assistance services were not permitted or conditional in commercial and industrial zones. Upon guidance from City staff, the applicant submitted a code amendment application requesting that all social services become permitted in a minimum of the commercial zones in the City. The use of “adult daycare services” should also be added to the land use table.

The Development Review Committee (DRC) recommended approval of the proposed code amendments with the following findings: that the proposed amendment was in accord with the comprehensive general plan, goals and policies of the City and that changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in this title. The DRC supported amending the code to permit social assistance services in the general commercial (GC) and commercial shopping (CS) zones. As part of the amendment the DRC recommended that a new section of code be created to regulate commercial daycare facilities, and the definitions in code section 10-1-44 were updated in accordance with the North American Industry Classification System (NAICS). The new section of code would regulate commercial daycare facilities to be located within Title 10, Chapter 1. The purpose of this code section would be to prevent negative impacts on public and private streets in addition to protecting the safety and welfare of daycare patrons, employees, and the general public that may be affected by a commercial daycare facility.

Commissioner Maus asked if the conditional uses in City code would be reformatted in conjunction with the NAICS, as discussed during the prior staff and Commission review of land uses. Mackenzie Bennett replied affirmatively and said all of the uses would eventually be reviewed and reformatted with NAICS definitions.

Commissioner Jorgensen commented that his concern was safety of the clients, such as children, at these facilities and if there should be a requirement for fencing. He spoke about outdoor play or seating areas and the consideration for fencing with traffic in commercial areas. Mackenzie Bennett responded that the DRC did not discuss fencing but suggested that the applicant may have some thoughts. She said fencing had not been required for other daycare type uses in the City.

Sherrie Pace mentioned State requirements for these types of uses. She explained that these uses were licensed and regulated by the State and how a new State bill could make it so that the City would be prohibited from regulating daycares.

Ituau Youngyen said that there was a State requirement for a safety plan to be in place. She explained that if they were in a high traffic location they would consider fencing. Ms. Youngyen stated they planned to accommodate 10-15 individuals at one time and they had studied the State safety requirements. She said there was a daycare facility three units down which did not have any fencing.

Sherrie Pace explained that the bill she had referenced prohibited municipalities from imposing additional requirements beyond what the State required for licensing.

Mackenzie Bennett reported that the land use table found in 10-11-3 was updated to show that these services were permitted in the CS and CG zones and not permitted in the manufacturing (MD and MG) zones. Sherrie Pace commented that the City already had childcare facilities in the

MD zone, along Redwood Road, and changing the use of child daycare services to not allowed would cause existing businesses to become non-conforming.

Mackenzie Bennett explained that the City was working towards updating the City code to limit the use of conditional uses in an effort to become more compliant with a 2021 State bill. It was clarified that conditional uses were still possible in certain situations. She asked for the Commission's thoughts on childcare or other care services in the MD zone.

Commissioner Tucker commented that he did not want to limit any currently operating businesses.

The Commission was in favor of allowing childcare and other social services as a permitted use in the MD zone as well.

Commissioner Jorgensen spoke on compatibility issues in the MD zone with childcare services and manufacturing or industrial uses such as chemicals or explosives. Mackenzie Bennett replied that the DRC had expressed concerns with the compatibility of these uses in the MD zone related to large trucks, traffic, and the proximity to potential pollution causing industries.

Ituau Youngyen said that she shared the concern and suggested that those uses could be conditional in the MD zone.

Commissioner Maus explained that the City could have conditional uses but wanted to limit the amount in the future. She had reservations about blanket permitting daycare services in the MD zone but did not want to limit current businesses. She was in favor of conditional uses for daycare services. Several other Commissioners were also in favor of daycare services being a conditional use in the MD zone.

Commission Vice Chair Ward opened the public hearing at 6:57 p.m. There were no public comments and he closed the public hearing at 6:58 p.m.

Commissioner Tucker moved that the Planning Commission recommended for approval the proposed code amendments with the following findings:

- 1) **The proposed amendment is in accord with the comprehensive general plan, goals and policies of the City.**
- 2) **Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.**

With the edit to keep child daycare services as a conditional use in the MD zone.

Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Maus, Tucker and Ward. Commissioners Larson and Stone were excused.

CONSIDERATION OF A CONDITIONAL USE PERMIT FOR UTAH VALLEY TOWING AT 425 NORTH 400 WEST, BLDG. 3, KELSEE KINDER, APPLICANT

Mackenzie Bennett reported that Utah Valley Towing LLC is a consent towing business that is currently not a state registered non-consent towing and impound lot, but plans to become one in the future. The applicant, Utah Valley Towing LLC, proposed to locate their business at 425 North 400 West Building 3 within the MD zone. The business has been classified as a “motor vehicle towing and impound lot” which is a conditional use within the MD zone.

Ms. Bennett presented an aerial map showing the location of building 3 on the site. She said the property at 425 North 400 West had four existing buildings. The two buildings on the backside of the property had a fenced outdoor storage area. The outdoor storage was divided in half allowing buildings 3 and 4 to have their own space. Building 3 was currently occupied by Direct Auto Care who applied for a business license to operate as a “car dealer” with “automotive body, paint, repair and maintenance” in September 2020. Car dealerships are permitted in the MD zone but automotive body, paint, repair and maintenance is a conditional use. On January 26, 2021 the Planning Commission approved the conditional use permit for Direct Auto Care to operate at 425 North 400 West with the conditions to submit paint booth specs/plans for review and to provide fire suppression information to South Davis Metro Fire Agency (SDMFA). Direct Auto Care has never been issued a formal business license because they have continued to fail fire code inspections. On March 1, 2022 Direct Auto Care received a building permit to install a fire suppression system in their paint booth which would bring them into compliance with building and fire codes.

During a site visit on January 31, 2022 staff was informed that Direct Auto Care planned to use Utah Valley Towing to transport vehicles from auction to the outdoor storage area. Then the vehicles would be taken into the custody of Direct Auto Care who would repair or sell the vehicles or part them out. Prior to this site visit, the City was unaware that Direct Auto was acting as a salvage yard. City code 10-1-46 defined an automotive salvage yard as a lot or portion thereof used for the storage, dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof. Due to this, the DRC has recommended a condition that the property at 425 North 400 West may not be used as a salvage yard.

Utah Valley Towing would occupy 361 square feet of office space within the shared 3,000 square foot building. Direct Auto Care would occupy the remaining space with 700 square feet for sales office use with the remainder to be used for repairing body damage, paint, and preparation for vehicles to be sold.

According to the business license application submitted by the applicant, Utah Valley Towing would operate between the hours of 9 a.m. and 5 p.m. Monday through Friday. The maximum number of employees on the highest shift would be two. The owner of the towing company verbally confirmed to staff that one tow truck would be used by the business at this location. The tow truck would be stored in the gated outdoor storage area to the west of Building 3 when not in use.

Mackenzie Bennett reported on parking and said when Direct Auto Care received their conditional use permit they were the only business operating within Building 3. At that time they stated that the parking on the east side of the building would be used for displaying vehicles for sale along with one ADA compliant stall and the parking to the south would be used for guests and employees. All outdoor storage of vehicles would occur on the west side of the building in the fenced storage area. Altogether, Direct Auto Care has provided a total of 14 parking stalls for employees and guests which was compliant with City code 10-6-5. She said Direct Auto Care needed to adjust their parking so Utah Valley Towing could use the available parking areas.

A new parking plan was discussed on site between City staff and the owners of Utah Valley Towing and Direct Auto Care. The agreed upon parking plan was provided to the Commission. Per City Code 10-6-5, Direct Auto Care must provide a minimum of eight parking stalls for guests and employees. They provided those stalls and slated four additional stalls for vehicles to be displayed for sale. The City does not have a specific parking code for tow yards and impound lots but provides that the Planning Commission, per recommendation by the Community Development Director, shall determine the minimum required off street parking. Utah Valley Towing has provided eight parking stalls for the use of employees and guests, which the Community Development Director and the DRC deemed sufficient for the use. Utah Valley Towing would use the gated outdoor storage area for vehicles under their control.

The outdoor storage area would need to comply with City standards including screening from a public right of way, which it was. The applicant has proposed to store 20-30 vehicles in this area. After a site visit, staff determined 23 vehicles could be stored in the area designated for Utah Valley Towing without overlapping into the area for Direct Auto Care. The DRC recommended approval with the following conditions: that the property may not be used as a salvage yard for vehicles to be dismantled and this business shall only operate as a motor vehicle towing and impound lot, storage of impounded vehicles shall be limited to a maximum of 23 vehicles with no single vehicle being stored for more than 30 days, storage of impounded vehicles must only occur on hard, non-porous surfaces, drive aisles and fire access routes must be kept clear and maintained in good condition at all times, tow trucks shall not be parked on 400 West at any time, and Utah Valley Towing must provide and maintain a minimum of eight parking stalls for employees and customers only with all stalls to be striped prior to issuance of a business license.

Ms. Bennett showed images submitted by the applicant of the exterior of the building and the gated area as well as images from her visit to the site showing the existing conditions such as drive aisles, etc.

Commissioner Maus asked for clarification on the existing business on site. She said that Direct Auto Care was currently out of compliance until they installed their fire suppression system. However, Utah Valley Towing was a separate entity that could be approved now. Mackenzie Bennett replied affirmatively and said Direct Auto Care and Utah Valley Towing were separate entities that would work together.

Sherrie Pace clarified that the property itself had a violation and staff wanted to see forward movement in fixing that issue. She said that Direct Auto Care had obtained their building permit to start the installation of the fire suppression system that was needed in order to secure a business license.

Commissioner Holbrook asked if the applicant obtained their non-consent towing license if it would return to the Planning Commission. Mackenzie Bennett responded that the only reason this was mentioned is that in order to be a state registered impound lot included requirements such as signage, barbed wire on the fencing, etc. that could be reviewed by staff.

Commissioner Holbrook moved that the Planning Commission approve the conditional use permit for Utah Valley Towing LLC located at 425 North 400 West, Building 3, with the following conditions:

- 1) The property of 425 North 400 West may not be used as a salvage yard for vehicles to be dismantled and this business shall only operate as a motor vehicle towing and impound lot, as defined by City code;**
- 2) Storage of impounded vehicles by Utah Valley Towing LLC shall be limited to a maximum of 23 vehicles, with no single vehicle being stored for greater than 30 days;**
- 3) Storage of impounded vehicles must only occur on hard, non-porous surfaces;**
- 4) Drive aisles and fire access routes must be kept clear and maintained in good condition at all times;**
- 5) Tow trucks shall not be parked on 400 West at any time;**
- 6) Utah Valley Towing LLC must provide and maintain a minimum of 8 parking stalls for employees and customers only. All stalls must be striped prior to issuance of a business license.**

Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Maus, Tucker and Ward. Commissioners Larson and Stone were excused.

3. 2022 PLANNING COMMISSION PRIORITIES

Sherrie Pace reported that she met with Mackenzie Bennett and Planning Commission Chair BreAnna Larson to discuss the priorities for the year. The top priority included the Form-Based Code to be adopted in September of 2022. The timeline for adoption included a review of each chapter from April 12th through June 14th. Staff would then make revisions in July and hold a joint work session with the City Council on August 3rd. A public open house webinar would be held on August 30th and a public hearing would be held on September 13th with a recommendation from the Planning Commission to the City Council for adoption on September 20th. She said other priorities included the sign code to be reviewed along with a public hearing by the Commission on August 22nd with adoption by the City Council on September 6th, the parking code to be reviewed along with a public hearing on August 22nd with adoption by the City Council on September 6th, and conditional uses to be reviewed in October. Ms. Pace also mentioned that landscape/xeriscape drought response was another item that needed to be reviewed as Weber Basin Water would be cutting 60% of the City's water allotment this year.

Mackenzie Bennett asked that Commissioners with old drafts of the Form-Based Code send their notes and redlines to staff as soon as possible to be incorporated into the latest draft.

Commissioner Jorgensen commented that this was an aggressive schedule and he was appreciative of staff efforts. He mentioned geologic hazards and updating the sensitive lands overlay map. Sherrie Pace replied that she felt the City had a good geologic hazards code and recommended updating and adopting the actual maps for the sensitive lands overlay zone. She said this could be added to the priorities list.

Commission Vice Chair Ward commented that if it was too difficult to schedule the joint meeting with the City Council for the Form-Based Code, it could be skipped.

The Commission had a discussion about landscape/xeriscape.

4. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY PLANNING COMMISSION

Sherrie Pace had nothing to report.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of February 8, 2022 were reviewed and approved.

Commissioner Tucker moved to approve the February 8, 2022 meeting minutes for Planning Commission. Commissioner Holbrook seconded the motion. The motion was

**approved by Commissioners Holbrook, Jorgensen, Maus, Tucker and Ward.
Commissioners Larson and Stone were excused.**

6. ADJOURN

Vice Chair Ward adjourned the meeting at 7:30 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, March 22, 2022 by unanimous vote of all members present.



Wendy Page, City Recorder