NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
JANUARY 14, 2014

FINAL

Chairman Bruce Oblad called the meeting to order at 6:31 p.m. and welcomed those present.

PRESENT: Commissioner Chairman Bruce Oblad
Commissioner Kim Jensen
Commissioner Lisa Watts Baskin
Commissioner Robert Drinkall
Commissioner Ted Knowlton
Commissioner Stephen Garn
Council Member Ryan Mumford

STAFF PRESENT: Ken Leetham, Assistant City Manager; Paul Ottoson, City Engineer; Ali Avery, City Planner; Jim Spung, Administrative Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Pamela Thompson, resident; Eric Hopkins, Emi Hopkins, Sugar Plum Dog Grooming; Clayton Wight, Kim Wight, Kim's Kiddie Care; Patrick Scott, Brighton Homes; Curtis Barnett, Shandell Smoot, W. Scott Kjar, Wilford Cannon, Steven W. Israelsen, Eaglewood Development/Sky Properties; Joe McAllister, Lakeview Rock Products; Chris Faulhaber, Granite Construction.

Chairman Oblad commented that Council Member Horrocks will no longer be on the Planning Commission and that Council Member Ryan Mumford will be taking his place as the City Council Representative on the Planning Commission. He also introduced the newest member of the Planning Commission, Stephen Garn.

Steve Garn, 208 North Caleb Dr, said that he has been involved in construction his entire career. He worked with Woodside Homes for approximately 17 years and for a Utah County builder for 3 years and believes his experience will be a great asset for this position. He is now retired and is excited to be on the Planning Commission to serve his community.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR SUGAR PLUM DOG GROOMING LOCATED AT 30 SOUTH ORCHARD DRIVE. EMI HOPKINS, APPLICANT.

Jim Spung reported that this small pet grooming business is leasing 1,100 square feet in the Orchard Center Plaza, a multi-tenant building that currently includes 3 other businesses. They anticipate 5 customers per day with minimal traffic. This will be a family owned business with four (4) employees. The site is in compliance with landscaping and parking requirements. The applicant is proposing a new sign to use with an existing sign structure on site and will need to obtain a sign permit.

Council Member Mumford asked how long Sugar Plum Dog Grooming has been in operation and that since this location was a hair salon before if there were special precautions that needed to be followed. Eric Hopkins responded that they started in January and they currently have a client base of friends and neighbors. He commented that they would only be using shampoo and conditioner and that there would be no hazardous chemicals on site.

Commissioner Jensen asked if there would be 5 animals in the salon at a time. Mr. Hopkins responded that it would be up to 2 animals at a time with up to 5 per day.

Chairman Oblad moved that the Planning Commission approve the conditional use permit for Sugar Plum Dog Grooming at 30 South Orchard Drive with the following condition:

1) That a sign permit is obtained prior to the installation of the sign.

Commissioner Drinkall seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Jensen, Knowlton, Baskin, Garn and Council Member Mumford.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR KIM'S KIDDIE CARE LOCATED AT 168 CALEB DRIVE. KIMBERLY WIGHT, APPLICANT.

Jim Spung reported that in the Foxboro development, daycares and preschools require a conditional use permit as per the Foxboro North conditional use permit agreement. The applicant anticipates having 4 children at a time with her being the only employee on site. The home is approximately 1,900 square feet and the applicant anticipates 6 daily trips with 3 drop-offs and pickups with adequate off-street parking for 6 vehicles. The applicant is pending State approval as she needs City approval before the State will issue a license. The Development Review Committee (DRC) recommends approval with the following conditions: that the applicant receives appropriate State licensing and that they shall not operate until a business license has been issued.

Commissioner Jensen asked if Kiddie Care currently has a wait list and the process an applicant must go through for State licensing. Kim Wight responded that she does have one child lined up and that the requirements included classes, certifications, first aid and multiple inspections of the home.

Commissioner Baskin commented that on the aerial image provided of the home there was a blue area in the backyard and asked what that would be. Mrs. Wight responded that they are renting the home and there used to be a pool in the backyard when the previous owner was there, but the pool is no longer there.

Council Member Mumford moved that the Planning Commission approve the proposed conditional use permit for Kim's Kiddie Care located at 168 Caleb Drive with the following conditions:

> **1) The applicant must receive the appropriate licensing and/or certification through the State of Utah to operate an in-home daycare facility prior to commencing operation.**
>
> **2) Kim's Kiddie Care shall not operate until a City Business License has been issued.**

Commissioner Baskin seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Jensen, Knowlton, Baskin, Garn and Council Member Mumford.

4. PUBLIC HEARING FOR AND CONSIDERATION OF PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE REGARDING RESIDENTIAL FENCE HEIGHT.

Jim Spung reported that this is the third presentation for this topic with the prior discussion held at the December 10th Planning Commission meeting. The changes made since then include: allowing residential zones to construct up to an 8' fence in side and rear yards. Any fences over 6' in height require a building permit, must be 75% or more open for the top 2 feet, and constructed of approved building materials. The Planning Commission had asked staff for limited circumstances where 8' chain-link fencing would be permitted. The solution includes allowing the 8' chain-link fencing on lots that are equal to or larger than three-quarters (3/4) of an acre. A draft of Commissioner Baskin's changes was also distributed to the Commission.

Council Member Mumford commented that for clarification when requesting an 8' fence the conditions include: a building permit, written consent of the property owner, engineering calculations, and a permit fee. Jim Spung responded that the building official for the City would determine the permit fee costs which would be paid when the applicant picked up the permit. If the application is approved they would pay the building permit fee and have 180 days to install the fence.

Chairman Oblad asked if a professional engineer had to provide the drawings for a fence. Ali Avery responded that it does have to be engineered drawings with calculations for the wind and snow loads. A chain-link fence would be the exception unless it has slats.

Council Member Mumford asked if a chain-link fence would be allowed to have slats in the current code. Jim Spung responded that there is nothing in the code pertaining to slats so they would be allowed. If a renter wanted to put up a fence they would need the property owner’s permission.

Chairman Oblad opened the public hearing at 6:53 p.m.

Pamela Thompson addressed the Commission and thanked them and City staff for their work on this ordinance. She asked for clarification on Section 6-C of the ordinance regarding corner or double frontage lots enclosed with a solid fence up to 8’ in height and asked if it should say a solid 6’ fence with 75% open at the top. Jim Spung responded that it would need to be 75% open if it is 8’ in height and that this is clarified in the following section.

Chairman Oblad closed the public hearing at 6:55 p.m.

Ken Leetham commented that City staff will make all the necessary changes from tonight’s meeting including the changes that Commissioner Baskin had notated and bring this ordinance back in two weeks.

Commissioner Garn asked if 8’ fences would be allowed on the property line. He also asked what would happen if the fence splits a property line and a neighbor complains. Ken Leetham responded that the 8’ high chain-link fences would only be allowed in special areas such as garden areas and for lots larger than ¾ of an acre.

Jim Spung commented that staff tried to write the amendments to minimize conflicts for fencing between two properties, but that the problem exists today with the current ordinance.

Commissioner Drinkall moved to table the proposed amendments to the Land Use Ordinance until the next Planning Commission meeting. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Jensen, Knowlton, Baskin, Garn and Council Member Mumford.

5. CONSIDERATION OF PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE REGARDING CIRCULAR DRIVEWAYS.

Jim Spung reported that the changes made to this ordinance include; the percentage of driveway frontage on the front property line with 15’ maximum for two driveways or a 30’ maximum for one driveway however at no time shall the paved frontage exceed 35% of the total lot frontage. The other change is that the minimum width of the driveway was eliminated and only shows maximum width requirements. The last change includes text in the code to explain the diagram more clearly.

Council Member Mumford commented that in some lots in the City that have small frontage that this would put a lot of homes out of compliance with the 35% requirement. He also asked if someone re-paves their driveway if they would then have to come into compliance with the current Code.

Commissioner Knowlton said that the 35% is workable but should have a clause that if the frontage is less than a certain size or percent then this percentage does not apply.

Ken Leetham stated that this would not work for cul-de-sacs, and that staff could possibly create a guideline such as 35% for a certain size lot. He also said that the 35% limit could just apply to the circular driveway provision and not driveways in general. Commissioner Knowlton mentioned that when he had mentioned this percentage requirement in the previous meeting, that he had intended it to apply only to circular driveways.

Commissioner Baskin moved to recommend approval to the City Council the proposed changes to 10-6-2 with the exception of deleting lines 16 & 17, amending line 41 after the word “lot” and inserting “in a circular driveway,” and at line 58 eliminate the language “In any instance where” and insert “If”. Approve as a future study item with regard to the amount of frontage that is allowed with pavement. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Jensen, Knowlton, Baskin, Garn and Council Member Mumford.

6. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR GRANITE RIDGE LOCATED DIRECTLY WEST OF THE EDGEWOOD ESTATES DEVELOPMENT. PATRICK SCOTT-BRIGHTON HOMES, APPLICANT.

Ali Avery reported that on December 10th, 2013 this item was brought before the Planning Commission for discussion. This new subdivision includes 64 single lots and is currently zoned as Special Use Restricted (SR) which is primarily for mining operations. The applicant is proposing to rezone the area as residential. Per City Code regulations this general development plan approval requires that the Planning Commission give a positive recommendation to the City Council for this application to move forward prior to the rezoning of the property. This property is divided into two zoning categories including large lots with a minimum lot size of 12,000 square feet and small lots with a minimum lot size of 6,000 square feet.

The development regulations would be the same as the regulations placed on any subdivision in the R1-10 zoning district with the exception of the following: a change in the lot size, depth, frontage and width. There would also be changes in setbacks, impervious coverage, minimum buildable area and the allowance of a downhill cul-de-sac.

The applicant is also asking for an exception to the City's road grade maximum, which is 12%, by proposing sections of road at a 15% grade. The DRC does not recommend approval of the road grade exception for safety reasons involving the general public, City snow removal crews, and emergency personnel.

Mrs. Avery also reported that Parcel A runs along the Kern River gas line easement and would likely be dedicated to the City to include the trail that would meander across Parcel A, the Edgewood property and the Villas at Bella Vida, and then connect up to the Wild Rose Trail on Parkway Drive. Parcel C will include the detention basin and Parcel B would be unbuildable due to the slope of the land, and will likely remain open space. The environmental impact report has been submitted and doesn't appear to have any detrimental effects to plant or wildlife as the property was previously mined and has not been in a natural state for some time. The Geotechnical report is being reviewed by a third party and would then need to be reviewed and accepted by the City engineer. The DRC is recommending that this development plan be tabled until the Geotechnical report is reviewed, as per the code requirement involving any property within the Sensitive Lands Overlay.

Council Member Mumford commented that the changes that Brighton wants includes a change in impervious coverage and asked if there would be an issue in water run-off, etc and if the coverage applied to the homeowner as well. Ali Avery responded that it would apply to the homeowner as well and not just the builder. Mrs. Avery also mentioned that a similar percentage of impervious surface has been allowed in the Foxboro development for many years, and a problem has not been observed with drainage.

Commissioner Jensen asked how much longer the area would be mined. Paul Ottoson responded that if the subdivision is approved it would be beneficial for the mining to the south of the property to be completed as quickly as possible but that the City would have to work with

Granite on a plan.

Council Member Mumford also asked how water run-off, storm drainage and retention would be handled in the downhill cul-de-sac. Paul Ottoson replied that until the slope is determined, he is unable to see how the drainage for the downhill cul-de-sac will be handled. Staff is working with the owners of the Bella Vida property on the sanitary sewer and storm drain issues. The detention basin would be designed based on the estimated impervious coverage of the lots.

Commissioner Garn asked if there would be blasting near the subdivision. Paul Ottoson responded that the City has no jurisdiction over the mining and that the State controls that.

Paul Ottoson also responded to the Commissioners questions and said that there would not be a pump house at the detention basin, and that the lots would be built up with fill to have everything on the lot slope towards the street including the driveway. He also commented that on the S-shaped curves in the area that there be a berm or barrier required to help cars stop.

Commissioner Baskin asked what the home prices would be on the 6000 square foot size lot. Patrick Scott, Brighton Homes, responded that the price point had not been determined but anticipated that the homes will be in the mid $300- $400,000 range.

Council Member Mumford asked that, due to the minimum buildable area exception requested, if there would be massive amounts of cutting and grading in the area. Mr. Scott responded that due to the topography there would be a good amount of grading needed. The post development slope will depend on the grading and necessary retaining walls.

Patrick Scott also replied that in regards to the 15% slope they are requesting an exception but that not all areas of the roadway will be 15% grade, but that it will mainly include the S-shaped curves. The intent of the 15% slope is to make all the lots usable and more functional. He asked what changes or suggestions especially in regards to the road grades the Commission would like to see before the next meeting.

Ken Leetham commented that per City code the road grades of 12% grade are a public safety issue and should not be exceeded.

Commissioner Knowlton said that it would be useful for Brighton Homes to provide an example of what the street would look like with a 12% grade and what would be lost if that slope could not be increased. Mr. Scott replied that the greater slope mainly benefits the double frontage lots and if the steeper grade is allowed the amount of elevation change on those lots makes them 10-15 feet longer.

Commissioner Baskin commented that she is concerned about the lots on the west side of the development, including the size, location and view as they are very small lots overlooking the mining pit, the refineries and the drop-off in the back. Mr. Scott replied that they did deepen those lots by 10' to buffer the backyard more.

Council Member Knowlton moved that this item be tabled until the geotechnical report is approved by the City engineer. Council Member Jensen seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Jensen, Knowlton, Baskin, Garn and Council Member Mumford.

7. CONSIDERATION OF A CONCEPT PLAN FOR EAGLEWOOD COVE PHASES 13-15 LOCATED GENERALLY EAST OF TANGLEWOOD LOOP. SCOTT KJAR-EAGLEWOOD INVESTMENT, LLC, APPLICANT.

Ken Leetham reported that this project has been years in the making. This property was annexed into the City in 1992 and has been difficult to develop due to the topography. It is an 85 lot subdivision on 96 acres. When the City allowed development of the property there were certain conditions including road grades at 12% or less, preservation of vegetation, and cuts and fills limited to 20'. All of these issues were addressed well in the concept plan with good design and a retaining wall system.

Mr. Leetham commented that on the current subdivision plan that there are a couple lots where the City would like to work with the applicant on disturbing less of the area. This project also requires approval of a geotechnical report from the City Engineer. There is also a trailhead proposed on a parcel at the east of the development with 6-7 parking spaces and a pathway to the City's water tank location as a trail connection to the future Bonneville Shoreline Trail. This project creates the need for a new water tank. There will also be two detention ponds for storm drainage that would be owned and maintained by the City.

Ken Leetham also reported that technical issues on this project include areas of access and retaining walls that need to be built. He indicated further that the detention pond lots may not meet the minimum requirements for lots and may require variances.

Commissioner Mumford asked how visible the existing water tank is and if anything would need to be done to improve the site. Paul Ottoson responded that there is currently just a chain-link fence around it.

Scott Kjar, Eaglewood Development, addressed the Commission and said that the Eaglewood Development was started in 1991. He commented that the Cannon family donated land for the golf course and that Sky Properties has enjoyed working with the City over the years.

Mr. Kjar requested that a copy of the letter regarding and entitled "Reservation of vesting rights in conjunction with application for concept plan approval for Eaglewood Cove Phases 13-15" be included in the minutes and that the City's attorney review the letter as well. This letter states that Sky Properties wants to comply with the requested requirements but doesn't want to relinquish any of their rights.

Commissioner Baskin commented that she wanted to compliment Sky Properties, particularly the Smoots and Kjars, for their contributions and for the quality of the subdivision from start to finish. Commissioner Jensen also mentioned that it would be nice to have a plaque for the families that have donated so much to the City.

Mr. Kjar also stated that the challenges include the studies that need to be done in this first phase that will require a water tank and would like to push to get this in during the summer.

Shandell Smoot, Sky Properties, commented that there has been a lot of anticipation for this subdivision and estimates that possibly half of the families who would build in the new subdivision would be current City residents who want to expand. They do have a waiting list for homes and don't see an issue with neighbors opposing the subdivision.

Commissioner Knowlton asked what the steps towards final approval would be. Ken Leetham responded that it is a simple process of concept plan to preliminary to the final platting phase.

Commissioner Knowlton moved that the Planning Commission table this item until such time that the City engineer approves the findings and recommendations of the submitted geotechnical report. Chairman Oblad seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Jensen, Knowlton, Baskin, Garn and Council Member Mumford.

8. ADOPTION OF 2014 PLANNING COMMISSION MEETING SCHEDULE

Commissioner Drinkall moved to adopt the 2014 Planning Commission schedule as presented. Council Member Mumford seconded the motion. The motion was approved by Commissioners Oblad, Drinkall, Knowlton, Baskin, Garn and Council Member Mumford. Commissioner Jensen was absent for the vote.

9. APPROVAL OF MINUTES

The Planning Commission meeting minutes of December 10, 2013 were reviewed and amended.

Commissioner Knowlton moved to approve the December 10, 2013 Planning Commission minutes as amended. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Oblad, Jensen, Knowlton, Baskin, Garn, Drinkall and Council Member Mumford.

10. ADJOURN

Chairman Oblad adjourned the meeting at 8:52 p.m.

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Chairman Secretary