

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
JUNE 23, 2015

FINAL

Chairman Robert Drinkall called the meeting to order at 6:30 p.m. and welcomed those present.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Kim Jensen
Commissioner Lisa Watts Baskin
Commissioner Kent Kirkham
Council Member Ryan Mumford

EXCUSED: Commissioner Stephen Garn
Commissioner Ted Knowlton

STAFF PRESENT: Ken Leetham, Assistant City Manager and Community and Economic Development Director; Sherrie Christensen, Senior City Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Wes Shupe, Car Equity, LLC; Jim Wilson, Maureen Wilson, residents; Gabriel Gallardo, Discount Towing Inc., The Towing LLC; Spencer Ward, Tom Stuart Construction.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A SITE PLAN & CONDITIONAL USE PERMIT FOR JT THORPE, A REFRACTORY ENGINEERING AND CONSTRUCTION COMPANY LOCATED AT 1140 WEST CENTER ST. TOM STUART CONSTRUCTION, APPLICANT

Sherrie Christensen reported this conditional use permit is for JT Thorpe which is a refractory engineering and construction company. The site is currently vacant and is located in the Manufacturing Distribution (MD) zoning area. JT Thorpe installs refractory linings within furnaces and other vessels with 95% of the installation and repairs occurring offsite and 5% of the repairs and shop activities to occur at this location. The applicant has a ten year lease on the site and is proposing a 33,000 square foot building containing 7,477 square feet of office space

and 28,444 square feet of manufacturing, shop and warehouse space. The traffic generated will consist of employee trips during business hours and two semi-truck loads per day. JT Thorpe will employ 20 to 25 employees: 12 office personnel, 3-5 warehouse employees and 3-8 shop employees.

Parking requirements per City code include 59 parking stalls with 3 ADA stalls. The applicant is proposing 60 parking stalls with 4 ADA stalls and a proposed parking plan which complies with the parking standards required by City code. There will be two access driveways with one located off Jordan River Drive and one off of Center Street. The applicant is also required to install a "knox box" on the gate for access to the facility per the South Davis Metro Fire Agency.

The majority of the refractory work will be done offsite however any work done onsite appears to pose no health or safety issues to the public. The potential for any noise disturbances are related to the robotic hammer and as this operation would be conducted within the building the sound will be adequately buffered by the structure.

The total landscaped area onsite will be 12,441 square feet or 11.5% of the developed site with approximately 1 acre of the site to remain undeveloped at this time. The landscaping fronts Center Street and Jordan River Drive and runs along the Jordan River, which includes the City owned canoe takeout property. The applicant is not proposing outdoor storage at this time and will build a fence along the Jordan River to enclose the property; fencing material has not been determined by the applicant. The loading dock and trash facilities will be screened with a 6' concrete tilt up fence.

City Staff and the Development Review Committee (DRC) have reviewed and recommended approved the architectural drawings and request that the Planning Commission authorize the removal of two trees near the street corner. Staff requested that the trees be moved out of the clear view area; unfortunately this resulted in the trees being located atop a storm drain line and Questar gas line.

The applicant has worked with the DRC to meet the new building design standards including building massing, form and pedestrian scale and the type of materials used on the primary structure. The DRC recommends approval with the conditional that the two trees closest to corner of Center Street and Jordan River Drive be removed from the landscape plan entirely for the safety and protection of underground infrastructure and utilities.

Commissioner Kirkham asked if the neighboring Legacy School had a fence along Jordan River Drive. Ken Leetham replied that there was a chain-link fence there.

Commissioner Baskin commented in regards to the proximity of the charter school to this facility and said that per the report the only concern the DRC had was the possible noise issue. Sherrie Christensen responded that the DRC felt the noise could be a concern if the activity was not restricted to the interior of the shop. As to the loading dock area and yard, it would be enclosed by a fence and locked gate, thus restricting any access or trespassing on the part of the public. Commissioner Kirkham asked what type of fence would be installed. Spencer Ward, Tom Stuart Construction, commented that he was unsure as the fence will be provided by the applicant for security issues but would comply with City standards.

Commissioner Jensen asked what the hours of operation would be for JT Thorpe. Spencer Ward, replied that the hours would generally be 8am to 5pm but that the warehouse operations could be anywhere from 6am-11pm. He explained that the hammering would be isolated because it is a quick process and would not be done during late hours and that most of the time would be spent rebuilding.

Commissioner Jensen moved that the Planning Commission approve the conditional use permit and recommend approval to the City Council of the site plan for JT Thorpe at 1140 West Center Street subject to the following condition:

- 1) The applicant remove from the landscape plans the two trees closest to the corner of Center Street and Jordan River Drive, as they cannot safely be located in that area due to the existing storm drain, Questar gas line and the clear view area.**

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

- 3. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR A SINGLE FAMILY DWELLING LOCATED AT 52 NORTH HWY 89 (BEHIND WILSON VETERINARY HOSPITAL). JIM AND MAUREEN WILSON, APPLICANTS**

Sherrie Christensen reported that this lot is located behind Wilson Veterinary Hospital and that single family dwellings are considered a conditional use in the Commercial Highway (CH) zone. The DRC found that the lot does not conform to the requirements of the CH Zone as it is a half acre in size, does not meet frontage requirements, and may cause difficulty in the future as it is located behind the veterinary hospital and requires access from that property. Other conflicts may also include building a single family home in a commercial area where redevelopment and future development is taking place.

The DRC recommends denial of the conditional use permit for a single family dwelling with the following findings: the lot does not conform to the minimum lot size requirements, failure to meet the minimum frontage requirement, access of property, location in a commercial area, and turnaround and emergency access to the property. The access driveway would also need to be able to support 75,000 pounds of fire apparatus.

Council Member Mumford asked if a commercial applicant was interested in this property if the same concerns would need to be addressed. Sherrie Christensen replied that the applicant would need to provide emergency turnaround and access and to ensure that the access driveway was able to support the weight regardless if it were a commercial or residential application.

Sherrie Christensen reported that the day after this application was filed a building moratorium was put in place by the City Council and that a general plan update is being reviewed. The moratorium precludes the City from accepting any development applications within the CH zone while a general plan update and downtown development plan is determined. She noted that the moratorium has no bearing on this issue, as the application was made the day before it was enacted. She only mentions this to clarify that the application did predate the moratorium.

Jim Wilson, 610 East Raygene Way, said that in 1999 they built the veterinary hospital and that they also own the adjacent lot. They would like to move due to health issues and are considering this lot for a single family home. He said that when the hospital property is sold that a right-of-way clause would need to be put in for access to the adjacent property behind the hospital.

Commissioner Baskin asked the applicant if animals were kept overnight at the hospital and asked if it would be incompatible if another business was located behind the hospital. Jim Wilson replied that for the most part the veterinary hospital would be compatible with most businesses.

Maureen Wilson commented that she had met with the fire inspector and would be willing to meet the requirements and that the placement of the home on the property would not be as important as working with the City on emergency access specifications. She also explained that the reason the property is currently vacant is that a business would not be visible behind the hospital and that there is an elementary school adjacent to this property.

Commissioner Drinkall empathized with the applicant but said that decisions need to be made with the long term plan of the City in mind and that he was in agreement with City staff.

Commissioner Jensen commented that a home would help to beautify the City and that the field which is currently there could be difficult to maintain.

Commissioner Baskin commented that a condition of approval of this application could include a letter from the fire inspector. She said that the City is basically built out at this point and that as the applicant owns the property they would like to use it for and should be allowed to build a single family home there.

Council Member Mumford commented that he was inclined to deny this application as it may deter future construction.

Ken Leetham clarified that there would need to be four votes either in agreement or opposition of the motion for this conditional use permit.

Commissioner Baskin moved to table this item until a later meeting. The motion died for lack of a second.

Council Member Mumford moved that the Planning Commission deny the conditional use permit for “single family dwelling” on the proposed property at 52 North Hwy 89 subject to the following findings:

- 1) The lot does not conform to the requirements of the CH Zone, namely:**
 - **Minimum lot size for the zone is 1 acre**
 - **Minimum frontage required is 65 feet**
 - **Potentially negative effects between single family dwelling and commercial property through which access is achieved cannot be mitigated in the future if the two properties are owned by separate individuals/entities; and**

- 2) The primary purpose and spirit of the ordinance for the CH Zone is to encourage commercial use which is highway oriented. Future development or redevelopment in the area may be diminished by the provision of single family homes in this zone; and**

- 3) Adequate fire access and turn around cannot be provided to the site.**

Commissioner Drinkall seconded the motion. The motion was approved by Commissioner Drinkall and Council Member Mumford. Commissioners Jensen, Baskin and Kirkham voted in opposition to the motion. Commissioners Garn and Knowlton were excused. The motion failed for lack of four (4) affirmative votes.

Ken Leetham commented that this item would be brought back to the next Planning Commission meeting on July 14, 2015 so that the full Commission may act upon the request.

4. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR CAR EQUITY, LLC. AN AUTOMOBILE DEALERSHIP LOCATED AT 166 E CENTER STREET. DON CUNNINGHAM, APPLICANT

Sherrie Christensen reported that this application is in the same area as the previously discussed conditional use permit and that this applicant is proposing an internet car sales business and car lot.

Parking requirements for the site would include 15 parking stalls but City staff is concerned that the parking stalls on the submitted site plan may not accurately reflect the required space size nor fit with the boundary of the property. Other options may include utilizing the excess parking on the attached west side of the building (both halves of the building are owned by the same real estate holding group) or by obtaining a parking easement with the adjacent property owners to the east.

The existing landscaping exceeds the required 10% of the site but needs maintenance and City staff has recommended improvement of the landscaping on the site as a condition of approval. The DRC recommends approval of the conditional use permit with the following conditions: an accurate site plan be submitted with the capacity for 15 parking stalls, the existing landscaping be revived or improved and maintained. The DRC also recommends that City staff discuss the possibility of future Redevelopment Agency (RDA) projects to improve the outside appearance of this structure with the property owner.

Sherrie Christensen also reported that as this property and the adjacent property is owned by the same owner that it would not be difficult to setup the cross access easement to meet the parking requirements for this application.

Wes Shupe, Car Equity LLC, said that this is an active business and asked if the business could move forward with 60-90 days to complete the required conditions. Sherrie Christensen commented that the applicant could restrict parking onsite until the cross easement is obtained.

Wes Shupe also said that the requirement is for 15 parking stalls and that the operation would not be that large and asked if the number could be scaled down.

Commissioner Baskin moved that the Planning Commission approve the proposed conditional use permit for Car Equity LLC with the following conditions:

- 1) An accurate site plan, drawn to scale be submitted demonstrating the capacity for 15 parking stalls; and**

- 2) **If the parking cannot be meet with this parcel, documentation that a cross access easement for parking with the adjacent property owner, who is one and the same, be obtained within 60 days; and**
- 3) **Only four (4) cars may be displayed until the cross easement access has been granted; and**
- 4) **The existing landscaping be revived and improved and subsequently maintained in accordance with City code.**

Council Member Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Baskin, Kirkham and Council Member Mumford. Commissioners Garn and Knowlton were excused.

5. **CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR DISCOUNT TOWING INC., AN IMPOUND/TOW YARD AT 215 WEST 500 NORTH. GABRIEL GALLARDO, APPLICANT**

Sherrie Christensen reported that the two final applications are very similar and both in the same location. The proposed location houses a recreational vehicle (RV) restoration business as well as leases space to several tow companies. There are currently four existing tow companies onsite. Each of the vehicle storage areas are enclosed with 6' chain-link fencing topped with barbed wire per the State Tax Commission regulations. The individual tow yards are then subsequently contained within a gated storage yard area behind the main building. The DRC recommends approval of the conditional use permit with the condition that the applicant must submit a sign permit application and be issued a sign permit prior to installation of a sign.

Council Member Mumford commented that other towing companies have been approved to conduct business at this location and asked if this was an expansion. Sherrie Christensen replied that she spoke with the property owner and that two previous tow companies had vacated the premises. The property owner indicated that there is only room for one additional yard beyond these two applications.

Commissioner Kirkham moved that the Planning Commission approve the proposed conditional use permit for Discount Towing at 215 West 500 North subject to the following condition:

- 1) **The applicant must submit a sign permit application and be issued a sign permit for any proposed signs on the site prior to installation.**

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

6. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR THE TOWING LLC, AN IMPOUND/TOW YARD AT 215 WEST 500 NORTH. ANDREA CEBRIO, APPLICANT

Sherrie Christensen reported that this application was very similar to the last conditional use permit application and was located at the same site. The DRC recommends approval of the conditional use permit with the condition that the applicant must submit a sign permit application and be issued a sign permit prior to installation of a sign.

Commissioner Baskin moved that the Planning Commission approve the proposed conditional use permit for The Towing, LLC at 215 West 500 North subject to the following condition:

- 1) **The applicant must submit a sign permit application and be issued a sign permit for any proposed signs on the site prior to installation.**

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

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of May 26, 2015 were reviewed and approved.

Council Member Mumford moved to approve the minutes from the Planning Commission meeting of May 26, 2015. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Baskin, Kirkham and Council Member Mumford. Commissioners Garn and Knowlton were excused.

The Planning Commission meeting minutes of June 9, 2015 were reviewed and approved.

Commissioner Baskin moved to approve the amended minutes of June 9, 2015. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Baskin, Kirkham and Council Member Mumford. Commissioners Garn and Knowlton were excused.

8. ADJOURN

Chairman Drinkall adjourned the meeting at 7:59 p.m.



Chairman



Secretary