

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
SEPTEMBER 8, 2015

**FINAL**

Chairman Pro Tem Kim Jensen called the meeting to order at 6:30 p.m. and welcomed those present.

PRESENT: Commissioner Kim Jensen  
Commissioner Lisa Watts Baskin  
Commissioner Kent Kirkham  
Council Member Ryan Mumford  
Commissioner Stephen Garn  
Commissioner Ted Knowlton

EXCUSED: Commission Chairman Robert Drinkall

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

OTHERS PRESENT: Melissa Dawes, Alan Dawes, Blair Randall, Maureen Ferrin, Andrew Greenwood, residents; Robert Holmes, Allen's Masonry.

1. PUBLIC COMMENTS

Maureen Ferrin, 168 South Highway 89 #1, commented that the bushes in front of the mailbox make it difficult to see when exiting her apartment complex and asked that they be cut down. She also commented that there is increased traffic from the neighboring apartment complex and asked if the parking lot could be expanded to accommodate the additional cars.

2. PUBLIC HEARING FOR CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR THE EXPANSION OF A MULTI-FAMILY LAND USE ON A NON-CONFORMING LOT, SPECIFICALLY THE ADDITION OF ONE BUILDING WITH FOUR APARTMENT UNITS AND ASSOCIATED LANDSCAPING LOCATED AT 168 HWY 89. ARIC JENSON, KNOWLTON GENERAL, APPLICANT

Commissioner Knowlton disclosed that as the company, Knowlton General, is his brother's company and that the applicant, Aric Jenson, is a friend of his as well that he would recuse himself on this item.

**Commissioner Knowlton was excused at 6:32 p.m. and left the council chambers.**

Sherrie Christensen reported that the existing apartment building consists of eight units located at 168 South Highway 89 in the Commercial Highway (CH) zone. Even though the CH zone is currently under a moratorium the applicant has been working with City staff and the application was submitted prior to the start of the moratorium. The existing building and parking lot are on 0.62 acres with access via the Green Briar Condominium property with no frontage on the highway. The majority of the property has never been improved and the current parking lot and drive areas are in disrepair. The new owners have recently completed interior remodels of the units, painted the exteriors, and added some landscaping.

The applicant is proposing to add four more apartment units to the property and will bring the site into conformance regarding landscaping and parking requirements. This property is a non-conforming lot size which requires a public hearing and conditional use permit for an expansion of a non-conforming use. In 1975 the minimum lot size was 8,000 square feet for the first unit plus 2,500 square feet for each additional unit. The required area for eight units would have been 25,000 square feet; the lot contains 27,007 square foot. The lot became non-conforming due to a 2002 code amendment requiring a minimum one acre lot size.

The proposed building is a modern design townhome construction with hardy board and stucco exteriors. City staff will has been working with the applicant to ensure that the two buildings have similar architectural features including a color palette of gray, brown and blue.

City code requires two parking stalls per unit for a total of 24 stalls including 2 ADA stalls and an additional 3 guest stalls. This will include 12 covered parking stalls. The applicant is providing 32 stalls with 2 ADA stalls. The applicant is working with the City Engineer to provide a water detention area in the parking lot and will also provide landscaping on the south border of the new parking lot, in accordance with City code which will consist of grass and shrubs. The applicant has submitted a lighting plan and will replace or repair the existing parking surfaces. The existing chain-link fencing will be replaced with a solid white vinyl fence around the property.

Commissioner Baskin asked what authority the Planning Commission had in recommending colors and aesthetics for the proposed building. Sherrie Christensen replied that the Planning

Commission can propose certain items in regards to the General Plan and that it would be a negotiation with the property owner on what items would be included in the architectural plan.

Commissioner Kirkham asked if applicant was working with South Davis Metro Fire District (SDMFD) on the additional building in regards to emergency access. Sherrie Christensen replied that a new fire hydrant, easement for a turnaround, and painted curbs would be required per the fire department.

Council Member Mumford asked in regards to proposed setbacks on the lot. Sherrie Christensen responded that the setbacks could be set by the Planning Commission. The rear setback proposed on the lot is 9.78 feet from the building to the existing vinyl fence.

**Chairman Pro Tem Jensen opened the public hearing at 6:48 p.m.**

Melissa Dawes, 160 South Highway 89, commented that she lives in the Green Briar Condominiums and that the access road is a private road owned by the Green Briar Condo HOA. When the apartments were built a right of way was granted however the HOA pays for repairs and upkeep to the road. She said that with the increase of apartments there will be an increase in the use of the road and that wear and tear of the road needs to be taken into consideration.

Andrew Greenwood commented that he owns 2.5 acres of property including Greenwood Kennels and currently has an easement to access his back property via the parking area. He said he spoke with Aric Jenson and has no objection with the proposed building but would like to continue to have access to his back property.

Aric Jenson, Knowlton General, commented that they purchased the property a year ago and had put a lot of money into remodeling the interiors. He said he has also worked as the Community Development Director for Bountiful and that this proposal would help to upgrade and rehab the area. He also said that they would like to replace the mansard style roof but explained to the Commission how it could possibly be very expensive.

Council Member Mumford asked Aric Jenson if he was aware of the area's rent rate. Aric Jenson replied that the apartments were renting for \$550 last year and are now renting for \$800. The newer apartments will be bigger and have an extra half bathroom. He also said that Knowlton General's owner, Brian Knowlton, sits on the board of 12 HOA's, owns properties in each of those HOAS, and understands the concerns of those who live in condominiums.

**Chairman Pro Tem Jensen closed the public hearing at 7:01 p.m.**

Commissioner Garn asked if anything could be done regarding the roadway and who should be responsible for maintenance. Ken Leetham replied that he has hopes the Green Briar HOA and the apartment owners can work together as it will be a private matter. He said the City does have an interest in the access being maintained for emergencies and will follow up with the applicant.

Sherrie Christensen commented that the SDMFD had asked the applicant to obtain cross access easement and that the applicant could negotiate with the apartment complex as they both have something to gain by coming to an agreement.

Commissioner Baskin asked for clarification on the distance between the existing apartment building and the proposed building. Sherrie Christensen replied that there is approximately 10' from the existing building and the property line and that the two buildings would be about 30' apart.

**Commissioner Knowlton returned at 7:08 p.m.**

**3. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT AND SITE PLAN FOR ALLEN'S MASONRY CO., A SPECIALTY CONSTRUCTION CONTRACTOR LOCATED AT 610 NORTH FRANKLIN PARKWAY. ROBERT HOLMES CONSTRUCTION, APPLICANT**

Sherrie Christensen reported that the Development Review Committee (DRC) recommends approval of the Site Plan and Conditional Use Permit for Allen's Masonry with the following conditions: final City Engineer review of drainage plan, signature and recording of hold harmless agreement and storm water detention maintenance agreement for the provision of storm water detention in the park strip, and the existing zoning violation (junk) on the site be removed prior to building permit.

This request is for development of property located at 610 North Franklin Parkway on a 1.4 acre parcel in the Manufacturing Distribution (MD) zoning district. The applicant is proposing a 5,548 square foot office space and a 4,391 square foot warehouse area. There will also be an 18,675 square foot outdoor storage area, located on the north side of the lot, surrounded by a 6 foot masonry wall for storage of masonry supplies and equipment.

Parking requirements for the site include 27 stalls with 2 ADA stalls. The applicant is proposing 28 stalls including 2 ADA accessible stalls. There are two access driveways from Franklin Parkway in compliance with the City's Land Use Ordinance. Traffic on-site will consist of employee trips and a maximum of five delivery trucks per day. The applicant has also submitted a lighting plan which meets the required criteria as well.

Landscaping on site is 9,832 square feet or 16.5% of the site which meets the requirements. The landscaping will consist of frontage along Franklin Parkway with a 20 foot buffer from the property line to the masonry fenced storage yard, a 10 foot buffer from the property line to the front parking lot, and a 10 foot landscape buffer on the south property line with trees and shrubs. Landscaped areas will also be provided along the front and north side of the building. As there are three gas pipeline easements across the front portion of the lot no trees will be required along the street and the requirement for storm water detention will be achieved by placing the detention in the park strip. This will require a hold harmless agreement with the property owner to be recorded on the deed.

This application meets the standards per the architectural review and was agreeable to adding two 8" bump outs to the side elevations.

Council Member Mumford asked for specifications regarding the 6' masonry wall. Sherrie Christensen replied that any area visible from Franklin Parkway would require a 6' masonry wall for screening and that a gate or door could be added for access. The plans currently do not show a full enclosure and will have to be modified prior to the building permit to screen the storage yard from view from Franklin Parkway.

Commissioner Knowlton asked the applicant how many employees were anticipated to be on-site at a time. Robert Holmes, representing Allen's Masonry, replied that there would be six to seven employees on-site regularly but that there may be occasional trainings held in the building in which more people would be present.

Council Member Mumford asked the applicant if this was a new business or if it was an existing business moving into the City. Robert Holmes replied that they have an existing location in Salt Lake and are moving into the City.

**Commissioner Garn moved that the Planning Commission approve the conditional use and site plan for Allen's Masonry at 610 North Franklin Parkway, with the following findings and subject to attached conditions:**

**Findings:**

- 1) General Contracting is listed as a conditional use in the MD Zone;**
- 2) Sufficient parking has been demonstrated for the proposed use; and**
- 3) The proposed use meets all requirements of the development code.**

**Conditions:**

- 1) Final review of drainage plan by City Engineer**

- 2) **Signature and recording of a hold harmless agreement and storm water detention maintenance agreement for the provision of storm water detention in the park strip.**
- 3) **The existing zoning violation (junk) on the site will be remedied prior to building permit.**
- 4) **Storage yard will be hidden from view from Franklin Parkway with a 6' masonry wall.**

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

#### 4. DISCUSSION-GEOLOGIC HAZARDS MORATORIUM & ORDINANCE ADOPTION TIMELINE

Sherrie Christensen reported on the Geological Hazards Moratorium and Ordinance Adoption timeline. As the moratorium will be lifted November 5, 2015 the Planning Commission will review and give all recommendations to the City Council by October 6<sup>th</sup>. She requested that the Planning Commission have a special meeting on September 29<sup>th</sup> for a public hearing and recommendation to the Council.

The outline of the ordinance consist of hazards to be regulated/mitigated including: landslides/slope stability, liquefaction and surface fault rupture. Key features of the ordinance include who is responsible for studies, minimum qualifications, scoping meetings, land disturbance permits, and primary contact/involvement of property owner.

Report requirements will include: geologic map, detailed site map, trench logs, boring logs, aerial photos, conclusions supported by data, mitigation options, and recommendations for avoidance or mitigation.

Review requirements would consist of City consultant review prior to Preliminary Plat, direct costs billed to applicant, and determination adequacy of report. Determinations on the report would then be made to ensure that consultants are qualified; hazards do not present unreasonable risk and the mitigation of hazards where possible.

Sherrie Christensen then reported that other considerations include monitoring of construction done by qualified professionals on-site during each phase of construction and monitoring equipment for ground water, etc, all appeals would be done through a three body peer review and deed disclosure of Geologic Hazards would be required. Other revisions to the ordinance would include appendices and standards of reports.

Commissioner Baskin asked if a developer would be required to bond so that funds would be put in a mitigation fund and held by the City in the event that those funds were needed to mitigate hazards. Sherrie Christensen replied that she would research the possibility of mitigation funds.

Commissioner Baskin also commented that geotechnical engineers can include terminology on the geotechnical reports which states that they cannot guarantee that there would not be issues. Sherrie Christensen responded that after researching standards from other cities that the City should request a letter stating that the project was built to their specifications as designed by that Geotechnical Engineer. This would ensure that no change orders were done without approval.

Commissioner Baskin asked if there was a way to hold a geotechnical engineer to their report when they recommend that land is safe for construction. Sherrie Christensen replied that an accurate appraisal would need to be done including a qualified report and mitigation of hazards.

Commissioner Baskin then recommended that review of ordinances in cities with similar soil and grade be taken into consideration for construction on higher grades.

Council Member Mumford commented that there are some developments in Draper city which are not allowed irrigation on the lot per city ordinance. Sherrie Christensen replied that this would be added to a separate section on mitigation and landscaping.

Commissioner Baskin asked in regards to the moratorium and the proposed changes to the ordinance and if this ordinance would be retroactive. Sherrie Christensen replied that it would not be retroactive but that any applications that expired during the moratorium would need to meet the new standards. All new phases of current developments would need to meet the standards as well.

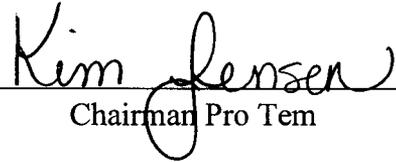
## 5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 25, 2015 were reviewed and approved.

**Council Member Mumford moved that the Planning Commission meeting minutes of August 25, 2015 be approved as amended. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Jensen, Baskin, Kirkham, Garn, Knowlton and Council Member Mumford. Commissioner Drinkall was excused.**

6. ADJOURN

Chairman Pro Tem Jensen adjourned the meeting at 7:48 p.m.

  
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Chairman Pro Tem

  
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Secretary