

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
SEPTEMBER 11, 2012

Commission Chairman Eric Klotz called the meeting to order at 7:04 p.m. and welcomed those present.

PRESENT: Commission Chairman Eric Klotz
Commissioner Kim Jensen
Commissioner Ryan Mumford
Commissioner Bruce Oblad
Council Member Brian Horrocks

EXCUSED: Commissioner Robert Drinkall

STAFF PRESENT: Ken Leetham, Community and Economic Development Director; Ali Avery, City Planner; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Wade Budge, Runaway Bay Investments; Shawn Ferrin, Stericycle; Kevin Gutierrez, Doug Keefe, Runaway Bay Investments; Patrick Scott and Nate Pugsley, Brighton Homes; Matt Mullin, Jack Mason, Man Caves; Jim Allen, resident.

1. CITIZEN COMMENTS

There were no citizen comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF A REQUEST TO PLACE THE EXISTING USES OVERLAY ZONING DISTRICT ON THE PROPERTY LOCATED AT 1000 WEST CENTER STREET. RUNAWAY BAY INVESTMENTS, LLC, APPLICANT.

Ken Leetham reported that the City Council recently approved the rezoning of several properties from M-D to C-G. Based upon the request of several property owners affected by this action, the City Council instructed City staff to prepare a code amendment that would allow property owners to clarify their status in a way that would allow continued use of their properties without being classified as “legally non-conforming.” The result of that assignment was the adoption of Ordinance No. 2012-09 which established the “Existing Uses Overlay Zone.” This zone allows for owners, through a rezoning application process, to have the existing uses on their properties classified as permitted uses in the C-G zoning district.

The Planning Commission’s role is to make a recommendation as to whether this application complies with the existing uses overlay zone. It would also be important for the Commission to identify the list of uses submitted by Mr. Budge, attorney representing the property owners.

Chairman Klotz asked why this process is necessary. Mr. Leetham said that if the City takes no action, the businesses would still be able to operate as they have been; however, they would be legally non-conforming. Under that designation, they would be limited in expanding their business, etc. By placing these businesses in the existing uses overlay zone, their uses would be classified as permitted uses, allowing them to expand, or build a new building, etc.

Commissioner Oblad asked about the practical effects of the overlay zone on the property. Mr. Leetham stated that if new owners purchase the property, the menu of allowed land uses would be everything in the C-G zone, plus the land uses agreed to in this agreement.

Wade Budge (attorney representing Runaway Bay) addressed the Commission, stating they own the property being discussed, and have two tenants, Kilgore Companies and Coyote Express LLC. He distributed a list of proposed uses and added that they intend to refine the uses with staff. The list included the following uses: "Construction and transportation services. This use includes the following ancillary uses: 1) Auto, truck and equipment fabrication, maintenance and repair, 2) Indoor and outdoor storage and warehousing, 3) Freight forwarding, 4) Truck dispatch, 5) Fuel storage and distribution, 6) Construction activities related to infrastructure development, including roads, pipelines and other public and private improvements and developments, and 7) Auto, truck and equipment sales." On the fabrication issue (which was one of the uses listed), their tenants have, on occasion, needed to fabricate something like pipe segments, etc. to transfer to their job sites. Mr. Budge added that they believe they are making good progress with staff in refining the uses.

Chairman Klotz opened the public hearing at 7:25 p.m.

Jim Allen, 902 Romsey Court, stated that currently, the property being discussed has a lot of bare dirt, and believes there should be a dust control plan in place. Also, he referred to Mr. Budge's comment about working through the allowed uses list with staff, but Mr. Allen believes the Commission should not approve something unless it is in final form to send on to the City Council.

Ken Leetham stated that the only item still being discussed on the list is the "equipment fabrication" definition, and he believes both parties are in agreement on the final product. The Council's action needs to be put into the form of an ordinance, but he believes the Planning Commission does have a final product in front of them.

Mr. Budge stated that they can talk to their tenants and make sure they are complying with city ordinances relating to dust control.

Chairman Klotz closed the hearing at 7:28 p.m.

Chairman Klotz asked Mr. Leetham if this zone gives these companies an unfair advantage. Mr. Leetham stated that the City believes it is an advantage to have the C-G zoning, but believes it is also fair to allow them permitted uses, rather than non-conforming uses.

Commissioner Oblad moved to recommend approval to the City Council for the placement of the Existing Uses Overlay zoning district on the property located at 1000 West Center Street with the ancillary uses presented by the applicant. Council Member Horrocks seconded the motion. The motion was approved by Commissioners Klotz, Oblad, Mumford, Jensen and Council member Horrocks.

3. PLACEMENT OF THE EXISTING USES OVERLAY ZONING DISTRICT ON THE PROPERTY GENERALLY LOCATED AT 90 NORTH 1100 WEST, STERICYCLE, INC., APPLICANTS.

Ken Leetham stated that this item also relates to the Existing Uses Overlay zoning district and the City Council's instructions to allow property owners to clarify their status to allow continued use of their properties without being classified as "legally non-conforming." The application would make "medical waste treatment and disposal" a permitted use on this property. Staff is recommending approval with three specific conditions (already in place from prior Stericycle approvals) with a minor change in the wording of condition #3 to use the word "regulations" rather than "guidelines".

Chairman Klotz opened the public hearing at 7:41 p.m. There were no public comments, and he closed the public hearing at 7:41 p.m.

Chairman Klotz moved to recommend approval to the City Council of the proposed placement of the Existing Uses Overlay zoning district for Stericycle, Inc. on the property generally located at 90 North 1100 West with the following conditions: 1) there may be no outdoor storage on-site, except that there may be a maximum of 15 total refrigerated storage trailers allowed to be stored on-site (outside) at any time. 2), the facility must follow all Federal, State, County, and City regulations, and 3) the facility must file an annual weight report to the City. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Klotz, Oblad Mumford, Jensen and Council Member Horrocks.

4. SITE PLAN FOR HAMPTON PLACE APARTMENTS LOCATED AT APPROXIMATELY THE NORTHEAST CORNER OF 900 NORTH AND CUTLER DRIVE IN FOXBORO NORTH

Ali Avery stated that the plan being considered is for apartments in Foxboro North, Lot 1 of Plat 16. The proposal is for 168 apartment units on Lot 1 (the apartments for Lot 2 will be reviewed at a later date). The applicant has expressed the desire to have 168 units on Lot 1 and 42 units on Lot 2 because the design is better with the change in unit count. However, the overall unit count of the apartments will remain the same at 210 apartments. The parking proposed on-site is in conformance with the conditional use permit agreement for Foxboro North. There is a six foot high wall proposed around the north and east sides of the development, and abutting all commercial and industrial uses. The garage units will be as close to the property line as possible and may count as part of the required wall. The landscaping plan is meeting the City standards with the exception of the tree species along Redwood Road. The plan has been reviewed by the

police and fire departments and all their concerns have been addressed in this plan. The Development Review Committee (DRC) recommends approval of the site plan with several conditions (noted in the staff report).

Council Member Horrocks asked if the developers have chosen a management company, and noted that with the right company, it will still be a great project ten years from now. Nate Pugsley, Brighton Homes, agreed, and stated that they have interviewed three management companies for the project.

Commissioner Mumford asked exactly what the Commission is being asked to approve. Mrs. Avery stated that the Commission is recommending approval to the City Council of the site plan, and this approval includes the landscape plan, density plan, utilities, parking, etc. but the actual structure of the building would be addressed at the building permit level. She added that the developers would likely be able to begin grading once this is approved.

Commissioner Oblad moved that the Planning Commission recommend approval to the City Council of the site plan for Hampton Place Apartments located at approximately the southeast corner of 900 North and Cutler Drive in Foxboro North subject to the following conditions: 1) the number of apartments on parcel 2 may not exceed 42 units, 2) a master sign plan must be submitted and approved by the Planning Commission prior to the installation of any marketing signage for the Hampton Place Apartments, 3) a sign permit for the proposed entry signs must be submitted and approved with the building permit(s) for the apartments, 4) the garages at this site may only be leased to current tenants of the Hampton Place Apartments and may never be leased to anyone outside the project, and 5) the “Sensation Maple” trees proposed along Redwood Road must be changed to one of the species that are approved for street trees on Redwood Road prior to approval by the City Council. Commissioner Klotz seconded the motion.

Council Member Horrocks asked if there is a crosswalk proposed between the two lots as the complex and amenities are on two sides of the street. Ken Leetham stated that they will talk to the engineer, or even have a Public Safety Committee meeting to address this. (Action.)

Commissioner Oblad moved to amend the motion to include a sixth condition that the Public Safety Committee reviews any crossing plans for 900 North between Lots 1 and 2. Commissioner Klotz seconded the amended motion.

The motion was approved by Commissioners Klotz, Oblad Mumford, Jensen and Council Member Horrocks.

5. PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE RELATED TO PRIVATE GARAGE UNITS

Ken Leetham stated that the Commission has reviewed this proposal before, and submitted it to the City Council for consideration. However, in July, the City Council did not adopt the ordinance, but asked the Planning Commission to reconsider the ordinance with additional

restrictions to the provisions, and a reduced geographic area where the Private Garage Units Overlay zone could be applied.

The Planning Commission discussed the proposal again, and reviewed their prior concern of private owners leasing the units to others, and thus risking the possibility of questionable uses for the neighborhood. The applicants arrived at 8:35 p.m.

Commissioner Mumford asked the applicants about the feasibility of the project if they were required to develop it in a different location. Mr. Mullin stated that not being on a main corridor would affect the project, and they believe it would not work. The applicants would like to put the original recommendation before the Council again when all Council Members are present, as they believe the concept might be received better.

Chairman Klotz asked if, in the event of a project failure, could these structures be used as something else, and not become a “junky eyesore” in an area that the City is trying to improve.

Council Member Horrocks asked if the project would include charging HOA fees to the owners. Mr. Mullin stated that HOA fees would be collected to cover insurance, snow removal, the clubhouse, etc.

Commissioner Oblad stated that the City would be taking a risk with them and asked what the project would become if the original plan does not work. He noted that he is supportive of their plan and would like to see it become successful; however, it is the Commission and City Council’s responsibility to watch out for the City’s long-term interests. Mr. Mullin stated that they would build the project in phases and would not build each phase until it is pre-sold.

Commissioner Klotz moved that the Planning Commission recommend approval to the City Council of Ordinance No. 2012-11, an ordinance amending the City’s Land Use Ordinance to allow a Private Garage Unit Overlay zoning district with the inclusion of paragraphs #9 and #10 of supplemental regulations, and with no change to paragraph A, under “review and approval.” Commissioner Jensen seconded the motion. The motion was approved by Commissioners Klotz, Oblad, Mumford, Jensen and Council Member Horrocks.

6. APPROVE MINUTES

The Planning Commission minutes of August 14, 2012 were reviewed and amended. **Council Member Horrocks moved to approve the Planning Commission minutes of August 14, 2012 as amended. Commissioner Klotz seconded the motion. The motion was approved by Commissioners Klotz, Oblad, Mumford, Jensen and Council Member Horrocks.**

The Planning Commission minutes of August 28 minutes were reviewed. **Council Member Horrocks moved to adopt the August 28, 2012 minutes as written. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Klotz, Oblad, Mumford, Jensen and Council Member Horrocks.**

7. ADJOURN

Chairman Klotz adjourned the meeting at 9:15 p.m.

Chairman

Secretary