

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
JULY 9, 2013

**FINAL**

Chairman Eric Klotz called the meeting to order at 6:32 p.m. and welcomed those present.

PRESENT: Commissioner Chairman Eric Klotz  
Commissioner Robert Drinkall  
Commissioner Kim Jensen  
Commissioner Ted Knowlton  
Commissioner Ryan Mumford  
Commissioner Bruce Oblad

EXCUSED: Council Member Brian Horrocks

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

OTHERS PRESENT: Phil Hancock, Dennis Bradshaw, L.W. Miller; Dave Sparks, B&W Auto; Garrett Seely, Woodside Homes; Benson Whitney, Henry-Walker Homes.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF A PLAT  
AMENDMENT FOR EAGLEPOINTE ESTATES PHASE 14 LOTS 1412 & 1414.  
BROCK JOHNSTON-RAINEY HOMES, APPLICANT.

Jim Spung stated that the purpose of the amendment is to combine two (2) lots; specifically 1412 and 1414 in Eaglepointe Estates to accommodate a specific house plan for the property owner. The two lots will be joined to create Lot 1412-A. The new lot would be a Restricted Lot which means the average slope of the property is greater than 15%. Restricted lots are allowed a reduction in the Front Yard Setback which would be twenty (20) feet in this case. Additionally Lot 1412A is a double frontage lot, meaning the property fronts on 2 public streets but is not a corner lot. The address assigned to this lot is 966 South Parkway Drive; therefore the 20' front yard setback would be measured from Parkway Drive. Double frontage lots are prohibited unless approved by the Planning Commission so the approval of this plat amendment will also grant

approval for the double frontage lot.

Jim Spung also stated that the fencing regulations associated with this double frontage lot specify that the lot may be enclosed with a solid fence with a maximum height of six feet (6') in the rear and side yards, except for a clear view area as regulated by City Code and would be allowed on the west property line of the proposed lot fronting on Pace Lane. Mr. Spung also stated that the plat had been reviewed and approved by the City Engineer.

The Development Review Committee (DRC) has reviewed the request and recommends approval of a plat amendment for Eaglepointe Estates Phase 14 Lots 1412 & 1414 to the City Council with no conditions.

Commissioner Mumford asked what was south of this portion of the development. Ali Avery responded that south of this development is owned by Lakeview Rock Products and Hughes General Contractors for mining and that there is a buffer zone to prohibit mining within 100 feet of a residential building lot. Commissioner Mumford asked if the buffer zone was vacated would the land use change. Ali Avery said that if they stopped mining there that could be a possibility.

Commissioner Drinkall said that the house will face Parkway Drive and asked what the purpose of combining the two lots with a secondary access in the back would be and if there would be another permit or request to build a second structure on the lot in the future. Ali Avery responded that the applicant had already submitted a preliminary site plan for the building permit and that the house was too large to fit on Lot 1412 so the lot expansion was to accommodate the larger house size.

At 6:38 p.m., Chairman Klotz opened the public hearing.

There were no comments at this time, and Chairman Klotz closed the hearing at 6:39 p.m.

Chairman Klotz commented that there was a checkered area on the original site plan between Lots 1414 and 1412 with a gap of non buildable area between the lots. Jim Spung responded that the checkered area is buildable area and the gap would have been a rear yard setback which has been removed as the lots are now combined into one larger lot.

**Commissioner Mumford moved to recommend approval of a plat amendment for Eaglepointe Estates Phase 14 Lots 1412 & 1414 to the City Council with no conditions. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Klotz, Drinkall, Jensen, Knowlton, Mumford and Oblad. Council Member Brian Horrocks was excused.**

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR B&W AUTO  
LOCATED AT 66 NORTH 640 WEST. DAVE SPARKS-B&W AUTO,  
APPLICANT.

Ali Avery reported that this request is due to code enforcement issues regarding site maintenance, outdoor storage and parking. The business has also been operating without a business license and when the applicant submitted a business license application it was determined the use of the property is conditional.

Ali Avery reported that the code enforcement issues on the site include outside storage which is not screened and spills into an open drainage ditch along the property. Another issue is drive aisles being blocked by vehicles and storage in parking stalls. She also stated that signage is incorrect on the building and placed without a sign permit.

The DRC has reviewed the request and recommends approval of the conditional use permit with the following conditions; 1) that ten (10) parking stalls be designated with striping or signage as employee or customer parking only and that the display of vehicles may only occur in striped parking stalls designated on the site plan. 2) No vehicles for sale may be parking in landscaping or on the street. No vehicle or object may block a driveway or drive aisle at any time. 3) The applicant must submit a sign permit application and be issued a sign permit for any signs on the building. 4) Screening of all outdoor storage must be accomplished with a solid wall at least 6' in height. 5) All conditions must be met prior to issuance of a city business license. No business activity may occur until a business license has been issued. The DRC also recommends that the use be categorized as a contractor's yard instead of vehicle repair as the applicant repairs the vehicles for re-sale online with only 5% of their customers visiting the site.

Commissioner Klotz asked for clarification that even though most of the cars are sold online and the 5 percent is sold locally if it would be considered a used car lot and if that would be permitted in that area. Ali Avery responded that car dealers were permitted and it was more storage of the vehicles purchased at auction than retail sales.

Commissioner Jensen asked if the business was in operation now and if there was a date that the applicant had to be in compliance or if they would be fined. Ali Avery responded that the City Prosecutor is currently screening for charges but that there was not a deadline as a citation had not been issued yet.

Dave Sparks addressed the Commission and asked when the business license had expired. Ali Avery responded that she believed it had expired in 2012 and that it was a yearly license that

expires in January each year. Mr. Sparks said that the business has changed in the last year and that he had assumed he needed to obtain a dealer's license from the State prior to getting a business license from the City. Commissioner Mumford asked if the six (6) conditions were fair and if the applicant would have trouble complying. Mr. Sparks stated it would not be a problem.

Commissioner Knowlton asked how many employees would be at the site on a typical day. Mr. Sparks commented that he had five full-time employees on a given day but that it would vary. Commissioner Knowlton asked for clarification on why the applicant could not park on the street. Ali Avery replied that employees could park on the street but that there could be no storage on the street. Commissioner Oblad asked if the vehicles needed to be registered. Mrs. Avery responded that they needed to be registered and operable or they could not be parked on the street, as per City Code.

**Commissioner Knowlton moved that the Planning Commission approve the proposed conditional use permit for B&W Auto located at 66 North 640 West with the following conditions:**

- 1) Ten (10) parking stalls must be designated with striping or signage as employee or customer parking only and may not be used for storage or display of vehicles.**
- 2) The display of vehicles may only occur in striped parking stalls in the location designated on the site plan. No vehicle for sale may be parked in the landscaping, on the street or in any location other than the designated parking stalls (indicated on the proposed site plan) at the west end of the property.**
- 3) No vehicle or object may block a driveway or drive aisle at any time.**
- 4) The applicant must submit a sign permit application and be issued a sign permit for any proposed signs on the building.**
- 5) The screening of all outdoor storage must be accomplished with a solid fence or wall at least 6' in height. The outdoor storage must be screened on all sides and only be located in the area designated on the proposed site plan.**
- 6) All conditions must be met prior to the issuance of a city business license. No business activity may occur until a business license has been issued.**

**Commissioner Drinkall seconded the motion. The motion was approved by commissioners Klotz, Drinkall, Jensen, Knowlton, Mumford and Oblad. Council Member Horrocks was excused.**

4. CONSIDERATION OF A SITE PLAN FOR AN OUTDOOR STORAGE EXPANSION AT L.W. MILLER LOCATED AT 94 NORTH 400 WEST. DENNIS BRADSHAW-L.W. MILLER, APPLICANT.

Jim Spung reported that the applicant is proposing the expansion of a paved parking area at their location. This expansion includes the paving of an existing gravel parking area used for truck and trailer parking at the corner of Center Street and 400 West. This expansion is based on the needs of the business as they have already satisfied the parking requirements based on building square footage as outlined in the City Code.

The DRC has determined that since employee and customer parking requirements have previously been met and that the new area will not serve as public parking that the applicant is not obligated to stripe or include landscaped islands in the new paved area. If the proposed lot will accommodate employee or customer parking then landscaped islands and striped stalls must be provided according to City standards.

The City Land Use Ordinance requires that any outdoor storage be screened from view by a minimum six foot (6') high solid fence or wall. L.W. Miller will add slats to the existing chain link fence surrounding the storage area.

City Staff has also requested that L.W. Miller improve the landscaping along 400 West and Center Street. The landscaping plan indicates three (3) additional trees to be planted along 400 West and three (3) additional trees to be planted along Center Street. The applicant has provided 13% of the site as landscaping which meets the minimum requirement of 10% for the M-D zone.

Jim Spung stated that grading and drainage plans were reviewed and approved by the City Engineer and that the Planning Commission had the final approval as this application is less than five (5) acres in size. The DRC recommends approval of the site plan with no conditions.

Commissioner Mumford commented that one of the existing trees on Center Street appeared to be dead and asked if a replacement tree was included as part of the three (3) shown in the plan.

Ali Avery stated that the net increase is five (5) trees.

A representative for the Applicant, Phil Hancock, addressed the Commission and stated that they were anticipating a modification of the slats required for the chain link fence. Mr. Hancock commented that on Center Street, most storage areas don't appear to have slats in the fences. He expressed that he was not impressed with how the slats hold up to weather and wind and suggested that maybe doubling the number of trees would be a better option to screen the storage areas and would be more visually appealing. He stated that this is more an improvement of the area to cut down on dust and is not technically an expansion. He asked that the Planning Commission consider trees instead of fences with slats to improve the appearance of the area.

Commissioner Drinkall asked City Staff if any detention basins or areas of water run-off from the two streets in question had been problematic. Ken Leetham stated that there was a storm drainage problem closer to Redwood Road, but the storm drain systems on 400 West and Center

Street are operational. Phil Hancock commented that there is storm water detention in place at the site and that asphalt is sloped and has curb and gutter so the detention is above ground.

Commissioner Knowlton stated that the purpose of the slats is screening and asked if the applicant had previously discussed the issue with City staff. Ken Leetham stated that landscaping could be used for buffering and screening of the storage area and that if the Planning Commission approved the plan, City Staff could work with the applicant to come up with an effective way to have trees or shrubbery fill in the gaps using the City's Parks and Recreation Urban Forester. Mr. Leetham suggested that landscaping would be a great alternative and would help beautify the area in place of the fence slats that are normally offered as a more economical option for most business storage areas.

Commissioner Mumford commented that the landscaping has been maintained on this site and that it would be a great option to add more trees.

Commissioner Oblad asked if a condition needed to be included in the motion for negotiations between City Staff and L.W. Miller to add greenery to the site. Ken Leetham commented that a modified version should be added with the condition that the applicant work on a landscaping plan to be approved by City Staff and the City's Urban Forester to provide an effective screen.

**Commissioner Klotz moved to approve the site plan for the expansion of a paved parking area at L.W. Miller located at 94 North 400 West with the condition that the applicant work with city staff in formulating a landscaping plan that effectively assists in screening the truck storage area in lieu of the City requirement of installing slats in a fence.**

**Commissioner Mumford seconded the motion. The motion was approved by Commissioners Klotz, Drinkall, Jensen, Knowlton, Mumford and Oblad. Council Member Horrocks was excused.**

5. CONSIDERATION OF A PRELIMINARY DESIGN PLAN FOR FOXBORO  
NORTH STONEHAVEN EAST P.U.D.. GARRETT SEELY-WOODSIDE HOMES,  
APPLICANT.

Ali Avery reported that this is the final subdivision in Foxboro North and that this subdivision is bounded by Fox Hollow Drive to the West, 900 North to the north and Cutler Drive to the East. It contains 122 lots with the average lot size of 2,861 square feet. The DRC has identified a potential problem with clear-view restrictions for driveways and intersections to be clear of obstructions, so it will be required that a note be placed on the final plat that the homes, fences, etc. must be sited in a way that does not interfere with clear-view restrictions.

The DRC recommends approval of the proposed preliminary design plan for Stonehaven East in Foxboro North with no conditions.

Commissioner Knowlton asked if tandem parking was allowed in the City. Ali Avery responded that it was allowed but that no parking was allowed on private streets except in the designated guest parking areas.

Commissioner Klotz asked what constitutes a private street. Ali Avery responded that they are not owned or maintained by the City and do not have to meet City standards.

Commissioner Mumford asked about Thurston's property which is a trucking company. Ken Leetham responded that the City would acquire the right-of-way for Woodside Homes and that Woodside would bear the cost of maintenance and construction of the road and right-of-way.

Commissioner Knowlton commented on the 5' setback on the side of each lot and asked if Woodside Homes had considered zero lot lines. Garrett Seely replied that they had considered it but the option would make the placement of air conditioning units on the sides of the homes difficult.

**Commissioner Oblad moved that the Planning Commission recommend approval of the proposed preliminary design plan for Foxboro North Stonehaven East P.U.D. to the City Council. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Klotz, Drinkall, Jensen, Knowlton, Mumford and Oblad. Council Member Horrocks was excused.**

6. CONSIDERATION OF A PRELIMINARY DESIGN PLAN AND FINAL PLAT  
FOR THE VIEWS AT EAGLEWOOD VILLAGE P.U.D. PHASE 2. JOHN KOLLMAN  
-HENRY WALKER HOMES, APPLICANT.

Ali Avery reported that on November 6, 2012 the fourth amendment to the development agreement for Eaglewood Village was approved by City Council with the original plan having 160 units, a clubhouse and a pocket park. The amendment reduced the number of units from 160 to 110 residential units and eliminated the clubhouse and park. The Views at Eaglewood Village PUD Phase 1 was approved by City Council with three conditions. The first condition was that a plat note disclosing proximity to mining operations be included. The second condition was for Henry Walker Homes to work with City Staff regarding rebates of park impact fees for a pocket park within Eaglewood Village. The third condition was regarding the landscaping that must be done on the access streets of Eagle Pass and Ridgeline Drive. Mrs. Avery stated that the last two conditions of approval for Phase 1 have not yet been completed so the DRC is recommending that those conditions be applied toward the development of Phase 2.

Ali Avery also stated that the second phase of the Views at Eaglewood Village is located on the existing Lot 6 of the Eaglewood Village Subdivision. The portion of the lot that this subdivision will be replacing must be vacated prior to platting the proposed subdivision plat. A public hearing will be held at the City Council meeting on July 16, 2013 to receive final approval on the vacation of a portion of Lot 6.

The plat and construction drawings have been reviewed and approved by the City Engineer. The DRC recommends approval of the preliminary design plan and final plat for The Views at Eaglewood Village P.U.D. Phase 2 to the City Council with the following conditions: 1) Henry Walker Homes shall work with City Staff regarding a possible rebate of park impact fees to be applied to a pocket park. 2) Henry Walker Homes must landscape both access streets, Eagle Pass and Ridgeline Drive as outlined.

Commissioner Oblad commented that if the landscaping hasn't been completed thus far what would motivate the applicant to complete it now. Ali Avery responded that there was a misunderstanding as to when the improvements were supposed to be completed with the last approval. They have since been notified that the subdivision will not be finalized until the conditions have been met.

Benson Whitney, representing Henry Walker Homes, addressed the Commission and commented that it would be in the best interest of the company to landscape for marketing purposes. He said they already have a contract set up and landscaping should be started within two weeks.

Commissioner Klotz asked if the trail adjacent to the subdivision was finished. Ali Avery responded that the trail is currently installed and that a trailhead and parking spots have already been completed just north of the residential building lots for Phase 1. Commissioner Klotz commented that the trail will eventually meet up with the tennis center at the bottom of Wild Rose Trail.

Ken Leetham commented that there are problems with some areas of the trail as homes and lots have been placed on areas of future trail sections. He said that the issues would be resolved with City Staff and property owners on both sides of the trail as the connection is very important to the City.

**Commissioner Oblad moved to recommend approval of the proposed preliminary design plan and final plat for the Views at Eaglewood Village P.U.D. Phase 2 to the City Council with the following conditions: 1) Henry Walker Homes shall work with City Staff regarding a possible rebate of park impact fees to be applied to a pocket park within the Views at Eaglewood Village P.U.D. not to exceed \$10,000, and 2) that Henry Walker Homes**

**shall landscape both access streets, Eagle Pass and Ridgeline Drive, from The Views at Eaglewood Village P.U.D. out to Eagleridge Drive. Commissioner Klotz seconded the motion. The motion was approved by Commissioners Knowlton, Mumford, Drinkall, Klotz, Oblad and Jensen. Council Member Horrocks was excused.**

#### 7. APPROVAL OF MINUTES

The Planning Commission minutes of June 25, 2013 were reviewed and amended. **Commissioner Drinkall moved to approve the Planning Commission minutes of June 25, 2013 as amended. Commissioner Mumford seconded the motion. The motion was approved by Commissioners Knowlton, Mumford, Drinkall, Klotz, Oblad and Jensen. Council Member Horrocks was excused.**

#### 8. ADDITIONAL ITEMS

Commissioner Jensen asked if there needed to be a clarification between the “City” and the Planning Commission when making recommendations or as reference in official notes. Ken Leetham responded that it is a good clarification to separate the City and the Planning Commission. There should also be a distinction between the City Council and the Planning Commission.

Commissioner Drinkall asked for an update on the Springhill Landslide Area. Ali Avery responded that with the grant there are three different processes which include; acquisition and demolition of homes in the area, tearing up the road and the utilities and the final phase would be to install an open drainage ditch with maintenance access and spreading of seed for the open space. She said the bid has been awarded for the road and utility work; work would progress in the next few weeks and the entire project should be completed in the fall. Commissioner Klotz asked if the residents in the area would receive a notice that work would be starting. Mrs. Avery responded that they would send out notices.

Commissioner Drinkall asked if the ground would stop moving in that area. Ken Leetham responded that the ground will be monitored but the main reason a grant was awarded is because of the continual movement of the area.

#### 9. ADJOURN

Chairman Klotz adjourned the meeting at 8:01 p.m.

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Chairman

Secretary