

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
AUGUST 27, 2013

FINAL

Commissioner Bruce Oblad, acting as Chairman Pro Tem, called the meeting to order at 6:31 p.m. and welcomed those present.

PRESENT: Commissioner Bruce Oblad
Commissioner Kim Jensen
Commissioner Ted Knowlton
Commissioner Ryan Mumford
Council Member Brian Horrocks

EXCUSED: Commissioner Chairman Eric Klotz
Commissioner Robert Drinkall

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

OTHERS PRESENT: Pam Christiansen, American First Builders; Lisa Watts-Baskin, Thomas Baskin, Pam Thompson, residents.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AMERICAN FIRST BUILDERS LOCATED AT 870 WEST ROBINSON DRIVE UNIT C. MICHAEL J. GRAHAM APPLICANT.

Jim Spung reported that American First Builders has 6 employees and specializes in construction services for renovations and new homes. The site would be used for office space and warehouse use. Currently there are four businesses on site and the parking requirements for the building have already been met.

The applicant submitted a business license on July 3rd, 2013 with the primary proposed use as cabinet fabrication and general contracting services, which is not allowed in the General Commercial zone, which caused the application to be denied. When the applicant was notified of the denial he suggested that the classification was a mistake and that the location would serve as

an office/warehouse space and that most of the custom work is done off-site. The Development Review Committee (DRC) expressed concern with the outdoor storage along the fences and under a semi-trailer as outdoor storage is not allowed in a commercial zone. The DRC recommends approval with the condition that the outdoor storage is not permitted on the site and that semi and utility trailers are not used for storage and must be licensed and registered.

Commissioner Mumford commented that it appeared the unit that the applicant is interested in leasing is already occupied by Icon Containment Solutions. Jim Spung responded that ICON Containment may have an active business license but is no longer at the site.

Pam Christiansen, American First Builders, addressed the Commission and stated that they have been cleaning up the outside storage and that the trailer is used to transport materials to jobsites and is registered and operable.

Commissioner Jensen moved that the Planning Commission approve the proposed conditional use permit for American First Builders located at 870 West Robinson Drive Unit C with the following condition:

- 1) Outdoor storage is not permitted anywhere on site, excluding the semi and utility trailers as long as they are registered, operable, and are not used simply for storage purposes. All outdoor storage must be moved inside the building or removed from the site prior to issuance of a business license.**

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

3. PUBLIC HEARING FOR AND CONSIDERATION OF PROPOSED AMENDMENTS TO THE CITY'S LAND USE ORDINANCE REGARDING DAYCARES AND PRESCHOOLS, AND MAXIMUM FENCE HEIGHT IN RESIDENTIAL ZONING DISTRICTS.

Ali Avery reported that Mrs. Pam Thompson attended a previous City Council meeting with concern about the urban deer problem in the City and asked if there could be some sort of resolution. The DRC found that the best solution would be to increase the maximum fence height from 6' to 8' with the top 2' of the fence to be 75% open and that the fences are not chain-link fences for aesthetic reasons. Other issues for amendment of Land Use Ordinance section 10-1-33 regarding fencing include: measuring for fences from the property line to the living space, and fence height being measured from the finished grade and describing the determination of fence

height and the appeals process, chain-link fences with slats are permitted in some instances for screening purposes, inclusion of pedestrian access-ways, restrictions on barbed wire fences and the exemptions for public facilities as recommended by the Planning Commission and approved by the City Council.

Council Member Horrocks commented that slats in chain-link fences are sometimes effective at screening and other times are not. Ali Avery responded that it depends on the placement of the slats.

Council Member Oblad commented that in some areas with hills or a steep slope, etc that an 8' fence would not keep the deer out completely and that this is a national problem due to structures being built where the deer live, the availability of food and that it is illegal to kill the deer.

Council Member Horrocks commented that the City does not own the deer and can only mitigate the damages until the State addresses the overall problem.

Commissioner Mumford asked if this would only affect fences that are not yet built and would not apply to pre-existing fences unless they are being modified, at which point they would then need to be modified to comply with current City code.

Ken Leetham commented on the exemption for Public facilities regarding fencing and clarified that the City needs to have leeway if it is a safety concern as the City has the responsibility to protect residents.

Ali Avery reported on the amendments for the Daycare and Pre-school section of the Land Use Ordinance and proposed the following amendments including: clarifying the definitions of daycares and preschools, modification of parking stall requirements for commercial daycares, reclassification of swimming pools, and the number of children allowed in daycare in accordance with State law. Section 10-10-5 regarding Home Occupations was also addressed with amendments regarding: business traffic, home occupation business licenses and State regulations regarding Child Daycares and Pre-schools.

Commissioner Knowlton asked if there was a need or value to having a land use and parking matrix as cross reference for daycare and preschool providers. Ali Avery responded that a simple table would be helpful and City staff would put it into the existing use table to correspond with the regulations.

Ali Avery then reported on amendments for Accessory buildings Section 10-10-3 with changes in regards to: clarifying the definition of Accessory buildings, proper placement and restrictions, height, etc.

Commissioner Oblad opened the public hearing at 7:23 p.m.

Pam Thompson, 324 Orchard Drive, addressed the Commission and commented that she has been unable to have a garden and worries about the safety of children as there are a number of deer in her neighborhood. She has a 6' chain-link fence and would like to add more chain-link onto the top for an 8' chain-link fence as she obtained quotes for other fence options and chain-link was the least expensive option.

Commissioner Knowlton commented that when regulations are modified it affects every applicant in the City, including future applicants, and that the City needs to do what is best for everyone and not just as a solution for now or for this particular location.

Ken Leetham commented that City Staff are not deer experts and that there is not a City wide solution as of yet but suggested there are other, cheaper methods to creating a space that deer would not to approach.

Commissioner Jensen commented that if enough residents voiced their concern with the urban deer problem to the State that perhaps the State would be willing to look into the issue and possibly provide a solution.

Lisa Watts-Baskin, 819 Springwood Drive, commented that the Planning Commission should have more say on issues such as the Deer Hollow Detention Basin and that all items should not just be left to City staff. Ken Leetham responded that this was a good point and that it would have possibly been a better outcome to have more people involved in these matters from the beginning.

Ken Leetham also commented that the amendment to Land Use Ordinance 10-1-33 regarding Public facilities being exempt to the fencing requirements needed to be clarified to provide review by the Planning Commission and City Council prior to the exemption.

Commissioner Oblad closed the public hearing at 7:49 p.m.

Ken Leetham recommended that section 10-1-33 Fence and Wall Standards Item G read "Public Utilities may be exempt from the requirements of Section 10-1-33 with the exception of the clear-view restrictions, provided that the Planning Commission reviews and makes a recommendation

to the City Council regarding such exemption and the City Council approves the exemption.”

Commissioner Mumford spoke to remove the requirement of wildlife on the property to obtain an 8’ fence. He said the taller fences create the feeling of a compound. Ken Leetham responded that this should be a community wide standard answer and that he feels that the 6’ fence height is appropriate and that over 6’ the top needs to be open as shown in the materials presented by the DRC to the Commission. Mr. Leetham further recommended that 6’ should be the maximum height for a solid fence.

Commissioner Knowlton stated that he does not like the appearance of chain-link fence and that it brings down property values. He would like to approve the 8’ fence height for the deer problem but does not want to allow chain-link for these taller fences. The Planning Commission requested City staff to prepare and present additional proposals at a future meeting.

Ken Leetham recommended that the Planning Commission approve all the amendments presented but to table the section regarding fencing until the DRC presents the changes in two weeks.

Commissioner Knowlton moved that the Planning Commission recommend approval to the City Council of Ordinance 2013-17 with the following modifications:

- 1) Section 10-1-33 A 1 & 2 changes are not included in this motion.**
- 2) Section 10-1-33 A 5 will be modified to read: “Fence height is measured from the finished grade to the highest point of the fence.”**
- 3) Section 10-1-33 G shall read as follows: “Public facilities may be exempt from the requirements of Section 10-1-33 with the exception of the clear-view restrictions, provided that the Planning Commission reviews and makes a recommendation to the City Council regarding such exemption and the City Council approves the exemption.”**
- 4) Section 10-1-43 Definition of a Daycare will be modified to read: “A residential establishment for the care of between 5 and 8 children, for compensation, other than for members of the family residing on the premises, but not including a public school. Such use shall be defined as home occupation.”**
- 5) Section 10-10-3 Use Regulations will include a use table for cross reference regarding Daycare and Preschool regulations.**

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

4. APPROVAL OF MINUTES

The Planning Commission minutes of August 13, 2013 were reviewed and amended. **Council Member Horrocks moved to approve the Planning Commission minutes of August 13, 2013 as amended. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Knowlton, Mumford, Oblad, Jensen, and Council Member Horrocks. Council Members Klotz and Drinkall were excused.**

5. ADJOURN

Chairman Oblad adjourned the meeting at 8:21 p.m.

Chairman

Secretary