

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
FEBRUARY 11, 2014

FINAL

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

PRESENT: Commissioner Chairman Bruce Oblad
Commissioner Kim Jensen
Commissioner Ted Knowlton
Commissioner Lisa Watts Baskin
Commissioner Stephen Garn
Council Member Ryan Mumford

EXCUSED: 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: Jeff Harwood, Harwood Mechanical; Brian Bott, Bott Pantone Architects.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR HARWOOD MECHANICAL LOCATED AT 125 NORTH 400 WEST. JEFFREY HARWOOD-HARWOOD MECHANICAL, APPLICANT

Jim Spung reported that Harwood Mechanical is an HVAC installation contractor which stores and builds ductwork for jobsites. They are currently licensed in the City and are proposing to lease Unit A at 125 North 400 West. The company is an HVAC installation contractor which stores and builds ductwork for jobsites. They currently have 10 employees with 7 employees onsite during a peak shift. The parking requirement for this applicant is 10 stalls and as the entire site has 63 total stalls, including 3 ADA stalls, no additional parking stalls are needed. The applicant is proposing to use an existing storage yard on the north end of the building for trucks, materials and other equipment. City code requires that outdoor storage is only allowed in the designated area and must be screened from view by a 6' solid fence or wall. There is currently a chain-link fence with partial slats on site which will need to be completed to conform to code.

The landscaping on the property has not been maintained and will need to be installed in specific locations. The City encourages xeriscaping and drought tolerant plants where possible and the overall landscaping must be attractive and include some plant materials. The applicant is proposing a 3' x 5' sign to be displayed on the building and is required to obtain a sign permit prior to the issuance of a business license.

The Development Review Committee (DRC) recommends the following conditions: fencing along the storage area shall be replaced with a solid fence or wall or slats be installed, outdoor storage is only permitted in the enclosed area, landscaping improvements must be completed no later than May 1, 2014, where specified, and a sign permit must be obtained prior to issuance of a business license.

Commissioner Oblad commented that there were dumpsters located up and down the front of the building. Jim Spung responded that there is currently nothing in the City code that specifies where those dumpsters need to be located or if they must be screened from view. He said that City staff is working on design standards for the industrial areas and that these items were under consideration.

Commissioner Oblad asked if there were water pipes or irrigation to the islands for landscaping purposes. Jeff Harwood, Harwood Mechanical, replied that his company moved into the building last spring and is unaware if there are irrigation pipes in the area. He said the landlord of the building had told him that these types of items would be taken care of.

Jim Spung stated that he had talked with the landlord and had given him the recommended conditions that needed to be completed prior to approval of the conditional use permit. He commented that, based upon their conversation, the landlord would agree to take care of these conditions.

Commissioner Oblad commented that the City would be putting the responsibility on Mr. Harwood to make sure that the landlord completed the requirements. Mr. Harwood said he would do everything he could to comply and asked if the City would not issue his business license until these conditions were done.

Council Member Mumford said that Mr. Harwood would have until spring to complete the landscaping and would be able to get his business license before the conditions related to landscaping were met. Mr. Harwood said that the timeframe was limiting and was under the impression that a landscape architect had to be hired to develop the landscaping plan.

Jim Spung commented that a landscape architect was not necessary but that a landscaping plan did need to be submitted to the City that would show what type of plants and landscaping materials will be used. Mr. Harwood said he would prefer the area look better but that it is common area and there was only so much he could do.

Commissioner Jensen commented that the Parks Department could work with the applicant to provide recommendations and asked if June 1st would be a better deadline for the landscaping improvements. Mr. Harwood said this was more reasonable and asked that City staff send him a copy of the minutes and conditions.

Council Member Mumford expressed that the City is not trying to make things difficult for businesses but that the visual standards of the industrial areas have been raised and these areas need to be improved. He then asked if the applicant would have any problems with the conditions regarding installation of slats in the fence along the storage area and obtaining a sign permit. Mr. Harwood responded that those two conditions would not be a problem.

Commissioner Knowlton moved that the Planning Commission approve the conditional use permit for Harwood Mechanical at 125 North 400 West Unit A with the following conditions:

- 1. The fence along the eastern side of the storage area shall be replaced with a solid fence or wall; or slats shall be installed the entire length of the existing chain-link fence to screen the storage area prior to issuance of a business license.**
- 2. Outdoor storage is only permitted within the enclosed storage area. Outdoor storage includes commercial vehicles, equipment, and any other item or material related to the business.**
- 3. The applicant shall complete landscaping improvements for the landscape islands north of the site and immediately adjacent to the north driveway on 400 West no later than June 1, 2014. A landscaping plan shall be submitted and approved by the City prior to installation of the improvements.**
- 4. The applicant must obtain a sign permit from the City for any proposed signage prior to installation.**

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

Council Member Mumford asked why this particular business required a conditional use permit especially in this industrial park location. Jim Spung responded that all contractors are conditional uses in the M-D zoning district and that this helps the City to maintain the appearance and use of the outdoor storage areas throughout the City.

3. CONSIDERATION OF A TIME EXTENSION ON A CONDITIONAL USE PERMIT FOR A CHURCH AT APPROXIMATELY 979 NORTH AMBERLY DRIVE IN FOXBORO NORTH. BRIAN BOTT- BOTT PANTONE ARCHITECTS, APPLICANT

Ali Avery reported a conditional use permit and a site plan were approved in February 2013 for this church in Foxboro North. The conditional use permit expires after one year if no work has commenced on the project. This application is a request for an extension of time to February 26, 2015. The applicant is planning to move forward with construction in late 2014 or early 2015. The project was originally postponed due to the economy of the time but they are now ready to start construction. The DRC is recommending approval with the original condition that a “hold harmless agreement” must be submitted which will indemnify the City in case of flooding on the property. This is needed since the applicant is planning storm water detention that will be held on private property before going into the public storm drain system. The second condition is that this conditional use permit will expire on February 26, 2015.

Brian Bott, Bott Pantone Architects, commented that the storm water detention on this site runs parallel with Amberly Drive, in underground pipes rather than open detention basins.

Council Member Mumford commented that there will be a new park built behind the church property and that he would like to see a possible opening in the fence, pathway or other option that creates pedestrian access from the church and the park especially for the residents that want to walk to church. Mr. Bott responded that he will discuss this option with the church’s project manager and that from past experience that this is sometimes discouraged due to liability issues but that sometimes exceptions are made.

Commissioner Garn asked if the whole area should be left open or just a section. Council Member Mumford responded that any suitable idea that would improve the site, including a walkway or a post and rail fence could be an acceptable option.

Commissioner Knowlton asked if there were any legal issues attaching a condition like adding a walkway or path to this application. Ken Leetham responded that generally speaking when attaching conditions it is always best if the City’s land use ordinance has specific enabling legislation and that our current ordinance probably does not specifically state this. There are a number of ways that this connection could be accomplished including some type of trail or

pathway in the landscaped area adjacent to Norfolk Drive.

Commissioner Knowlton commented that he would urge that legislation be put in the City code to allow the authority to require access from one property to another. Ken Leetham responded that this would certainly put the City on better ground as it would apply to all types of uses.

Commissioner Oblad asked if this legislation was added to the City code if the City would then acquire that liability of some previously restricted areas. Ken Leetham responded that the City has all types of liability and we simply need to be certain that we are not negligent in maintaining our facilities so that they are safe for the public.

Mr. Bott asked if there was a plan in place for the park. Ken Leetham responded that the plans need to go through the public process. The park will be less than ½ acre in size and will have grass, trees and some playground equipment with no parking.

Mr. Bott said that he recalls discussing access from the sidewalk into the parking lot at a previous meeting with City staff and commented that he would see if that was reflected on any of the prior plans.

Commissioner Garn moved that the Planning Commission approve the conditional use permit extension for a church located at approximately 979 North Amberly Drive in Foxboro North subject to the following conditions:

1) A “hold harmless agreement” must be submitted which will indemnify the City in case of any flooding on the private property. The agreement must be approved by the City Engineer and City Attorney and recorded with Davis County prior to issuance of a building permit.

2) The conditional use approval shall expire on February 26, 2015.

Commissioner Baskin commented that wording for the third condition should be that the Planning Commission requests that the landowner investigate access issues regarding the adjacent park.

Commissioner Garn moved to amend the motion to include a third condition that the Planning Commission requests that the landowner investigate access issues regarding the adjacent park.

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

4. PLANNING COMMISSION TRAINING

Ken Leetham reported that he would like to take 20 minutes during the next meeting to discuss the Planning Commission's role as the Land Use Authority in the City from the standpoint of the State code and the City's ordinances.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of January 28, 2014 were reviewed and amended.

Commissioner Baskin moved to approve the January 28, 2014 Planning Commission minutes as amended. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Oblad, Jensen, Knowlton, Baskin, Garn and Council Member Mumford. Commissioner Drinkall was excused.

6. ADJOURN

Chairman Oblad adjourned the meeting at 7:28 p.m.

Chairman

Secretary