

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
MARCH 25, 2014

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 Ted Knowlton
Commissioner Robert Drinkall
Commissioner Lisa Watts Baskin
Commissioner Stephen Garn
Council Member Ryan Mumford

EXCUSED: Commissioner Chairman Bruce Oblad

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

OTHERS PRESENT: Cameron Stanger, Disaster Doctors; Charles Briggs, Paige Ahlstrom, residents; Nate Pugsley, Brighton Homes; Ben Lowe, Compass Development.

1. PUBLIC COMMENT

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR DISASTER DOCTORS LOCATED AT 645 NORTH TAYLOR WAY SUITE 300. CAMERON STANGER-DISASTER DOCTORS, APPLICANT.

Jim Spung reported that this is a request for a conditional use located in the MD zoning district of the City. The applicant, Disaster Doctors, specializes in restoring homes and businesses after a water disaster. They currently have two employees and anticipate hiring two more in the future. They will occupy a 2,898 square foot unit, in a 6 unit building, which will be divided into office and warehouse/shop space. There are 44 parking stalls including 2 ADA on-site for the building which meets City code requirements and the required parking for this business is 6 stalls. The applicant is not proposing any outdoor storage however the site will serve as a parking area for trucks and trailers. The Development Review Committee (DRC) is recommending the applicant

place commercial vehicles and trailers in a way to minimize the visual impact or to park them inside the building. The landscaping on-site is in compliance with the 10% minimum requirement per the City's Land Use Ordinance. The DRC recommends approval of the conditional use permit with two conditions: that any proposed or future outdoor storage must comply with screening requirements and that the applicants obtain a sign permit from the City for any signs prior to installation.

Commissioner Drinkall commented that often these types of companies expand into fire and mold removal as well. He asked if the applicant was considering this and how they would handle the disposal of mold and repair of fire damaged items. Cameron Stanger, Disaster Doctors, replied that they plan to expand into other areas of restoration. The mold would be properly contained and if they store potentially hazardous materials which requires remodeling they will obtain proper permits and approvals from the City.

Council Member Mumford moved that the Planning Commission approve the proposed conditional use permit for Disaster Doctors at 640 North Taylor Way, Suite 300 with the following conditions:

- 1) Any proposed or future outdoor storage must comply with the screening requirements in 10-1-33(B) of the City's Land Use Ordinance.**
- 2) The applicant must obtain a sign permit from the City for any proposed signage prior to the installation.**

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

- 3. PUBLIC HEARING FOR AND CONSIDERATION OF A PLAT AMENDMENT FOR THE EAGLEWOOD VILLAGE SUBDIVISION. BEN LOWE-COMPASS DEVELOPMENT, APPLICANT.**

Ali Avery reported that this is an amendment to the subdivision plat and the purpose of the plat amendment is to dedicate certain roads as public and establish public use easements. The City owns a detention basin at the northeast end of the property that will be used as a public park and possible fishing pond so the easement is necessary to provide public access to the park. With the approval of the plat amendment the City would then own and maintain the public roads, Village Center Drive and a portion of Eaglegate Drive. In addition, Village Center Drive will be renamed to Orchard Drive as there will be a connection to the existing Orchard Drive through the

roundabout. The DRC is recommending approval with no conditions.

Council Member Mumford asked if changing the street name would cause problems for emergency personnel when trying to locate the address. Ali Avery responded that the City had anticipated this change in the development agreement and the address for the apartments is already referenced as Orchard Drive.

Commissioner Baskin asked if the use of the detention basin as fishing pond was part of the development agreement and if the DRC had looked at the public safety issues there. Ali Avery replied that the pond was on the concept plan but may not have been specified for fishing. The site has not been designed yet.

Commissioner Baskin said that the memorandum reads that the basin “will be used as a public park and fishing pond” and that it should say “projected or anticipated for use as a pond” instead. Ken Leetham responded that this may be an overstatement to say that it will be used as a fishing pond. The primary use will be a detention basin and that it appears to have the potential for recreational use but that it is not a commitment. The easement was added to the plat amendment so the City would have public access to the property.

Ben Lowe, Compass Development, commented that in an amendment to the development plan that an agreement was made to build a dock for the fishing pond and they have bid out construction of the dock with the plans to be submitted to the City in 3 weeks with the 2nd phase of the apartments. The presumption was that if Compass builds the dock the City would stock the pond with fish. Ken Leetham said that there are numerous agreements on the project and one of the previous agreements does have the dock as a requirement of Phase 2.

Commissioner Baskin asked if the water in the detention basin would be secondary water and expressed concern that the water would have nitrates from fertilizer and could be consumed along with the fish. Ken Leetham responded that it would be mostly storm drain and spring water and may include secondary water that would run down from nearby properties. He said the City would work with the State to stock the pond with fish but that the water would need to be tested to see how suitable it would be for fishing.

Commission Chairman Pro-Tem Jensen opened the public hearing at 6:54 p.m. There were no comments and she closed the public hearing at 6:54 p.m.

Commissioner Drinkall asked what happens when the detention basin is full. Ali Avery responded that they are designed to fit 100 year storms and the detention basin has previously been approved and has been in existence for many years.

Commissioner Knowlton moved that the Planning Commission recommend approval of a plat amendment for the Eaglewood Village Subdivision to the City Council with no conditions. Council Member Mumford seconded the motion. The motion was approved by Commissioners Baskin, Jensen, Drinkall, Knowlton, Garn and Council Member Mumford. Commissioner Oblad was excused.

4. CONSIDERATION OF A RE-ZONE TO P DISTRICT FOR THE GRANITE RIDGE PROPERTY LOCATED DIRECTLY WEST OF THE EDGEWOOD ESTATES DEVELOPMENT. PATRICK SCOTT-BRIGHTON HOMES, APPLICANT.

Ali Avery reported that the general development plan was approved by the City Council and now needs to be rezoned to a Planned (P) District. This rezoning includes the conditions placed by the City Council regarding the phasing of the development in regards to the mining, architectural and design standards, methodology for the notification of mining, resizing of Lot 101 to include the full trail width, and does not commit the city to 64 lots.

Mrs. Avery presented the changes to the architectural rules, design standards and construction guidelines for the small lots. This would include: the minimum square footage, exterior elevations, exterior finishes, garages, detached storage facilities, driveways and landscaping with percentages based on the garage size. Additional changes from the last meeting include the percentages of landscaping which would be 60% in the front yard for a 2-car garage with 2 trees in the park strip and 10 shrubs in the front yard. For a 3-car garage or 2-car garage with RV pad, 45% of the front yard must be landscaped with 2 trees in the park strip and 10 shrubs plus 1 extra tree and 5 additional shrubs or 1 tree, 10 shrubs and 1 unique feature. The driveway size would be reduced to 20' for a 2- car garage and 24' for a 3-car garage or 2-car garage with RV pad. The DRC is recommending approval with no conditions.

Commissioner Knowlton asked where the garage could start in relation to the porch and living space and that clarification should be made to the Architectural and Design Standards. Ali Avery responded that the focus is on de-emphasizing the garage.

Commissioner Garn commented in regards to the porch and if it would extend all the way across the front of the house or just a small porch in front of the door and if the design standards should specify where the garage would start in relation to the different types of porches. Ken Leetham responded that it would be good to have some variation on the porch type/size and that the garage and layout could vary. It would be best to avoid a flat flush face with the garage and the home.

Nate Pugsley, Brighton Homes, said that too many requirements would make it difficult to sell homes. Most of the home styles that Brighton Homes uses in Bountiful have recessed garages and plan to use many of the same plans in this development. He also said they would prefer to have some flexibility in the home designs to meet market demands.

Council Member Mumford commented that there had been a lot of give and take in the improvements and that he is happy with the compromises. He asked how the number of lots is finalized so both the City and the builder are clear. Ken Leetham responded that the Development Agreement will have the final number of how many small and large lots will be in the development.

Mr. Pugsley said that they had walked the area with the City Council and that it is clear that the small lots will be on the flat area and the larger lots will start where the land slopes up.

Commissioner Knowlton asked if the conditions needed to be attached or referenced in the motion or if the standards and guidelines would be included with the rezone. Ken Leetham responded that they would be attached and he would let the City Council know that the conditions were attached.

Commissioner Garn moved that the Planning Commission recommend approval of the rezoning to P District for the Granite Ridge subdivision located directly west of Edgewood Estates to the City Council. Commissioner Drinkall seconded the motion. The motion was approved by Commissioners Jensen, Drinkall, Knowlton, Garn and Council Member Mumford. Commissioner Baskin voted in opposition to the motion. Commissioner Oblad was excused.

Ken Leetham commented that when he reports this to the City Council that the motion assumes that the Planning Commission is approving all the application materials as submitted.

5. PLANNING COMMISSION TRAINING

Ken Leetham reported on the origins of building and zoning codes, and the idea of urban planning. The United States is a history of settlement and evolution of land use from rural agrarian land uses to urban land uses. In the early 1800s, considered the post settlement era of the United States, the world was going through industrialization and massive immigration to the U.S. In 1840 there were 3 U.S. cities with populations over 100,000. In 1850 there were 9 cities over 100,000 and in the 1900s there were 38 cities with over 100,000 people with 40% of the population living and working in urban areas. This time period didn't really have electricity, automobiles or modern plumbing. The origins of the first building codes were an attempt to

improve public health. The earliest zoning codes also tried to address incompatible land uses such as factories next to residential areas. Some of the reactions to the high density apartment buildings and open sewer/unsanitary conditions was the city beautiful movement which included the World's Fair and architecture in an attempt to beautify urban spaces. The plan for Washington DC was also an attempt to layout a system for a well-planned city and a desire for the U.S. to establish its capital.

New York City was an area that experienced the most urban pressure in the country. There was a push in the 1840's to have a vision for open space and Central Park was born out of the idea to preserve 750 acres of open space which was a big commitment for the city.

Over time there are court cases and laws establishing the government's right to use zoning to protect public health, welfare and protect open space.

All cities in Utah are required to pass an ordinance establishing a Planning Commission. (Section 10-2-1, NSL Land Use Ordinance) This ordinance defines how many members there are, how long they serve and the duties and authority of the Commission. In North Salt Lake the Planning Commission makes recommendations on these matters: general plans and amendments, land use ordinances, subdivision proposals, general development plans, site plans for non-residential buildings over 30,000 square feet or on property over 5 acres in size, MF residential over 6 units, and any MF or non-residential buildings on a P District or within an RDA, EDA or CDA. Mr. Leetham commented that general development plans and P Districts are unique to North Salt Lake.

Council Member Mumford asked if developers feel that the City is difficult to work with in regards to the general development plans and P Districts. Ali Avery commented that one of the benefits of the P District is that the applicant can negotiate exceptions to the City code which is more difficult to do in other cities.

Ken Leetham also reported that the Planning Commission has been appointed as the Land Use Authority for the following decisions: conditional uses, site plans below certain thresholds, and specific expectations on parking, landscaping and some lot sizes. He also addressed how the City staff makes recommendations to the Planning Commission. The purpose of the Commission is to measure compliance in the following areas: zoning compliance, parking, landscaping standards, signage, site setback, etc. The Planning Commission's statutory role is to measure whether a development complies with City's Land Use Ordinance and to make judgment in relation to public health, safety and welfare of City residents. The Planning Commission cannot make arbitrary decisions based on architecture, building colors or opinions not supported by the Land Use Ordinance.

Mr. Leetham commented on the appeal process and said that appeals made by City staff go to the City's hearing officer who deals with variances from the terms of the Land Use Ordinance, denials of business licenses and building permits. Appeals of the Planning Commission's decisions go before the City Council.

Commissioner Baskin asked how and when the City's Development Review Committee was created and their purpose. Ken Leetham replied that he is unsure when the original DRC was established but after he was hired amendments were made to the code that set the DRC up the way it functions now. There is a member from each department including the Police, Fire, City Engineer, City Manager, Community Development and building official as the City is small enough that most decisions impact every department. The Committee meets every Monday and discusses land use amendments, non-compliance, and other code issues.

Commissioner Baskin asked how the Committee was working. Ali Avery responded that it functions significantly better than when there was no Development Review Committee as they have worked without and with a committee and that the process runs more smoothly now.

Commissioner Knowlton commented that the DRC presents a unified recommendation from City staff to the Planning Commission and asked how they work through disagreements or if the Planning Commission needs to step in when there is a conflict. Ken Leetham replied that when the decision goes through the system it improves the quality of the decision. The Committee is unanimous in their recommendation when it comes before the Planning Commission.

6. APPROVAL OF MINUTES

The Planning Commission meeting minutes of March 11, 2014 were reviewed and approved.

Commissioner Drinkall moved to approve the minutes from the Planning Commission meeting on March 11, 2014 as written. Council Member Mumford seconded the motion. The motion was approved by Commissioners Jensen, Knowlton, Drinkall, Baskin, Garn and Council Member Mumford. Commissioner Oblad was excused.

7. ADJOURN

Commissioner Jensen adjourned the meeting at 8:18 p.m.

Chairman Pro-tem

Secretary