

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
MAY 13, 2014

**FINAL**

Chairman Pro Tem Kim Jensen called the meeting to order at 6:31 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: Commission Chairman Bruce Oblad

STAFF PRESENT: Ken Leetham, Assistant City Manager and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Ali Avery, City Planner; Jim Spung, Administrative Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Steve Israelsen, Curtis Barnett, Sky Properties; Ty Cragun, Tom Stuart Construction; Ben Whitney, Henry Walker Homes, Joe McAllister, Tyler Dehaan, Scott Hughes, Hughes General Contractors.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF AN AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR BELLA VIDA LOCATED NORTHWEST OF THE EDGEWOOD ESTATES DEVELOPMENT. CURTIS BARNETT-BVE LLC, APPLICANT.

Ali Avery reported that Bella Vida is northeast of the Granite Ridge development which was recently approved. Bella Vida is in a Planned District (P District) which includes a general development plan. The original general development plan had five (5) 3-story condo buildings and was amended in 2011 to include the Villas at Bella Vida which are single family homes with common maintenance of the landscaping. Currently one condominium building and clubhouse

have been constructed. This proposal is to amend the general development plan to remove the second condo building and replace it with six (6) more villas. This change would decrease the density of the project by 52 units. City code requires that a public hearing be held when significant changes are made to an approved development plan. Sky Properties met with and received a unanimous vote from the Bella Vida Home Owners Association (HOA) to approve this updated plan. The number of parking stalls for building #1 and the clubhouse will remain the same with additional guest parking to be added between units 47 & 48. The Villas will have 20' minimum front yard setbacks, a minimum of 10' between the buildings, and 5' setbacks from any other property line and the Villas are in compliance with setback regulations. They will be the same house type as the Villas that are under construction now. The foundation hole for building #2 was dug several years ago and has still not been filled. Sky Properties received a time extension from the City Council on April 15, 2014 to have the hole filled by November 30, 2014. The open space requirement for this development is that 40% of the total site area be open space and that half of that open space be common open space. The proposal contains 60% open space and is in compliance with City regulations.

Mrs. Avery stated that the next step for this development, after approval from the Planning Commission, would be to receive approval from the City Council for this general development plan and once that is approved then the applicant would seek preliminary design plan and final plat approval from the Planning Commission and City Council. Once that final plat is approved and recorded with Davis County then they may submit building permits for the homes in this development.

The Development Review Committee (DRC) recommends approval of the amendment to the Bella Vida at Eaglewood general development plan to remove Building #2 and add 6 units to the Villas at Bella Vida Phase 3 with no conditions.

Commissioner Baskin asked in regards to the location of the six new Villas. Ali Avery replied that there are three on one side of the street and three on the opposite side of the street which would be comprised of the renumbered lots 21, 22, 23 and 47, 48, 49 on the revised concept plan.

**Commissioner Pro Tem Jensen opened the public hearing at 6:39 p.m. There were no public comments and she closed the public hearing at 6:43 p.m.**

Steve Israelsen, Sky Properties, commented that they met with the HOA and discussed the benefits of removing the second condo building and the changes to the amenities as they are reducing density, including a concierge service and community van. The discontinuation of certain amenities reduced the HOA fees and made the project more of a typical HOA

development.

Commissioner Drinkall asked if the removal of the second building was due to economic reasons. He also asked if the first condo building was full. Mr. Israelsen commented that it had been difficult to obtain financing for condo funding. He also said that 10 condo units sold to 3<sup>rd</sup> parties and 14 units were currently owned by Sky Properties and leased to tenants.

Commissioner Garn asked if the foundation hole will be filled prior to building any homes in that area. Mr. Israelsen said that once the preliminary plans are approved, the hole will be filled so the road can be installed.

Commissioner Jensen asked how many of the new villas have been sold. Mr. Israelsen replied that 7 of the villas have been built and 4 are currently occupied by homeowners.

**Commissioner Garn moved that the Planning Commission recommend approval of the proposed amendment to the Bella Vida at Eaglewood general development plan to remove Building #2 and add 6 units to the Villas at Bella Vida Phase 3 with no conditions.**

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

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR HERITAGE STONE SUPPLY LOCATED AT 735 WEST 200 NORTH. ALEXANDER CHUMACHENKO-HERITAGE STONE SUPPLY, APPLICANT.

Jim Spung reported that the conditional use permit for Heritage Stone Supply is for a stone-cutting and palletizing business at 735 West 200 North in the M-D zoning district. The applicant is proposing to occupy approximately 210 square feet of office space and 3,081 square feet of warehouse space. The equipment to be used on site will be a stone saw, forklift and other cutting equipment. This will be the 6<sup>th</sup> business on this parcel with 5 other active businesses at this site including two towing companies. The parking on site consists of 11 parking stalls which meets City standards and satisfies the 4 stalls required for this business. The DRC recommends that 1 ADA stall be installed on site, that the area along 200 North be landscaped, and that the applicant may not use any portion of the site for outdoor storage other than approved storage areas.

Council Member Mumford said that based on the photos presented to the Commission that the site improvements required for the towing companies were not completed and asked what recourse the City had. Jim Spung replied that the City is preparing a letter allowing them another 30 days to come into compliance and if they do not comply then their conditional use permit and

business license will be revoked.

Commissioner Jensen commented that the parking lot appeared to have standing water. Ali Avery said that City Code states that the property owner would need to maintain the parking areas in good condition.

Council Member Mumford asked the applicant his opinion on the conditions and the timeline for complying. Alexander Chumachenko, Heritage Stone Supply, replied that he understands the concerns and will try to do as much as he can as the property owner is older. He said he will try to resolve the problem with the standing water and would like to turn the gravel area into another entrance of the parking lot.

Council Member Mumford asked what steps would need to be taken to turn the gravel driveway into an actual driveway. Jim Spung responded that the owner would need to submit a site plan application with the new driveway to be 50' from the intersection and 12' from the existing driveway. The applicant would need to decide whether to landscape the area or install a legal driveway.

Ali Avery said that if the applicant does a site plan review for the driveway the applicant would then have to address the detention and drainage concerns on the property.

Commissioner Baskin commented that the other tenants have not been in compliance and that it might be difficult for this applicant to meet some of the same conditions.

Commissioner Drinkall asked what would be the purpose of landscaping the second driveway and if it would be to deter the tow truck companies from circling the lot. Mr. Chumachenko commented that the towing companies are using the gravel area as a driveway now by driving over the curb.

Ken Leetham said in regards to conditional uses for sites like this, especially in regards to the towing companies that are not in compliance, that as an alternative the Planning Commission may issue a 90-day permit. If the applicant complies within 90 days, it would become permanent, but if the applicant does not comply, their permit would expire. This would help to make sure the applicant complies to the condition, as normally it is very difficult to have a business license revoked. He also said that City staff would investigate the completion of the second driveway with the property owner.

**Commissioner Drinkall moved that the Planning Commission approve a 90-day conditional use approval for Heritage Stone Supply located at 735 West 200 North, which will become a permitted use if the following 3 conditions are met:**

- 1) **One (1) ADA stall must be striped on-site in compliance with City standards prior to issuance of a business license.**
- 2) **The landscaping along 200 North from the west edge of the existing storage fence to the western property line be improved in compliance with the City standards or work with the City to bring forth a site plan improvement for a future drive entrance and landscape the remaining 200 North frontage west of the proposed newly installed driveway.**
- 3) **Heritage Stone Supply may not use any portion of the site other than the approved storage areas for outdoor storage of any kind.**

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

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR OROZCO LANDSCAPING AND CURBING LOCATED AT 967 WEST FOX HOLLOW DRIVE. JOSE OROZCO-OROZCO LANDSCAPING AND CURBING, APPLICANT.

Jim Spung reported that the applicant for this conditional use permit is considering withdrawing his application, as he currently has a business license in Layton and was considering a home based business in North Salt Lake. This application for a home business also requires a public hearing which has not yet been noticed. Mr. Spung recommended tabling this item until further notice.

**Commissioner Drinkall recommended tabling this item until further discussion is needed. Council Member Mumford seconded the motion. The motion was approved by Commissioners Jensen, Knowlton, Baskin, Drinkall, Garn and Council Member Mumford. Commissioner Oblad was excused.**

5. CONSIDERATION OF A SITE PLAN FOR A BUILDING ADDITION FOR BURT BROTHERS LOCATED AT 737 NORTH 400 WEST. TY CRAGUN-TOM STUART CONSTRUCTION, APPLICANT.

Jim Spung reported that this application is for Burt Brothers who is an automotive tire and service provider with company headquarters in North Salt Lake. They are proposing to construct a 21,600 square foot addition to the existing structure, consisting of office and warehouse space, to accommodate growth. Estimated shipping and receiving on site will consist of weekly deliveries from manufacturers and daily deliveries to stores within the area. There are fifteen

(15) employees on site during a peak shift. The original approval for the existing building was February 15, 2005 and the Planning Commission reduced the overall landscaping percentage from 10% to 7% due to the configuration of the lot. The applicant is increasing the overall landscaping percentage to 7.6% which would still be in compliance with their original approval. Both of the existing driveways do not comply with current City Code so they will be required to bring this into compliance now. The applicant is proposing to install a 3' landscaped island on both ends of the driveway to bring them into compliance.

Council Member Mumford said that the previous approval had the building located off of the property line, but now the building is located right on the property line. Jim Spung replied that there is a 0' setback in the industrial area so it does meet City standards, and that the Chief Building Official had reviewed it for Building Code compliance as well.

Jim Spung also reported that the parking does not comply, as there are only 22 stalls, so the applicant will be required to provide 28 new stalls with 2 ADA stalls for a total of 46 stalls on-site including 2 ADA stalls. The applicant is not proposing any outdoor storage at this time. However, in the future, if they do they will be required to screen the storage area with a 6' high fence or wall. The applicant is also proposing 3 strands of barbed wire atop the fence on the rear of the property which is compliant with City Code. The addition will be constructed of painted tilt-up concrete panels and will be 29' tall which complies with the maximum height limit in that area.

Council Member Mumford asked where the applicant was proposing to put the barbed wire. He also said that it seemed like the building was constructed differently than the original site approval and what kind of recourse the City had. Jim Spung responded that the barbed wire would be placed on the new chain-link fence around the property. He also stated that there are now a series of inspections that occur to insure compliance, particularly the Certificate of Occupancy inspection conducted by several departments.

**Commissioner Baskin moved that the Planning Commission approve the site plan for Burt Brothers located at 737 North 400 West with the following condition:**

- 1) The engineering drawings for the approved site plan must be re-submitted to City staff prior to issuance of a building permit.**

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

6. CONSIDERATION OF A PRELIMINARY DESIGN PLAN AND FINAL PLAT FOR THE VIEWS AT EAGLEWOOD VILLAGE PUD PHASE 3 LOCATED EAST OF THE VIEWS AT EAGLEWOOD VILLAGE PUD PHASE 2. JOHN KOLLMAN-HENRY WALKER HOMES, APPLICANT.

Ali Avery reported that the previously discussed Bella Vida development is directly south of this development. The fourth amendment to the development agreement for Eaglewood Village was amended on November 6, 2012 and reduced the single-family units from 160 to 110. With the final platting of the phases, however, only 94 units are being proposed for all three phases. Phases 1 & 2 include 63 single family lots and have already been approved. Phase 2 was approved by the City Council with two conditions which included that Henry Walker Homes is to work with City staff regarding a possible rebate of park impact fees to be applied to a pocket park which currently remains undeveloped. The second condition was that Henry Walker Homes shall landscape both access streets, Eagle Pass and Ridgeline Drive, from Eaglewood Village Subdivision out to Eagleridge Drive. The second condition has been completed and the DRC recommends that the first condition be applied to the current phase. Phase 3 contains 31 single family lots and will complete the road system in the development. The setbacks for these lots include a front yard setback of 18' to the garage and 12' to the living space, rear yard setbacks of 10' and side yard setbacks of 5'. Lot 6 of Eaglewood Villas Subdivision must be vacated by the City Council prior to platting, and a public hearing has been advertised for the City Council meeting on May 20, 2014.

The DRC recommends approval with the condition that Henry Walker Homes work with City staff regarding a possible rebate of park impact fees to be applied to a pocket park or tot lot within the Eaglewood Village subdivision not to exceed \$10,000.

Council Member Mumford asked if these private streets could ever be donated to the City to become public streets. Paul Ottoson replied that these streets are below City standards as a City street is a 50' right-of-way and these streets are 31'.

Commissioner Baskin asked if the location of the tot lot park would be safe. Ben Whitney, Henry Walker Homes, said that they tried to have all the plans in before the meeting but that they will be building a retaining wall behind the park. He mentioned that the park's location on the plan will be moved to the west side of the road where they had previously proposed building some homes, but were unable to construct homes there because of the geotechnical recommendations.

Commissioner Drinkall commented on the recent buyout of Henry Walker Homes and asked if there would be a problem in completing this development. Mr. Whitney replied that the merger with Oakwood Homes infused 80 million dollars into the company and that they would have no

difficulties finishing the project. He also said that the tot lot would be maintained by the HOA.

**Commissioner Knowlton moved that the Planning Commission recommend approval of the proposed preliminary design plan and final plat for The Views at Eaglewood Village P.U.D. Phase 3 to the City Council subject to the following condition:**

**1) Henry Walker Homes shall work with City staff regarding a possible rebate of park impact fees to be applied to a pocket park/tot lot within the Eaglewood Village subdivision not to exceed \$10,000.**

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

7. CONSIDERATION OF A SITE PLAN FOR A NEW TRUCK SHOP AND CONDITIONAL USE PERMIT FOR A REDUCTION IN THE LANDSCAPING PERCENTAGE FOR HUGHES GENERAL CONTRACTORS LOCATED AT APPROXIMATELY 900 NORTH REDWOOD ROAD BUILDING #200. TYLER DEHAAN-HUGHES GENERAL CONTRACTORS, APPLICANT.

Ali Avery reported that Hughes General Contractors owns a complex with multiple buildings on 900 North Redwood Road, and are now interested in building a truck repair and maintenance shop to service their own vehicles and equipment, and a small office. The developed area is about 7.84 acres and will require City Council approval due to the lot size. The trucks and equipment are owned or operated by Hughes General Contractors, so it will not be open to the public. The building size will be 9,155 square feet in size and will be 24' in height. The applicant will be complying with the required 23 parking stalls with 1 ADA stall. There are also two 33' driveways that provide access from Redwood Road which will require UDOT approval prior to construction. The proposed landscaping is approximately 8,655 square feet or 5% of the site area and the applicant is asking for a conditional use permit for a reduction in the landscaping percentage, which the Planning Commission is authorized to do. The applicant is asking for the reduction because a majority of the area is a storage area and the landscaping in front is in compliance with the City's cross-section for Redwood Road. They will be installing sidewalk and street trees. The sidewalk on the north and south ends of the site are missing from the site plan, so the DRC is recommending that the sidewalk be stubbed out in those areas to connect to the neighboring properties.

On May 7, 2013, the City Council made an agreement with Hughes that in exchange for rezoning their property from General Commercial (CG) to Manufacturing Distribution (MD), that Hughes

would be responsible for improving the entire Redwood Road frontage that they own in accordance with the City's cross-section which includes a 24' wide landscaped area that has sidewalk, curb and gutter, and landscaping area with street trees. The City agreed to incur the cost for piping a drainage ditch if Hughes would improve the entire frontage in that area.

The DRC is recommending that all those improvements be made at this time, prior to receiving a Certificate of Occupancy for this proposed building. Mrs. Avery explained the recommended conditions from the DRC, which are:

- 1) The applicant must submit proof of UDOT site plan approval to the City prior to issuance of a building permit. The site plan approved by UDOT must be the same site plan approved by the City Council.
- 2) The lighting plan must be updated to include lights to illuminate the two driveways on Redwood Road. The lights may be installed on private property or UDOT right-of-way.
- 3) The culinary water line connection must be made on Redwood Road rather than 1100 North, unless the applicant submits proof that UDOT will not give approval for the connection in their right-of-way.
- 4) All the Redwood Road improvements mentioned in the City Council motion from May 7, 2013 must be completed prior to obtaining a Certificate of Occupancy for the truck shop. The design of the storm drain pipe on Redwood Road must be completed by the applicant and approved by the City Engineer prior to issuance of a Building Permit.

Mrs. Avery mentioned that UDOT is the approval authority for driveway accesses or anything that happens along their public right-of-way. So, the DRC is recommending that they submit proof that they've received site plan approval from UDOT, which would include the driveway accesses, and also that the plan approved by UDOT is the same plan that is approved by the City Council.

She also mentioned that there are two pockets where the driveways are located which are not illuminated. The City ordinance requires illumination of parking areas, so the DRC is recommending that additional lighting be provided in those areas.

Mrs. Avery went on to explain that the applicant has proposed to have the culinary water and sewer lines connect on 1100 North through the east end of the property to the north of the subject property. The City does not have the authority to regulate the location of the sewer line, but the DRC is recommending that the culinary water line connection be made from Redwood Road

rather than 1100 North. The applicant has shown both options on their plan so that, in case UDOT will not give them approval to make the water connection under Redwood Road, they won't have to amend their site plan with the City since both options are already shown.

Commissioner Knowlton asked what the code requirement for landscaping would be and what percentage the applicant was asking for in regards to a reduction. Ali Avery replied that the reduction that the applicant requested was 5% and the City code requirement is 10%.

Council Member Mumford asked if Hughes owned the property to the north where they are proposing the water line. Ali Avery replied that it is not owned by Hughes and that they would need an easement established to put the water line there. Council Member Mumford also asked for clarification on the previous re-zoning of the property, and established that the property on the corner of 1100 North and Redwood Road is still zoned as commercial. He then asked if there would be a fence or paving at the edge of the property and what the access to the property would be. Ali Avery replied that there would be chain-link fence surrounding the property with a gate for access. There will also be a 7' wall that will be finished along a portion of the property fronting on Redwood Road. Council Member Mumford asked if a 7' high wall is in compliance with the City Code, and Mrs. Avery responded that the 6' fence or wall height is a minimum height requirement for screening of outdoor storage.

Joe McAllister, general counsel for Hughes General Contractors, commented that this project is 7.84 acres but that a permanent security fence will be erected and would be separate from the disturbed area/planned project which will be 1.2 acres which shouldn't require this project to go before the City Council. In regards to the second condition he said that UDOT did not maintain prior records of approved accesses and that these driveways on the property are currently in use. The accesses are proposed to continue to be used in the same manner. He mentioned that he had spoken with the director of UDOT who told him that they do not have a record of the accesses that were approved and used prior to this becoming a Category 3 highway access. His concern about the lighting plan is that UDOT would not permit the addition of lighting on or which would affect the right-of-way. He read an excerpt (10-6-12) from the City Code where it requires that lighting used to illuminate any parking lot shall be arranged to reflect away from any adjoining premises or street traffic. Mr. McAllister was concerned that light reflecting into the eyes of the driver along the road will become a safety problem, and will create a conflict with UDOT and neighboring property owners. The concern he had with the third condition and the routing of the utilities would be any restrictions on what could be built on top of it. He mentioned that they had drafted, but not executed, an agreement with Mr. Collins who owns the property to the north. He said the depiction of where the water line will go was incorrect, and that it will be located 10 feet to the west of an existing drainage easement at the east end of Mr. Collins' property. If they were required to connect from Redwood Road, they would have to stop

traffic and bore under the road. Hughes would prefer to put the culinary water line on 1100 North versus Redwood Road. The issue with condition 4 is that Mr. McAllister believes that the project was to be completed within two years from May 2013, and that the City's portion of the project, which included installation of reinforced concrete pipe (675 feet) for the drainage ditch, needs to be budgeted for and completed. He also mentioned that the Redwood Road improvements are separate from this site plan.

Mr. McAllister said that Hughes wants the intersection and area to look nice and that they are committed to improving the look and feel of the frontage by extending the landscaping areas and privacy wall which will cost them approximately \$143,000. He requested that it not be a condition of approval that will hold up occupancy of the truck shop. He said that as soon as the City installs the pipe, then Hughes' is ready to install the landscaping. It was mentioned that the cross-section designates 24 feet of landscaping, but the right-of-way only extends 20 feet behind the curb. Mr. McAllister spoke from a transcript he had of the City Council meeting when the property was re-zoned where Barry Edwards, City Manager, spoke about what Hughes had agreed to, which was: 1) complete the wall, 2) install the storm sewer line, provided that the City will pay for the pipe, 3) landscape with grass and trees approved by Rocky Mountain Power, and 4) when Farley Collins' property re-develops, then they will make the sidewalk connection to 1100 North. He then requested that condition 1 regarding UDOT approval of the site be removed due to it being difficult to receive UDOT approval as they did not keep records and also removal of condition 2 to light the driveways as Hughes will not be having public visitors or after hours work at the site. They would also like an acceptable alignment for the water line that would line up with their proposed sewer line and not restrict a future building location for the property to the north. He also wanted to clarify that he doesn't believe the wording of the original motion included the sidewalk extension along their entire frontage.

Council Member Mumford asked for some clarifying language regarding the lot lines around this site. Mr. McAllister responded that it is all one lot, past this site area. Council Member Mumford also asked for details about the fencing and whether it is screened. Mrs. Avery responded that the gates at the north and south of the building facing the road will be chain-link fence with slats, and that the rest of the fencing will be chain-link with no slats.

Commissioner Knowlton said that it would be helpful to hear the minutes from the City Council motion regarding the Redwood Road improvements.

Ken Leetham addressed the conditions, comments, and concerns raised by Hughes General Contractors. He said that it is customary for the City to ask for UDOT site plan approval from applicants on State roads and asked for some evidence that the plan had been submitted to UDOT. He also said that in regards to the lighting plan that the City is just requesting that the

driveways are slightly illuminated for safety at night, not that there are bright lights to distract drivers. He suggested that condition #4 should be eliminated since an agreement is already in place for the improvements, and he doesn't think that it would be beneficial to try to re-create the City Council meeting or to tie the improvements to the Certificate of Occupancy for this building. He also commented that a sidewalk would need to be constructed along Redwood Road per City Code.

Paul Ottoson responded to condition 3 that if Hughes wants the culinary water line connection to be made on 1100 North they would need to get permission from the property owner and that Hughes would be responsible for the cost of the connection. He said that the DRC is no longer concerned about where the connection is made, and that he would prefer that there not be a connection on Redwood Road in the case of a leak. He brought up the issue that the re-construction of 1100 North is currently underway, and that this connection is not shown on the construction drawings. So, something would have to be worked out with the contractor, but that he would prefer that it be taken care of soon so that they can time the connection being made before the road is complete.

Mr. Leetham addressed the concern about the size of the site by responding that, according to their site plan materials, some disturbance will occur on the entire site, not just the front 1.2 acres. He said that the decision to include that area was made several weeks ago, and that if the site area were to be disputed, then the item is not ready for approval by the Planning Commission and would have to wait two weeks for review.

Council Member Mumford asked if the dustless gravel was already installed in the storage yard. Mr. McAllister said that all the parking areas are vegetated or a dustless gravel base. Ali Avery mentioned that the engineered drawings indicated that they would be installing a dustless gravel surface in the storage yard and that the City Code requires that all outdoor storage be surfaced with either dustless/washed gravel or asphalt. Tyler Dehaan, Hughes General Contractors, said that the back storage area is already dustless.

Commissioner Knowlton requested clarifying language on the requirement for lighting. Ali Avery responded that the City Code requires that parking areas be illuminated, and that City Staff had interpreted that as including the driveway areas. There is no requirement that it be on public or private property.

Joe McAllister commented that Hughes would be okay to have this move before the City Council. He is concerned about the UDOT approval as they did not maintain any records of their prior approvals of ins and outs. Scott Hughes, Hughes General Contractors, said that they went through the process including a traffic study 20 years ago and they are not changing the use of

the property or the existing accesses. Council Member Mumford asked if they maintain records now, to which Mr. McAllister replied that he believes they do. Mr. McAllister also said that UDOT would treat their request as a brand new access. He also said that UDOT does not require site plan approvals.

Ali Avery responded that when you change the use of a property along a state road, you have to get site plan approval through UDOT. She mentioned that the City has worked with many applicants who have had to get site plan approval through UDOT, regardless of existing access points. Mr. McAllister replied that he does not believe that the use is changing, because the traffic will go in and out of the site in the same way. Commissioner Drinkall said that because a structure is being built, they would be required to get approval through UDOT who may require a traffic study, etc.

Ali Avery said that the City is looking for confirmation directly from UDOT now, even if it is just a written confirmation that Hughes does not need to submit an application. Joe McAllister replied that they would be happy to provide an acknowledgement to the City that Hughes has contacted UDOT and has reviewed the site plan with them.

Mr. McAllister spoke regarding the lighting issue and mentioned that he does not interpret the city's lighting ordinance to include illumination of the right-of-way area and believes it will be a safety problem to add more lights. Commissioner Baskin asked how the City Code defines parking lot, to which Mrs. Avery responded that she doesn't believe it is defined. She also mentioned that there are several safety issues associated with illuminating the driveway area. She said the City is not asking to illuminate the street, just the driveways. So, relocation of the lights would be possible as long as the driveways and parking areas are illuminated.

Chairman Pro Tem Jensen asked if a written acknowledgement was required from UDOT. Joe McAllister said they are willing to get a written acknowledgement from UDOT. Ken Leetham responded that the motion should be amended to reflect that.

**Commissioner Knowlton moved that the Planning Commission recommend approval of the site plan and conditional use permit for a reduction in the landscaping percentage for Hughes Truck Shop located at approximately 900 North Redwood Road Building #200 to the City Council subject to the following conditions:**

- 1) The applicant must provide written acknowledgement from UDOT that the site plan has been reviewed. The site plan must be the same site plan approved by the City Council.**

**2) The lighting plan must be updated to include lights to illuminate the two driveways on Redwood Road. The lights may be installed on private property or UDOT right-of-way.**

**3) Sidewalks must be stubbed on the north and south sides of the Redwood Road frontage.**

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

**8. DISCUSSION ABOUT THE CREATION OF A NEW ZONING DISTRICT FOR THE PROPERTIES ALONG CUTLER DRIVE AND CENTER STREET WEST OF REDWOOD ROAD.**

Ken Leetham reported that there is an area of the City around Redwood Road and Center Street, along Cutler Drive, where there is General Commercial zoning placed over existing uses and are light industrial in character. The problem is that building and characteristics of the properties do not really match the zoning provisions and City staff has had to turn down business applications for these properties. These barriers could be removed to insure economic prosperity by creating new zoning districts for the properties along this area. Currently that location is underutilized as there are 91 units where business could be located but only 45 active business licenses in that area. The focus would be that more focus would be on what happens inside the buildings and less on the specific type of use. There will be standards for site development in regards to landscaping and architecture with more flexibility on what happens inside the buildings.

Mr. Leetham presented a concept plan from a property owner on Cutler Drive for how a site could be developed. The owner would like to lease the building to Safeway Services which provides scaffolding and refurbishes pipes and valve fittings. The use would be confined to the inside of the building with a screening wall for storage and a landscaping plan. This concept is coming forward as an amendment to the City code and would be presented as something that applicants could apply for.

Commissioner Knowlton commented that he likes the basic idea of being flexible with the use inside the buildings and how it interfaces with the community. He also said that parking would need to be taken into consideration and be flexible enough to work in that area.

Commissioner Baskin asked if light industrial was not a current zoning designation in the City. Ken Leetham replied that in this neighborhood the issue is that most of these properties were

developed at a time when the area was zoned for Manufacturing Industrial (MD) or General Commercial (CG).

Council Member Mumford asked if the Redwood Road Community Development Area (CDA) project covered the area owned by the truck stop and welding shop. Ken Leetham replied that it did and the other issue driving this zoning change is the amount of renewed interest in building non residential buildings in this area.

Commissioner Baskin commented that there is the worry of a business or charter school that could be placed in an area that was not appropriate and that the transition from light industrial to retail would need to be very controlled by the City. She asked what was causing the renewed interest in the area. Ken Leetham replied that there is available property in the area, the pricing of the land, and lease rates were attracting more development and businesses. He also said the refineries bring support businesses to the surrounding areas as well.

Jim Spung said that this new zone would not be intended to allow every use and the City would still regulate use for the heavier uses. It would be a flexible tool to allow self contained and other types of businesses that are currently prohibited per the zoning requirements.

#### 9. APPROVAL OF MINUTES

**Council Member Mumford moved to table the minutes so that Commissioner Baskin had a chance to review the minutes. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Jensen, Knowlton, Baskin, Drinkall, Garn and Council Member Mumford. Commissioner Oblad was excused.**

#### 10. ADJOURN

Chairman Pro Tem Jensen adjourned the meeting at 9:35 p.m.

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Chairman Pro Tem

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Secretary