

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
SEPTEMBER 14, 2021

FINAL

Commission Vice Chair BreAnna Larson called the meeting to order at 6:30 p.m. and Alisa Van Langeveld led those present in the Pledge of Allegiance.

PRESENT: Commissioner Ron Jorgensen
Commissioner BreAnna Larson
Commissioner Katherine Maus
Commissioner Alisa Van Langeveld
Commissioner Brandon Tucker
Commissioner William Ward

EXCUSED: Commission Chair Ted Knowlton

STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Bennett, Planner.

OTHERS PRESENT: Geofferey Eidem, Celestial Auto Pros; Duaine Rasmussen, Hayley Pratt, Castlewood Development.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A 32-FOOT
DRIVEWAY LOCATED AT 903 WINTER LANE, ZACH LAMANO, APPLICANT

Mackenzie Bennett reported that 903 Winter Lane, located in The Ridge subdivision, was currently undeveloped. Skyland Investment & Development submitted a building permit application to construct a single-family home on the lot with a 32-foot driveway. City code would permit one driveway up to 30 feet wide or up to 40 feet with a conditional use permit. The applicant did not request a driveway larger than 32 feet due to the proposed driveway's location in relation to the side property line and existing water meter. City code requires that all driveways be a minimum of 3 feet from side property lines. The driveway should also be a minimum of 5 feet from existing utilities. The existing water meter was purposefully located in the center of the undeveloped lot, within the right of way, to allow for a driveway to go on either side of the property. The water meter cannot be relocated due to a City placed moratorium that prohibits cutting into the new road for a minimum of 5 years after installation. The Development

Review Committee (DRC) recommended approval of the conditional use permit with no conditions.

Commission Chair Larson asked for clarification on the requested driveway width as the motion stated 38 feet. Mackenzie Bennett clarified that the requested width for the driveway was 32 feet. Commissioner Van Langeveld asked if this was an individual lot specific conditional use and not for other lots in the development. Mackenzie Bennett replied that the conditional use permit for the 32-foot driveway was only for this lot.

Commissioner Van Langeveld also asked why the applicant was requesting a width larger than what was allowed in the City code and if the setbacks were being met. Mackenzie Bennett responded that the applicant had strategically placed the proposed home on the lot in an attempt to preserve aesthetic views. The proposed house placement would put the driveway in the center of the lot where the water meter was located, therefore, the driveway was redesigned to allow for safe access while also keeping the house placement as planned. She confirmed that all of the setbacks on the proposed plan were compliant with code.

Commissioner Tucker questioned the triangular portion of the lot and asked why it was not just squared off. Sherrie Pace explained that this was the property owner's choice and was due to how the home would be situated on the site and to allow for more accessibility to the RV pad.

Commissioner Jorgensen moved that the Planning Commission approve the conditional use permit for a 32-foot wide driveway at 903 Winter Lane with no conditions.

Commissioner Ward seconded the motion. The motion was approved by Commissioners Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was excused.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR BRIDGER TOWING LLC LOCATED AT 735 WEST 200 NORTH, AMBER SNYDER, APPLICANT

Mackenzie Bennett reported that Bridger Towing has submitted a business license and conditional use permit to operate at 735 West 200 North, located within the manufacturing distribution (MD) zone where motor vehicle towing and impound lots were a conditional use. Bridger Towing was previously located at 68 North 640 West where multiple towing companies operated which allowed for easier circulation with the police rotation. She explained that the 68 North 640 West location was consistently out of code compliance in regards to the parking of impounded vehicles and tow trucks that blocked drive aisles, fire access areas, and within the public street. In order to mitigate these issues at the new location, the DRC recommended that the Planning Commission place specific conditions as to the quantity and location of vehicles to be stored on the property.

The new location has four other active business licenses for tow companies. Bridger Towing would use an outdoor storage area of approximately 3,750 square feet. The applicant stated that this storage area would contain no more than 10 wrecked or impounded vehicles for no longer than 30 days. The other occupants of the tow yard would stow 6-10 vehicles each. They would not occupy the existing building on the property as they have a central office at 620 South Fulton Street in Salt Lake. There would be no employees at this location except for the occasional tow truck driver moving vehicles or meeting vehicle owners. The tow trucks would not be stored at this location as the drivers take them home each night.

The City does not have a specific parking code for tow yards and impound lots. The applicant has provided four parking stalls for employees and guests which staff has deemed sufficient for the use. These stalls would need to be maintained for employees and guests and could not be used for vehicle storage.

Mackenzie Bennett explained that this property was not currently in compliance with the City's outdoor storage code. City Code states that "all outdoor storage shall be screened from the view of any adjacent public street or adjacent residential use or zone district by a decorative solid wall constructed of masonry or concrete tilt up panels which are similarly finished to match or complement the main building material on site." The current chain link fencing with vinyl slat inserts would not meet code requirements. City code also required that all outdoor storage shall be set back a minimum of twenty feet from the street right of way and shall be buffered between the screening wall and the adjacent street with improved vegetated landscaping. She said the property currently had chain link fencing with vinyl slat inserts and did not meet the setbacks as it was the storage yard was approximately 25 feet from 200 North and 10 feet from 700 West. The buffer zone had no vegetation and was landscaped with small rocks and decorative boulders. City code stated that "outdoor storage lawfully existing or permitted prior to March 6, 2018 shall not be enlarged, extended or replaced, except in strict compliance with all the requirements of this title. Non-conforming property owners shall only be required to comply with provisions contained herein, upon application for site plan amendment, conditional use permit expansion, change of primary use of the property, or subdivision. A noncomplying wall or landscaping element or related site feature shall be considered a noncomplying site element and shall not be reconstructed, except as permitted under the procedures of noncomplying sites as set forth in this title". It would be at the discretion of the Planning Commission to require the applicant to bring the property into compliance concerning fencing, buffer zones, and landscaping for outdoor storage. All four of the other active business licenses for the existing towing companies at this location were approved by City staff after 2019.

Sherrie Pace explained that a conditional use permit was attached to the property and not the business itself. She stated that the staff experience was that simply transferring the conditional use permit to a new operator on the same site, did not fully convey the process of a conditional use permit, nor the importance of the conditions imposed to mitigate potential negative impacts on surrounding properties. Ms. Pace commented that as this would be a tenant leasing the

property the improvements would fall on the owner or this new applicant. She said if the site/outdoor storage improvements were required, time should be given for completion.

Commissioner Jorgensen asked about the timeline and if staff should set this or if the Commission should require improvements within a set amount of time. Sherrie Pace suggested at least 60-90 days, ideally June 1, 2022, due to supply chain issues and the upcoming winter months.

Mackenzie Bennett said if the Commission did require that the property be brought into compliance that the conditions be specific to allow for enforcement if necessary. She recommended that the timeline extend into next year.

Commissioner Van Langeveld asked about the parking stalls and if they would be striped. Mackenzie Bennett replied that the stalls would not be striped. She said this was due to the temporary nature of the uses and not requiring tenants to make improvements to the property. Ms. Bennett explained that temporary signage had been used for similar uses in the past.

Commissioner Van Langeveld questioned when the business licenses for the other tenants would need to be renewed. She commented that the decision made tonight would affect those tenants. Sherrie Pace replied that it was a yearly renewal.

Commissioner Van Langeveld spoke on the aerial image of the property including a portion that showed multiple cars and asked if that would be used for storage. Sherrie Pace commented that if those vehicles were currently still on the property that staff would need clarification on the status and if they were junk vehicles, they would need to be removed.

Mackenzie Bennett reported that State Code required all businesses providing tow truck services be certified as a Utah State Tax Commission Impound Yard must comply with certain standards and rules. Bridger Towing received approval from the State Tax Commission on August 16, 2021 to operate as an impound yard.

The DRC recommended approval with the conditions to maintain and provide 4 parking spaces for employees and customers, limited storage of impounded vehicles to ten (10) with no single vehicle storage over 30 days, tow trucks shall not be stored onsite overnight nor stored/parked on streets, and outdoor storage fence and screening shall be brought into compliance with current standards.

Commissioner Van Langeveld questioned if the fencing required per City code addressed barbed wire. She asked if the applicant followed the City's requirements if they would no longer be in compliance with State code. Mackenzie Bennett replied that the State requirements included a six-foot chain link fence topped with barbed wire or similar fencing. She said a concrete wall with barbed wire on top should be in compliance with both the City and State.

Sherrie Pace commented that the Utah State Tax Commission required barbed wire or razor security wire but City code prohibited razor wire.

Vice Chair Larson asked for thoughts on bringing the outdoor storage into compliance on this property.

Commissioner Jorgensen commented that it seemed appropriate and that the tenant and property owner would have to determine who would bear the cost.

Commissioner Maus said that if the deadline of June 2022 was given to bring the property into compliance that all of the invested parties would have to work together. She said it was a good opportunity to include everyone in bringing the property into compliance.

Mackenzie Bennett asked if this conditional use permit was issued and compliance was not met by June 2022 if the business license could then be revoked. Sherrie Pace replied that a zoning compliance case would be opened if the applicant failed to comply. This would allow the City to revoke their business license

Commissioner Van Langeveld commented on the conditions listed in the conditional use permit and asked if they were just repeating what was already regulated by City code. Mackenzie Bennett replied that there were conditions specific to this property including the four parking spaces but some items were meant to reiterate what is already required by City code. By specifying code as conditions, it allowed for easier enforcement in the event that a business must go before the administrative law judge.

Sherrie Pace commented that being flexible and allowing them time to bring the property into compliance, it was more equitable and would not affect just the applicant.

Commissioner Maus spoke on the setbacks and if bringing this into compliance would affect storage on the property. Sherrie Pace responded that it would not.

Sherrie Pace said that the landscaping could remain xeriscaped but did require some vegetation and not just rocks. This could be street trees or grasses.

Commissioner Van Langeveld commented that she felt empathy for the property owner to install the changes including the wall and landscaping but felt that the property did need to come into compliance with City code.

Commissioner Maus asked if the other entities would need to provide parking on the site. Mackenzie Bennett replied that they had already been issued their business licenses parking was

provided through that process. This conditional use permit would not govern parking for the other businesses operating at the subject location.

Vice Chair Larson asked for thoughts on adding a condition related to proper permitting for the signage.

Mackenzie Bennett clarified that they installed signage without proper permitting from the City.

Commissioner Jorgensen commented on xeriscaping and suggested that the City review any changes or best practices that could be made to be more drought conscious.

Commissioner Jorgensen moved that the Planning Commission approve the conditional use permit for Bridger Towing LLC located at 735 West 200 North, with the following conditions:

- 1) Maintain and provide a minimum of 4 parking spaces for employees and customers;**
- 2) Storage of impounded vehicles by Bridger Towing shall be limited to a maximum of 10 vehicles, with no single vehicle being stored for greater than 30 days;**
- 3) Tow trucks shall not be stored on site overnight, nor stored/parked on street;**
- 4) Outdoor storage fence and screening shall be brought into compliance with current standard adopted by June 1, 2022.**
- 5) The business must obtain a sign permit from the City.**

Commissioner Van Langeveld seconded the motion. The motion was approved by Commissioners Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was excused.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR CELESTIAL AUTO PROS LLC LOCATED AT 847 NORTH POINTE CIRCLE, GEOFFEREY EIDEM, APPLICANT

Mackenzie Bennett reported Celestial Auto Pros LLC specialized in paint protection films (clear bra), window tinting, and ceramic coatings on vehicles and boats. The site, located at 847 North Pointe Circle, was zoned General Commercial (CG) where automotive body, paint and interior repair and maintenance was a conditional use. All work and storage would take place within the building with no vehicles to be stored outdoors. Business would be conducted between 7 a.m. and 7 p.m. Monday through Sunday. There was currently one employee with plans to gain two additional full time employees by the end of the year. City code 10-6-5 required auto repair, body shop and parts businesses to provide three (3) stalls per service bay plus one (1) additional stall per every 300 square feet of retail floor area. The business would operate with one service bay and no retail floor area. They have provided six (6) parking stalls for employees and guests which was compliant with code.

The applicant has noted that the business activities would result in little to no wastewater and do not require the use of hazardous chemicals or solvents. The DRC recommended approval of the conditional use permit for Celestial Auto Pros with no conditions.

Vice Chair Larson asked about the additional uses on the property. Mackenzie Bennett replied that there were two other businesses including Icon Glass and Peak Adventure Rentals.

Commissioner Maus moved that the Planning Commission approve the conditional use permit for Celestial Auto Pros LLC located at 847 North Pointe Circle with no conditions. Commissioner Tucker seconded the motion. The motion was approved by Commissioners Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was excused.

5. CONSIDERATION OF A PRELIMINARY PLAN, FINAL PLAT, AND SITE PLAN FOR WILLIAMSBURG LUXURY APARTMENTS AT 256 SOUTH HWY 89, CASTLEWOOD DEV., HAYLEY PRATT, APPLICANT

Sherrie Pace reported that this was the culmination of six years of work with the City and now the third developer. The City Council approved the General Development Plan for Williamsburg Luxury Apartments on October 2, 2018. The plan was amended in January of 2019 with a change of architecture and developer. Since that time the third developer, Castlewood Development, has entered into a purchase agreement with the current owners of the project. The new owners were responsible for the demolition and removal of the dilapidated structures on the property as part of their purchase agreement. On April 6, 2021 the City Council approved the amended General Development Plan which increased the total unit count to 246 with a parking ratio of 1.8 spaces per unit and a requirement that each unit be provided 1 space and the requirement that the units may not be unbundled and rented separately.

Ms. Pace explained that Castlewood Development was requesting a preliminary plan and final plat approval for a two lot subdivision for the purposes of financing the commercial building separate from the residential portion of the project. Each lot would meet the minimum standards for size and frontage. The plat would provide for a cross access easement for both lots as well as utility easements in favor of the City for the purpose of public storm drain and culinary water meter maintenance. A trail segment and public trail easement is provided along the north property line and will connect to the future Hatch Park trail segment as identified on the City's Town Center Master Plan.

Sherrie Pace reported that there were several small engineering redlines on the plat that included correction or clarification on the title report of parcel boundary description and a corrected typo in a plat note. The second part of the application would be the final site plan. She said the site plan was in compliance with the General Development plan including the continuation of the

sidewalk to Eagle Gate Drive. The site plan has been reviewed and has been found to be in conformance with the approved development agreement and city code. The City engineer has found some minor redline corrections related to page numbers and water line installation details which needed clarification. The DRC has determined that one issue remaining is related to the installation of the retaining walls adjacent to the west property line along the I-215 off ramp. The code limits the height of retaining walls to a maximum height of 8 feet measured from finish grade. Walls higher than 8 feet are required to be split into 2 or more walls and be tiered. The tallest portion of the subject retaining wall would be approximately 14 feet. Given the topography of the site and the difficulty in maintaining the area that would be created by the tier the DRC has recommended the developer seek a variance from the Hearing Officer, conditioned upon the engineered block construction as designed, which would provide better aesthetics and maintenance along the west property line. She then showed the aerial map, final site plan, and final landscaping plan to those present.

Commissioner Van Langeveld asked if the commercial building would be occupied by Chile Amor. Sherrie Pace replied that the developer would like to retain Chile Amor on the site but no agreement had been signed to date. She said there would be room for a restaurant as well as office space.

Commissioner Ward moved that the Planning Commission recommends to the City Council the approval of the Preliminary Plan and Final Plat for Williamsburg Park Subdivision & Final Site Plan for Williamsburg Apartments subject to the following conditions:

- 1) Correction or clarification on the title report of parcel boundary description;
- 2) Corrected typo in plat note and any engineer redlines on construction plans; and
- 3) A variance is obtained for a retaining wall taller than 9 feet, or the wall be tiered to less than 9 feet each.

Commissioner Tucker seconded the motion. The motion was approved by Commissioners Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward. Commissioner Knowlton was excused.

(The Planning Commission acknowledged as part of the approval at September 28th meeting that the correct number should be 8 feet and not 9 feet per City code.)

6. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY PLANNING COMMISSION

Sherrie Pace reported that she did not have any Planning Commission related items but spoke on several grant applications that the City would be applying for including a FEMA grant for ten generators for wells in addition to grants for trail segments and a sidewalk along Overland Drive.

Commissioner Jorgensen asked about an additional traffic light on Highway 89 at Eaglegate Drive. Sherrie Pace replied that UDOT required a warrant study and current use did not warrant a light there. Staff had started a traffic circulation study of the Town Center area and this data could be useful in negotiations with UDOT.

Commissioner Tucker commented that in his experience UDOT would not install a traffic signal based off a warrant study with projected use; however, he said continual badgering would draw attention to the area and may expedite the process for when the volumes were warranted. Sherrie Pace said when Village Station was completed with the addition of 400 residential units that UDOT hopefully would then have to address the intersection.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 24, 2021 were reviewed and approved.

Commissioner Jorgensen moved to approve the August 24, 2021 meeting minutes as amended. Commissioner Ward seconded the motion. The motion was approved by Commissioners Jorgensen, Knowlton, Larson, Maus, Tucker, Van Langeveld and Ward.

8. ADJOURN

Vice Chair Larson adjourned the meeting at 7:31 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday September 28, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder