

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
ANCHOR LOCATION: CITY HALL  
10 EAST CENTER STREET, NORTH SALT LAKE  
SEPTEMBER 26, 2023

**FINAL**

Commission Chair BreAnna Larson called the meeting to order at 6:30 p.m.

PRESENT: Commission Chair BreAnna Larson  
Commissioner Ryan Holbrook  
Commissioner Ron Jorgensen  
Commissioner Irene Stone  
Commissioner Brandon Tucker  
Commissioner William Ward

EXCUSED: Commissioner Katherine Maus

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

OTHERS PRESENT: Dee Lalliss, resident; Wesley Johnson, Hank's Garage; Jeff Cook, Cook Builders; Cal Johnson, Legend Engineering. Via Zoom: Mike Warren, property owner.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR HANK'S GARAGE AT 405 NORTH 400 WEST, WESLEY JOHNSON, APPLICANT

Mackenzie Johnson reported that this was a conditional use permit for 405 North 400 West which was located in the Manufacturing Distribution (MD) zone. Reception or event centers were not specifically listed in City code. Previously reception centers, including Arcoiris, were classified as "amusement, gambling, and recreation industries" and were conditional uses in the MD zone. She showed an aerial map of the property including the area used as a personal garage for vehicle storage and the proposed event space. The building consisted of 1,820 sq. ft. mezzanine and approximately 14,000 sq. ft. of main floor. Of the main floor space, only 5,652 would be used for the reception center as the remaining space was used for vehicle storage and display.

Ms. Johnson explained that there was an easement along the northern property line for access to the rear parcels. This easement would need to be relocated closer to the buildings to accommodate the event center parking. The applicant would work with the County on relocating this easement which was a recommended condition for approval of the conditional use permit. Parking code for the land use was one stall per four seats of total capacity plus one stall per 100 square feet of assembly area, equaling a required total of 78 off street parking stalls. Of those stalls, four must be ADA compliant with appropriate striping and signage. The Development Review Committee (DRC) recommended that all parking stalls be painted and signed according to the approved plan prior to the issuance of the business license. She showed images of the existing interior including the mezzanine, cars, and event space.

Commissioner Stone asked for clarification on whether the event center would be open for public rentals. Mackenzie Johnson replied that it was currently a private space but would become a commercial reception center.

Commissioner Stone asked about the bar and if the applicant would need a liquor license. Sherrie Pace replied that the applicant would need to receive local consent from the City Council and would then obtain the liquor license from the State.

**Commissioner Jorgensen moved that the Planning Commission approve the conditional use permit for Hank's Garage at 405 North 400 West with the following conditions:**

- 1) **The existing access easement be relocated (through the County) to allow for parking along the northern property line; and**
- 2) **All parking stalls must be painted and signed according to the approved plan prior to issuance of the business license.**

**Commissioner Holbrook seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

3. **CONSIDERATION OF A CONDITIONAL USE PERMIT FOR OVER 30 FEET OF DRIVEWAY AT 1025 SOUTH PLUM TREE COURT, JEFF COOK, COOK BUILDERS, APPLICANT**

Mackenzie Johnson reported that Plum Tree Court was a private road in a Planned Unit Development (PUD). The builder constructed three driveways along the 287 feet of frontage. Two of the driveways were 13 feet wide and created a circular driveway for guests and the third driveway was 40 feet wide and provided access to the garage. The standard maximum driveway width on a residential lot is 30 feet. With a conditional use permit, that maximum may be increased to 40 feet. Additionally, residential lots with a frontage greater than 100 feet in width may provide two access driveways for a circular drive. She explained that the three driveways

had already been constructed and said the damaged portion of the circular driveway would need to be repaired before the City released the concrete bond. The DRC recommended approval with no conditions.

**Commissioner Tucker moved that the Planning Commission approve the conditional use permit for over 30 feet of driveway at 1025 South Plum Tree Court with no conditions. Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

4. CONSIDERATION OF SITE PLAN APPROVAL FOR FERRELL GAS AT 95 EAST UNION AVENUE, CAL JOHNSON, LEGEND ENGINEERING, APPLICANT

Mackenzie Johnson reported the City Council approved the preliminary design plan and final plat for the Union Court Subdivision on August 15, 2023. That subdivision allowed the property owner of 95 East Union Avenue to purchase approximately 1.41 acres of vacant land from the adjacent property at 25 East Union Avenue. The site plan application for Ferrell Gas, located at 95 Union Avenue, was to expand its outdoor storage operations to the newly acquired property and improve drainage facilities for the entire property. This area, located in the MD zone, would be used for storage of trucks and trailers and met all requirements of the code regarding screening, surfacing, and location. No propane would be stored on the subject portion of the property.

Mackenzie Johnson said the site plan would bring the property into compliance with modern storm drain requirements by creating two new detention ponds. One pond would be shared by the neighboring 25 East Union Avenue. The proposed area would be surfaced with a dustless gravel and no new buildings were being proposed. The MD zone required a minimum of 15% landscaping except when reduced by the Planning Commission during site plan approval in support of water conservation efforts and when landscaping was concentrated within a front setback and not necessary for buffering purposes within the side and rear yard areas. The current plan did not have any landscaping and she said that the Commission could require the applicant to increase the landscaping to a percentage or location. The DRC did not feel that landscaping was necessary as this was an industrial area with no neighboring residential properties.

Commissioner Jorgensen commented that it was not necessary to spend water on landscaping that would not be seen and was okay to approve the conditional use permit with no landscaping.

Commissioner Holbrook said that modifications were being made to the frontage with the proposed detention basin and was in favor of some trees. Mackenzie Johnson replied that the City Engineer shared that a native ground cover would be acceptable in the detention pond and the applicant was willing to install that landscaping. .

Chair Larson asked what percentage of the site the front detention basin would be. Cal Johnson, Legend Engineering, stated that the front detention was five to six percent of the entire site. Commissioner Stone asked if the site was visible from any public street. Mackenzie Johnson replied that the site was not visible from I-15, 2600 South, or any other major street.

Sherrie Pace suggested that the retention pond could consist of a minimum of two different textures or types of rock mulch which would add street appeal.

Chair Larson asked for feedback on the decorative mulch and xeriscaping in the detention pond.

Mike Warren, Ferrell Gas, commented that the area was currently gravel.

Commissioner Holbrook said that he was in favor of retaining the existing gravel. Commissioners Jorgensen, Ward, Tucker, and Stone did not want to require extra landscaping.

**Commissioner Ward moved that the Planning Commission approve the site plan for the Ferrell Gas outdoor storage expansion located at 95 East Union Avenue with the following conditions:**

- 1) Completion of all engineering and planner redlines.**

**Commissioner Jorgensen seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

5. WORK SESSION: DRAFT CODE AMENDMENTS
  - a. TITLE 13, CHAPTER 4: MINOR SUBDIVISIONS

Sherrie Pace reviewed Title 13 Chapter 4 Minor Subdivisions and Chapter 5 Subdivisions. A minor subdivision would not require Planning Commission review or approval. The requirements of a minor subdivision included subdivisions that were ten lots or less, no new dedication of land for streets, adjacent to existing public streets and utilities, area not traversed by future streets as defined by the General Plan, conformed to the general character of the neighborhood, not adversely affecting the remainder of the parcel of adjoining property, dedicated utility easements, and not located in the sensitive lands area. Conceptual plan review was now only allowed under State code at the request of the developer. She showed examples of areas that would qualify for a minor subdivision and said there were not a lot of properties that would qualify but there were enough that could become minor subdivisions in future redevelopment. The other sections in Title 13 Chapter 4 related to minor subdivisions included the applicability, conceptual plan, development review, Administrative Land Use Authority action, expiration of final approval, bond agreement, plat requirements, and recording of plat. Ms. Pace explained that the Administrative Land Use Authority would be the Community

Development Director for minor subdivisions and was responsible for coordinating review and approval from development review staff, the City Engineer, and City Attorney. If disapproved the developer may then appeal the decision to the Planning Commission. Plat approval was valid for six months with one extension if warranted. Bond agreements were required to meet the bonding requirements for any infrastructure (water/sewer stubs) and repair of road installation of stubs, etc. Plat requirements were required to meet the plat standards established for final plat in Chapter 5.

Commissioner Jorgensen commented on Section 13-4-20 paragraph 20 related to geohazards. He said this included sensitive lands overlay zone and said there should be no ambiguity on the hazards that would be flagged. Commissioner Jorgensen said the sensitive overlay map should be updated to address other hazards beyond a steep slope. He then provided several other typographical corrections.

b. TITLE 13, CHAPTER 5: SUBDIVISIONS (PRELIMINARY & FINAL PLAT)

Sherrie Pace reviewed Title 13 Chapter 5 Subdivisions (preliminary and final plat) requirements. This included the changes per State code establishing an Administrative Land Use Authority (LUA) for preliminary plat (staff or Commission) and final plat (staff only). Any legislative changes such as a Planned District would be reviewed and approved by the City Council. This would apply to residential, commercial, and industrial subdivisions. This process would be for all subdivisions that were not deemed minor subdivisions. State Code required that the City provide for an optional pre-application meeting and the documentation that must be provided to the developer. She spoke on items related to application and fees including the form of application and size of plan documents, determination of complete application and deadline, first review required within 15 days of complete application, conceptual plan review required for commercial, industrial, multifamily or for subdivisions within the sensitive lands area which require a geologic hazards review prior to preliminary plat. State Code allowed for up to four review cycles and it was recommended by the City Attorney to have two reviews at preliminary plat and two at final plat. Ms. Pace explained that the statute limitation of 4 review cycles does not apply to areas with geologic hazards.

Sherrie Pace spoke on 13-5-040 preliminary plat and subdivision improvement plans and what needed to be shown on the preliminary plat and subdivision improvement plans including scale, title report, financial control/ownership of property, letters from public agencies for water/sewer services, phasing timeline, draft protective covenants, tabulations, agreements with abutting property owners, traffic report, soils report, geologic hazards, and preliminary plat and construction plan elements. Title 13-5-050 establishes the process for staff review of preliminary plat application including two review cycles, the initial review was 15 days, the review must have citations of code or design standards, and the applicant has 20 days to respond to corrections, failure to respond to each correction means the cycle is not complete and the second

review cycle could not begin. Once both review cycles were complete, the application would be forwarded to the Planning Commission.

Sherrie Pace said per 13-5-060 the Planning Commission would be the Administrative Land Use Authority for preliminary plat and findings would include being in accord with ordinance/regulations, conformance to concept plan, no substantial financial hardship to the City, no substantial environmental impacts, and conditions of approval to mitigate any issues. Staff would then provide notification to the applicant of approval which would be void after twelve months if the applicant did not apply for final plat. She reviewed 13-5-110 Final Plat preparation and all of the required information which included electronic file submission, title report, final plat drawings requirement (requirements specifically stated in code), common area ownership, and all final improvement plans (construction drawings and all specifications listed in code). The City Attorney would also review and approve the title report.

Sherrie Pace reviewed 13-5-120: Evaluation of the Final Plat with staff (CD Director) as the LUA, two review cycles, 20 day response time, review must cite specific code or standards regulations, failure to respond to all corrections meant the cycle was not complete, and second review cycle similar to the first. She then reviewed 13-5-130: Administrative Land Use Authority Action; Final Plat which included the Community Development Director review for conformance and verified approval of other city review staff and affected entities Once approved, notice would be sent to applicant, authorized printing of final mylar and documents (documents specifically stated in code). The signed mylar and associated documents for recording would be delivered to County Recorder, by the City Recorder. She noted that a final plat is voided after 12 months if not recorded.

Ms. Pace reviewed 13-5-140: Disapproval of the Final Plat and 13-5-150: Security Bond; which included the subdivision improvement agreement with bond elements (all elements listed in code), 13-5-160: Delay Agreement, and 13-5-170: Recording of Plat.

Commissioner Jorgensen commented on section 40 related to the standard for storm water drainage including sizing of drain pipes and storm drain detention basins. He said the code showed pipes sized for a ten year storm event which was not adequate. Sherrie Pace replied that this was a mixture of existing and revised code. She said this had not yet been reviewed with the DRC and City Engineer and the information would be updated.

Commissioner Jorgensen mentioned section 60 administrative land use for preliminary plat and the role of the Planning Commission. He suggested language to show that staff would be responsible for reviewing soils, slopes, drainage and other technical aspects. Sherrie Pace responded that staff would review the wording in this section.

Commissioner Holbrook asked for clarification on the number of reviews. Sherrie Pace clarified that it was four total reviews and the City Attorney had suggested two reviews at preliminary plat and two reviews at final plat.

Sherrie Pace reviewed the schedule of adopting the new Subdivision Ordinance with a review of Chapter 6 PUDs, condos, etc. and Chapter 7 Plat Amendments during the October 10<sup>th</sup> meeting, Chapter 8 General Requirements for all subdivisions during the October 24<sup>th</sup> meeting, Chapter 9 Essential Improvements during the November 14<sup>th</sup> meeting, overall final review and table of contents during the November 28<sup>th</sup> meeting, Title 10, Chapter 3 Amendments and Rezones and Chapter 7 Conditional Uses during the December 12<sup>th</sup> meeting, a public hearing and recommendations during the January 9, 2024 meeting, and review by the City Council during their January 16, 2024 meeting. The state code requires adoption by February 1, 2024. Other code updates for 2024 included commercial and industrial zones, conditional uses lists, sign code, geohazards updates, accessory building setbacks, water wise landscaping, short term rentals, and changes per the 2024 legislative session.

Commissioner Jorgensen asked about short term rentals and if the code specified that a short term rental be owner occupied. Sherrie Pace responded that the owner must occupy the home at least 180 days of the year.

Mackenzie Johnson spoke on the issue of identifying short term rentals and said enforcement was driven by complaints from residents.

Sherrie Pace reported that she had just finished the RFP for the General Plan update as well as submitted a letter of interest for a TLC grant to hire a consultant to provide urban design and architectural standards for the Town Center area. Planning staff were also working with the City Engineer on a corridor preservation agreement with UDOT for the cross section in the Town Center as well as a capital facilities plan for trails.

Commissioner Jorgensen asked in regard to the expectation for the General Plan update. Sherrie Pace replied that this included an update of the vision for the General Plan and the Town Center Master Plan and would bring all of the plans together in one cohesive document. This would also include public input and a stakeholder committee. The RFP would include everything that needed to happen and how the consultant would handle involving the public and help to achieve the vision.

Sherrie Pace spoke on the current Community Development Department including the summer intern that would continue through the school year and the new Code Enforcement Specialist.

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

Sherrie Pace reported that the plat amendment for Eaglepointe Estates lots 1603, 1604, and 1605 was approved. The Hatch Park design services bid was awarded to G. Brown Design out of eight proposals. The proposed completion date for park reconstruction was the fall of 2026. She shared the top six results from the primary election including Tammy Clayton with 1,768 votes, Ted Knowlton with 1,695 votes, Suzette Jackson with 1,282 votes, Leslie Clark with 1,001 votes, Peter Wirthlin with 947 votes, and Collin Larson with 731 votes.

Mackenzie Johnson reminded the Planning Commission of the APA conference that would be held on September 28<sup>th</sup> and 29<sup>th</sup>.

Chair Larson commented on the concern from Councilmember Porter on the Planning Commission's role particularly related to public hearings. She was concerned that Council Member Porter wanted the Commission to disregard the public comments received, and she did not believe that to be accurate. Sherrie Pace replied that for legislative decisions and recommendations to the City Council, the Commission should be wary of public clamor and comments that were not substantive. She said the Commission should listen to public comments that had substance such as concerns for items like parking or drainage. She stated that her impression was that Councilmember Porter was referring to public clamor and the difficulty of responding to comments that are not relevant or factual and not grounded in good planning principles.

#### 7. APPROVAL OF MINUTES

**The Joint Session meeting minutes of September 12, 2023 were reviewed and approved.**

**Commissioner Jorgensen moved to approve the joint work session with City Council meeting minutes as drafted for September 12, 2023. Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

**The Planning Commission meeting minutes of September 12, 2023 were reviewed and approved.**

**Commissioner Jorgensen moved to approve the meeting minutes as drafted for the September 12, 2023 Planning Commission meeting. Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Stone, Tucker, and Ward. Commissioner Maus was excused.**

8. ADJOURN

Commission Chair Larson adjourned the meeting at 8:11 p.m.

*The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, October 10, 2023 by unanimous vote of all members present.*

  
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Wendy Page, City Recorder

