

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
AUGUST 26, 2014

FINAL

Chairman Bruce Oblad called the meeting to order at 6:31 p.m. and welcomed those present.

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

EXCUSED: Commissioner Kim Jensen
Commissioner Robert Drinkall

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

OTHERS PRESENT: Gerald Higgins, Higgins Body & Paint; Bonnie Stubenrauch, The Designer Rack; Steve Froebe, Big West Oil; Bill Nicoloff, Newmark Real Estate.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF A PLAT AMENDMENT AND
CONDITIONAL USE PERMIT FOR A REDUCTION IN THE MINIMUM LOT SIZE
FOR A PORTION OF LOT 3 OF THE NORTH SALT LAKE INDUSTRIAL PARK
PLAT A LOCATED AT APPROXIMATELY 120 NORTH REDWOOD ROAD.
MARK ALDER-MARBEEK ENTERPRISES, LLC, APPLICANT.

Ali Avery reported that the applicant is requesting to vacate and amend a portion of Lot 3 of the North Salt Lake Industrial Park Plat A. Lot 3 had previously been subdivided through the County which created property lines which were not created with a subdivision plat. The applicant would now like to subdivide this parcel to create a lot to the north and to the south. The north lot will have a new building constructed for an interested owner. The south lot has an existing building with an additional building to be built in the back and will retain the same ownership. Lot 3B,

which is the north lot, would only be 1.4 acres in size and as the minimum lot size in the Manufacturing (M-D) zoning district is 2 acres the applicant is also asking for a conditional use permit for a reduction in the minimum lot size, which the Planning Commission has the authority to grant. The new subdivision will be called the Legacy Subdivision, and will have an ingress-egress access easement at the front of the property to allow for a shared driveway on Redwood Road. A blanket easement would be recorded to allow for utility access and maintenance across the lot lines as well. At the south end of the subdivision there is a 30' wide drainage easement controlled by Davis County and the applicant is asking to drain storm water into the ditch which would require approval from Davis County.

The Development Review Committee (DRC) is recommending approval of the plat amendment and conditional use permit for the reduction in lot size with no conditions.

Commissioner Oblad asked when the original subdivision was completed. Ali Avery replied that it was 1975.

Bill Nicoloff, Newmark Real Estate, commented that Lot 3B would be owned by Gerald Higgins of Higgins Body & Paint and that the rest of the subdivision is owned by Mark Alder of Marbek Enterprises.

Commissioner Oblad opened the public hearing at 6:38 p.m. There were no comments, and he closed the public hearing at 6:38 p.m.

Commissioner Knowlton moved that the Planning Commission recommend approval of the proposed plat amendment for a portion of Lot 3 of the North Salt Lake Industrial Park Plat A to the City Council with no conditions. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Oblad, Baskin, Knowlton, Garn and Council Member Mumford. Commissioners Jensen and Drinkall were excused.

Commissioner Knowlton moved that the Planning Commission approve the conditional use permit for a reduction in the minimum lot size for Legacy Subdivision with no conditions. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Oblad, Baskin, Knowlton, Garn and Council Member Mumford. Commissioners Jensen and Drinkall were excused.

3. CONSIDERATION OF A SITE PLAN FOR LEGACY SUBDIVISION LOCATED AT APPROXIMATELY 120 NORTH REDWOOD ROAD. MARK ALDER-MARBEEK ENTERPRISES, LLC, APPLICANT.

Ali Avery reported that this is the same lot as discussed in the previous item and that there is currently one commercial building on the southwest corner of the site. The applicant would like to develop two additional buildings on-site with one to be an office/warehouse building and the north building to be owned by Higgins Auto Body.

Lot 3A is the south lot with one proposed building and one existing building that is used mainly for commercial use. The proposed parking for both lots is in compliance with City Code. The landscaping percentage on the south lot is 11.44% overall and does not include the drainage ditch that is on the south of the site.

Lot 3B, which is the north lot, has one proposed building with a future addition. All the calculations have taken the future addition into account. The parking calculations here will be met as well and the landscaping on the north lot will be 13.94% overall. The outdoor storage area will be screened by a 6' high wall.

The applicant would like to connect the storm drain into the 30' wide drainage ditch owned by Davis County and is waiting for approval from them. Once this is obtained they will then submit proof of approval to the city. As there is also an existing dumpster enclosure that has encroached in the easement, the applicant will also need approval for that encroachment. The City is working on agreements to have the drainage ditch along Redwood Road covered and piped, which would necessitate improvements to the sidewalk and landscaping in front of the drainage ditch at the south of this site and would need to be completed at a later date once the ditch is covered. The DRC recommends that a cash bond be filed with the City for those improvements. If the ditch is not covered within one year then it would convert to a cash deposit and the City would then complete the sidewalk and landscaping in that spot.

The DRC recommends approval of the site plan for Legacy Subdivision with the following three conditions; prior to issuance of a building permit the irrigation plans must be updated to include the entire site and be approved by City staff, prior to issuance of a building permit proof from Davis County must be submitted to City staff regarding connecting into their drainage ditch and constructing improvements on their easement, prior to issuance of a building permit a cash bond must be filed with the City for the sidewalk and landscaping improvements along the Redwood Road frontage at the south end of the site. The cash bond shall expire after one year and the funds shall remain on deposit with the City for the construction of the improvements.

Commissioner Baskin asked what the amount of the cash bond amount would be. Ali Avery replied that the City's Engineering Department is working on an estimate for the cost of the sidewalk and landscaping extension once the canal is covered, but that it would not likely

exceed \$5,000.00.

Commissioner Baskin also asked whether or not the applicant would need to come back for a building permit for the proposed future storage area if the site plan was approved tonight. Ali Avery clarified that the Planning Commission is approving the site plan for the current building construction and the future addition to the building now. The applicant would still need to come in for a building permit before the applicant begins construction on the addition. The applicant would not need to obtain site plan approval from the Planning Commission again.

Gerald Higgins, Higgins Body & Paint, commented that he had dug down to find out where the storm drain was located and that there seems to be an adequate depth. He expressed that he did not want to be held up due to the storm water on Mark Alder's portion of the lot.

Ali Avery commented that there is a blanket easement on the plat for the utility lines to cross over property lines, and that the proposed drainage would need to be reviewed by the City's Engineering Department if there was a different design.

Commissioner Baskin asked which department in Davis County would need to approve the drainage. Mr. Higgins replied that it was Davis County Flood Control. He also said there was no issue with the north end of the property concerning the drainage ditch and that the south end was the only area of concern.

Commissioner Baskin moved that the Planning Commission recommend approval of the site plan for Legacy Subdivision located at approximately 120 North Redwood Road to the City Council subject to the following three conditions:

- 1) Prior to issuance of a building permit, the irrigation plans must be updated to include the entire site and be approved by City Staff.**
- 2) Prior to issuance of a building permit, proof of approval from Davis County Flood Control must be submitted to City staff regarding the drainage ditch on the south portion of the property and constructing improvements thereon or redesigned upon approval by City staff.**
- 3) Prior to issuance of a building permit, a cash bond must be filed with the City for the sidewalk and landscaping improvements anticipated along the Redwood Road frontage at the south end of the site. The cash bond shall expire after one year and the funds shall remain on deposit with the City for the construction of**

the improvements.

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

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR HIGGINS BODY & PAINT INC. TO BE LOCATED AT APPROXIMATELY 132 NORTH REDWOOD ROAD. GERALD HIGGINS-HIGGINS BODY & PAINT, APPLICANT.

Ali Avery reported that the proposed site would have the address of 132 North Redwood Road and would be the new site for Higgins Body & Paint which is an auto body repair shop. The site will include an outdoor storage area with a 6' high wall to screen vehicles under repair. There will be 8 employees on site with the capacity of 12-14 employees with the future building addition. All work will be conducted inside the building and will include a paint booth and sanding stations. Customer traffic will consist of 10-15 cars daily, 1-2 tow trucks and 5-6 deliveries. The parking requirements for the site have been met. The applicant is also requesting a monument sign which will require a building permit through the City. The DRC is recommending approval with no conditions.

Commissioner Garn asked the applicant if they would maintain the building they were currently in which is also in North Salt Lake. Gerald Higgins replied that as they are leasing their current building, and that they will finish out the lease.

Commissioner Garn moved that the Planning Commission approve the conditional use permit for "Automotive body, paint and interior repair and maintenance" for Higgins Body & Paint Inc. to be located at 132 North Redwood Road with no conditions. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Garn, Oblad, Knowlton, Baskin and Council Member Mumford. Commissioners Drinkall and Jensen were excused.

5. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE DESIGNER RACK LOCATED AT 230 NORTH CUTLER DRIVE, UNIT 2. BONNIE STUBENRAUCH-THE DESIGNER RACK, APPLICANT.

Jim Spung reported that electronic shopping and mail order houses are allowed in the General Commercial (C-G) zone. The Designer Rack specializes in the on-line sale of designer and high end gently used women's clothing and accessories. This location will serve as a warehouse and office space with two employees on site. Traffic will be limited to USPS pick-up and drop-off

with parking on-site to be shared with all units. This use requires 3 parking stalls and as there are 31 striped stalls with 2 ADA stalls already in the complex the parking requirements have been met. The applicant anticipates no outdoor storage on-site. The DRC is recommending approval with no conditions.

Commissioner Knowlton asked why this use requires a conditional use permit. Jim Spung replied that this is a City code requirement as it is in the General Commercial zone.

Commissioner Oblad commented that there were tall weeds visible in the recent photos of the property. Jim Spung replied that the property was managed by an HOA and that it would be their responsibility to maintain the landscaping and not the applicants.

Commissioner Baskin asked if the applicant would be leasing the space and if it would be a retail location. Bonnie Stubenrauch replied that she is leasing the space and would be using it for storage, shipping and office space. The space will only be used for e-commerce and no retail sales.

Commissioner Knowlton moved that the Planning Commission approve the conditional use permit for “Electronic Shopping and Mail Order Houses” for The Designer Rack to be located at 230 North Cutler Drive, Unit 2 with no conditions. Commissioner Garn seconded the motion. The motion was approved by Commissioners Garn, Oblad, Knowlton, Baskin and Council Member Mumford. Commissioners Drinkall and Jensen were excused.

6. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AN INCREASED DRIVEWAY WIDTH FOR BIG WEST OIL LOCATED AT APPROXIMATELY 333 WEST CENTER STREET. STEVE FROEBE-BIG WEST OIL, APPLICANT.

Ali Avery reported that in January the site plan for the Big West Oil office building was approved and that on December 10, 2013 the Planning commission recommended approval of the site plan and approved a conditional use permit for an increased driveway width of 45 feet. A problem has been identified with the 45 foot driveway width as it causes an overlap of incoming and outgoing truck traffic which causes the trucks to stack on Center Street and also causes the trucks to veer into oncoming traffic to obtain the turning radius for that lane. The maximum driveway width in non-residential areas is 40' but the Planning Commission has the authority to increase this width. The applicant is now proposing a driveway width of 55'-5 1/2" to be measured at the property line. They are requesting to keep the same turning radius on the west end of the driveway that was approved with their last request which is 45'.

The increase in width will improve the flow of traffic on Center Street but the DRC is concerned about pedestrian safety when using the Center Street trail in the area as there would be a significant increase in pavement. The DRC recommends that a crosswalk be striped on this driveway and that pedestrian crossing signs be installed on both sides of the driveway for vehicular traffic. The DRC recommended approval of the conditional use permit with the condition that prior to receiving a certificate of occupancy for the office building that a pedestrian crosswalk must be striped across the driveway, and that pedestrian crossing signs be installed on both sides of the driveway to alert truck traffic to pedestrians using the Center Street trail.

Commissioner Oblad asked who would maintain the crosswalk stripes. Ali Avery replied that it would be maintained by the property owner of the property it is striped on.

Commissioner Garn asked if there would be signs warning pedestrians of large truck traffic in addition to the warning signs for trucks of the pedestrian crosswalk.

Commissioner Baskin also commented that it would be a good idea to warn pedestrians of the big oil trucks and that it would be the City's responsibility to make sure residents are notified.

Ken Leatham responded that there is a process in the City for instances like this and includes a Public Safety Committee which is comprised of City staff who consult with the City Attorney and the City's insurance carrier.

Commissioner Knowlton asked what percentage of trucks are turning west versus east and why there are two westbound turning lanes. Ali Avery replied that 100% of the trucks are going west. The right turn lane is for employee vehicles, and the other two remaining lanes are for large trucks going in and out of the site.

Steve Froebe, Big West Oil, commented that there have been a significant number of near misses where the trucks have almost collided with other vehicles and that from a safety standpoint this would help to eliminate this issue.

Commissioner Oblad moved that the Planning Commission approve the conditional use permit for a 55'-5 1/2" driveway width directly east of the Big West Oil office building located at approximately 333 West Center Street subject to the following condition:

- 1) Prior to receiving a Certificate of Occupancy for the office building, a pedestrian crosswalk must be striped across the driveway and pedestrian crossing signs must be installed on both sides of the driveway to alert truck traffic to pedestrians using**

the Center Street trail.

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

Commissioner Oblad asked if the City has to paint the stripes if the applicant can still proceed with the driveway width. Ali Avery replied that this obligates the applicant to paint the stripes now and that the City would determine who would need to continue to maintain the stripes.

Commissioner Baskin moved, regarding the same property, that the Planning Commission recommend that the Public Safety Committee investigate the usage of warning signs to pedestrians or bicyclists regarding the truck traffic in that same driveway. Commissioner Garn seconded the motion. The motion was approved by Commissioners Garn, Oblad, Knowlton, Baskin and Council Member Mumford. Commissioners Drinkall and Jensen were excused.

7. APPROVAL OF MINUTES

The Planning Commission minutes of July 22, 2014 were reviewed and amended.

Commissioner Knowlton moved to approve the minutes of July 22, 2014 as amended. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Garn, Oblad, Knowlton, Baskin and Council Member Mumford. Commissioners Drinkall and Jensen were excused.

The Planning Commission minutes of August 12, 2014 were reviewed and amended.

Commissioner Oblad moved to accept the minutes of August 12, 2014 as amended. Commissioner Baskin seconded the motion. The motion was approved by Commissioners Garn, Oblad, Knowlton, Baskin and Council Member Mumford. Commissioners Drinkall and Jensen were excused.

8. ADJOURN

Chairman Oblad adjourned the meeting at 7:29 p.m.

Chairman

Secretary