

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
FEBRUARY 24, 2015

FINAL

Chairman Robert Drinkall called the meeting to order at 6:43 p.m. and welcomed those present.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Ted Knowlton
Commissioner Stephen Garn
Commissioner Kent Kirkham
Commissioner Kim Jensen
Commissioner Lisa Watts Baskin

EXCUSED: Council Member Ryan Mumford

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

OTHERS PRESENT: Jeff Holman, applicant; Todd Palmer, AutoZinc.com.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A MOTORCYCLE
AND ATV DEALERSHIP LOCATED AT 239 NORTH HIGHWAY 89. JEFF
HOLMAN, APPLICANT

Ali Avery reported that this conditional use permit request is for a motorcycle and ATV dealership to be located at 239 North Highway 89 which was formerly Barlow's Furniture. Approximately 1,444 square feet will be used for vehicle display and retail sales with all the vehicles for sale to be located inside the building. The remaining 4,522 square feet will be used for storage at this time with plans to convert the storage area into office space in the future. There will be 2-3 employees on site at a time. The parking requirement is 16 parking stalls with 1 ADA stall. Currently the site does not have any conforming parking stalls that meet the appropriate stall dimensions or aisle widths. The applicant is proposing to pave parking to the north and west of the building and use an existing driveway located off of Highway 89. The

Development Review Committee (DRC) is recommending that no parking be allowed in front of the building and that all the improvements be made prior to occupancy to avoid parking issues on the site. There is currently not any improved landscaping on the site. The park strip has been paved over, and the north and west side of the building consists of weeds and overgrown trees and no improved or irrigated landscaping. The DRC is recommending that the site come into compliance in regards to landscaping by completing the Highway 89 cross-section which includes an 8' wide tree lawn behind the curb and gutter and a 6' wide sidewalk behind the tree lawn. The DRC is also recommending that 10% of the site be landscaped in compliance with City code. There appears to be shared driveway access with the building to the south, but City staff could not find documentation of the legal access which will need to be resolved with a title search on the property. The DRC is also recommending site plan review be completed due to the issues with paving the parking area, lighting, drainage and landscaping.

The applicant is requesting a time extension to pave the parking area and to open the business now to generate funds to pay for the improvements which will be completed within the next 6-12 months.

Ali Avery reminded the Planning Commission that they can impose the following types of conditions through a conditional use permit: conditions relating to safety for persons and property, conditions relating to health and sanitation, environmental concerns, conditions relating to compliance with intent of general plan and characteristics of vicinity, conditions relating to performance, energy conservations concerns and public hearings.

The DRC is recommending approval of the conditional use permit with the condition that the applicant receives approval from the Planning Commission for site plan review and complete all improvements on the property prior to issuance of the business license.

Commissioner Drinkall asked if a traffic study from Highway 89 had been requested through UDOT. He also asked if there would be an issue with storm water drainage and detention. Ali Avery replied there is an existing driveway and curb cut there. She also said that the City Engineer has not reviewed the storm water plan as there was not one submitted.

Commissioner Baskin commented that the owner wanted 6-12 months of time to make improvements to the property while the business is in operation and asked for clarification on exactly what the DRC was recommending. She said it would be difficult for a new business to make those types of improvements without the cash flow and that this property has been an eyesore for quite some time. Ali Avery replied that the DRC recommends that the site plan be approved and the improvements be completed prior to issuance of a business license. The DRC does not agree with the property owner's request for the business to be in operation before the

improvements are made as it will be difficult to enforce the conditions of the conditional use permit.

Commissioner Drinkall asked if it would be vehicle sales and rentals. Jeff Holman, applicant, replied that there would not be rentals at this time. He also said that they did not currently have a franchise and would only sell used vehicles.

Commissioner Jensen asked if a waiting period would prevent the applicant from opening the business. Jeff Holman responded that he would not have the money to put into improving the property at this time if he is not able to operate the business concurrently. The total cost of improvements including the parking, roof and façade would be \$275,000 and that the building was purchased for \$325,000. He also said he would eventually like to improve the building and bring his law firm in to occupy a portion of the building.

Commissioner Drinkall asked if the applicant would continue to rent the building if the improvements must be completed first. Jeff Holman replied that the current tenants are moving out and the building would sit vacant.

Commissioner Kirkham asked what improvements would be done and what are his plans for renovation. Jeff Holman responded that he would like to move the dealership in immediately and begin work on the building as revenue comes in. He said the roof is leaking and needs to be fixed, and the parking and building façade would be repaired next.

Commissioner Knowlton said that a site plan review is a necessary aspect to ensure that the improvements take place. He asked if there were other tools that could ensure that improvements happen after the business license had been granted. Ali Avery replied that the only way to ensure that this happens is for the Planning Commission to place a condition on the conditional use permit or site plan review that the improvements are completed within a certain amount of time.

Commissioner Drinkall commented that the site plan review may reveal other issues such as drainage and that as much as the Planning Commission would like to see improvements done to this area the permitting process needs to be completed in the correct manner.

Commissioner Knowlton moved that the Planning Commission approve the proposed conditional use permit for a motorcycle and ATV dealership located at 239 North Highway 89 subject to the following condition:

- 1) **That the applicant must receive approval from the Planning Commission for site plan review and complete all improvements on the property prior to issuance of a business license.**

Commissioner Garn seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton and Drinkall. Commissioners Jensen and Baskin voted in opposition to the motion. Council Member Mumford was excused.

Commissioner Drinkall originally obtained from voting and requested information from staff if he could vote on the motion. Ken Leetham clarified that no application can be approved with less than 3 affirmative votes. In the event of a tie the ex-officio member will withdraw their vote. In the event of a tie when the ex-officio member is absent the chairman will withdraw their vote.

Commissioner Drinkall commented that he has sympathy for the applicant and the cost to make the improvements but that the permit process needs to be completed in the right way.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR STATE BRASS FOUNDRY INC. LOCATED AT 501 WEST 900 NORTH. KIM ARCHER, APPLICANT

Commissioner Drinkall commented that the applicant has withdrawn his application.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AUTOZINC.COM LOCATED AT 900 NORTH 465 WEST, UNIT 2. ROBERT WEST, APPLICANT

Jim Spung reported that the applicant is requesting approval of a conditional use permit to allow “automotive body, paint and repair” for AutoZinc.com. The applicant currently operates in Woods Cross and this building would serve as a secondary site to service vehicles and store additional inventory. The applicant is proposing to lease 4,900 square feet of space with 350 square feet of office area and 4,550 square feet of shop space. There will be 2 full time employees on site. The applicant is proposing to install a paint booth which would require a building permit from the City. The applicant is proposing an outdoor storage area behind the building (south portion of the lot) and any vehicles under repair or those not displayed for sale would be restricted to that area. There is currently a 6’ high chain-link fence without slats, so the DRC is recommending slats be installed in the existing fence to screen any outdoor storage from view from public rights of way.

Verizon Wireless has received conditional use approval to construct a tower on the south west corner of the property but has not received clearance from the FAA at this time. The DRC

recommends that AutoZinc.com be required to keep any outdoor storage clear of any recorded access easements on the property.

South Davis Fire has also reviewed the plan and requires a minimum 20' aisle lane be kept clear for fire purposes adjacent to the building. They also request a crash gate or knock box be installed on the existing gate(s) so they have access in the event of an emergency.

Mr. Spung also reported that traffic on site will consist of employees and dealership employees retrieving inventory vehicles. The parking requirement for this use is 6 stalls with 1 ADA stall. There are currently 31 striped stalls on the northern portion of the lot with 2 ADA stalls, so additional parking is not required. The landscaping on site also satisfies the minimum 10% landscaping requirement with 10.33% of the site having improved landscaping.

Commissioner Baskin asked the representative of the applicant if the property owner would be able to comply with the 4 proposed conditions. Todd Palmer, representative of the applicant, replied that it was his understanding that it would not be a problem to fulfill the conditions.

Commissioner Garn moved that the Planning Commission approve the conditional use permit for "Automotive body, paint and interior repair and maintenance" for AutoZinc.com to be located at 465 West 900 North, Unit 2 subject to the following conditions:

- 1) The applicant receive a building permit and pass all necessary building inspections for the proposed paint booth prior to issuance of a business license.**
- 2) Outdoor storage areas shall be screened from view from all public right(s) of way to comply with 10-1-33.B2 of the City Code. Slats shall be installed on the fence segments shown on the site plan prior to issuance of a business license.**
- 3) Outdoor storage areas shall be clear of recorded access easements on the property.**
- 4) A "crash gate" or "knock box" be provided for locking gate(s) on site for emergency access prior to issuance of a business license.**

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

Commissioner Drinkall commented that it is unfortunate that the building has to sit empty but that the Highway 89 area needs to be improved as well. Ken Leetham said that the applicant has the ability to lease the building to tenants today since there are existing retail and office uses. He can then go through site plan review and the City will work with him. There may be options available to him through the Redwood Road Community Development Area (CDA) or he could also bring the item back when he has a more specific commitment to the improvements of the site.

Ali Avery commented that the site plan will come back before the Planning Commission for review.

Ken Leetham then reported on the Towne Center update. He said that it has been a successful review process and that the City has hired Landmark Design to help make improvements to the urban design aspect of the project. This project may also take some City assistance or reimbursement through the CDA. There has been a lot of design effort put into how Center Street would look related to the treatment of pedestrian areas. It would also be consistent with the entire study of US-89 and the corridor.

Commissioner Baskin asked why the State Brass Foundry conditional use permit had been canceled. Jim Spung responded that there were geotechnical expenses with the first site that were not anticipated so the applicant was considering the proposed building which does not have the structural support they need inside the building. They will continue to look for a location in the City that will work.

5. APPROVAL OF MINUTES

Commissioner Knowlton moved that the Planning Commission approve the minutes of February 10, 2015 as amended. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Drinkall, Garn, Knowlton, Kirkham, Jensen and Baskin. Council Member Mumford was excused.

Ken Leetham reported on the City Council's review of the Mixed Commercial zone (MXC) and that they had suggested that City staff reach out to the development community for feedback on the new zoning requirements. Tentative City Council adoption of the new zoning is scheduled for March 17th. The City Council changes so far include removal of the alcohol land use, excluding brew pubs, and also removal of the residential option as there are existing zoning tools which could be used if a developer proposed housing in that area.

6. ADJOURN

Chairman Drinkall adjourned the meeting at 7:40 p.m.



Chairman



Secretary