

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
APRIL 28, 2015

**FINAL**

Chairman Robert Drinkall called the meeting to order at 6:33 p.m. and welcomed those present.

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

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

OTHERS PRESENT: Wesley Johnson, Menlove Auto, LLC; Chris Faulhaber, Granite Construction; Jake Thompson, Z-Brothers Pizza; Robert West, AutoZinc; Roy Swalberg, Tom Stuart Construction; David Bornemeier, Matt Carlson, residents.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF AN AMENDMENT TO A CONDITIONAL USE PERMIT  
FOR AUTOZINC.COM LOCATED AT 900 NORTH 465 WEST #2. ROBERT WEST,  
APPLICANT

Ali Avery reported that AutoZinc.com received approval from the Planning Commission on February 24<sup>th</sup> of this year to operate an automotive body and paint shop located at 465 West 900 North. The previously approved conditions from that meeting include:

- 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 “knox box” be provided for locking gate(s) on site for emergency access prior to issuance of a business license.

Since that time the applicant is requesting to amend the conditional use approval so that slats are not required to be installed in the existing fencing and is instead proposing to stripe an area on the south side of the building in an area where storage is allowed. As the designated storage area is not visible from the public right of way(s) the Development Review Committee (DRC) recommends approval to amend the conditions of approval to state that “Outdoor storage areas shall remain within the designated storage area illustrated in the attached photos so as to comply with 10-1-33.B2 of the City Code” The applicant has also complied with the previously approved condition to provide a crash gate or knox box for locking gate(s) on site for emergency access, by providing a lock combination which was approved by the Fire Department.

Robert West, AutoZinc.com, commented that the property owner is very specific on the areas designated for the applicant’s use. He said that adequate parking will be available after the trailers being used to rebuild the paint booth are moved.

**Commissioner Knowlton moved that the Planning Commission approve to amend the conditions of approval for “Automotive body, paint and interior repair and maintenance” for AutoZinc.com located at 465 West 900 North, Unit 2 as follows:**

- 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 remain within the designated storage area illustrated in the staff report dated April 23rd so as to comply with 10-1-33.B2 of the City Code.**
- 3) Outdoor storage areas shall be clear of recorded access easements on the property.**
- 4) Emergency access opportunity will be made available (to the city emergency services) provided for locking gate(s) on site for emergency access prior to issuance of a business license.**

Robert West commented that the paint booth is being rebuilt but they are not using it at this time and asked if the first condition could be adjusted to allow for the business to operate prior to receiving approval for the proposed paint booth.

**Commissioner Knowlton moved to amend condition one of the motion to read:**

- 1) The applicant receives a building permit and passes all necessary building inspections for the proposed paint booth prior to it becoming operational.**

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

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A TEMPORARY SIGN FOR Z-BROTHERS PIZZA LOCATED AT 460 NORTH REDWOOD ROAD UNIT E. JAKE & MATT THOMPSON-Z-BROTHERS PIZZA, APPLICANTS

Ali Avery reported that a temporary sign is a conditional use and that the applicants are requesting that a temporary sign be up for a maximum of 30 days to advertise that they are now open. This application originated as a code violation by the City's Code Enforcement Officer as the sign was placed within the Redwood Road right-of-way and a conditional use permit request had not been received by the City. The applicant is proposing an 8'x 3' vinyl sign to be installed on private property outside of the public right-of-way along Redwood Road to draw traffic to the business.

The DRC recommends approval of the conditional use permit for a temporary sign for Z-Brothers Pizza subject to the following conditions: The temporary sign must be removed by May 28, 2015 and that the sign may not be posted on public property at any time.

Council Member Mumford asked how many locations Z-Brothers Pizza had. Jake Thompson, Z-Brothers Pizza, replied that they have a second location in Centerville where they have been operating for 13 years.

**Commissioner Garn moved that the Planning Commission approve the conditional use permit for a temporary sign for Z-Brothers Pizza located at 460 North Redwood Road Unit E subject to the following conditions:**

- 1) The temporary sign must be removed by May 28, 2015.**

**2) The sign may not be posted on public property at any time.**

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

Commissioner Jensen asked the applicant if they had a permanent sign for the building planned. Jake Thompson replied that a permanent sign was already installed and that they just wanted a temporary sign to advertise that they were now open.

Commissioner Knowlton asked if City staff would work towards having requests like this approved by City staff in the future. Ali Avery replied that it was already under consideration.

**4. CONSIDERATION OF A SITE PLAN FOR A BUILDING EXPANSION FOR WEST RECON CONSTRUCTION LOCATED AT APPROXIMATELY 405 NORTH 400 WEST. WES JOHNSON-MENLOVE AUTO, LLC, APPLICANT**

Ali Avery reported that this is an addition to a current building, parking area and storm water detention area located at 405 North 400 West. The existing building is currently used for storage of collector cars and minor repair/detailing of the vehicles. The expansion will be 16,000 square feet added onto the west side of the building. There is a Davis County drainage ditch on the north side of the property and the applicant has received approval to use that ditch.

The building addition triggers the requirement for additional parking stalls on the site. The building as a whole falls under the “on-site warehouse storage” parking requirement which would require 8 additional parking stalls for a total of 23 stalls. The applicant is proposing 26 parking stalls with 1 ADA stall.

During the site plan review for the existing building in 2006, the Planning Commission granted a reduction in the minimum required landscaping on the site to 10.48% of the east site or 3.6% of the entire site. Because the Planning Commission granted the reduction in landscaping, this application does not trigger the need for any additional landscaping.

The proposed addition is constructed of metal, which is out of compliance with the current City Code. However, City staff has identified the recently adopted ordinance as a barrier to some types of development, particularly in areas where the building is not visible to the public. It is proposed that the architecture for this site plan be reviewed under the proposed code amendment that is under consideration in this meeting. The DRC is recommending approval with the condition that the architecture be in compliance with the newly adopted code after City Council approval on May 5<sup>th</sup> 2015.

Council Member Mumford commented that it is strange to approve this application based on future code that has not yet been adopted.

Commissioner Baskin agreed that this item should be tabled as the applicant was being asked to comply with an ordinance that was not in place.

**Commissioner Baskin moved to table this item for a site plan for West Recon Construction located at 405 North 400 West until such time as the City Council adopts the code amendment. Council Member Mumford seconded the motion. The motion was approved by Commissioner Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.**

Commissioner Drinkall asked the applicant if this delay in construction would be difficult. Wes Johnson, Menlove Auto, LLC, replied that he would not fight this but that they are pushing for the zoning to change.

Council Member Mumford clarified that the proposal is to work with the applicant to build their building as they want but that the code would need to go through the Planning Commission at this meeting and then through the City Council next week. Ali Avery commented that if the code amendment passes the applicant's proposed building would be in compliance with the code.

Commissioner Baskin asked the applicant how much of a hardship this would place on the applicant to wait two weeks. Wes Johnson replied that they need to finish construction by December and that he is being proactive in getting it started.

Commissioner Baskin asked if a similar situation arose if the City Council could adopt a site plan in lieu of the Planning Commission. Ken Leetham replied that this is a dilemma and the application should have been presented after the City code was already approved. He said the City Code is not written in a way for the City Council to do that.

5. CONSIDERATION OF A SITE PLAN FOR UTAH ATHLETIC CENTER LOCATED AT 55 SOUTH RIVERBEND WAY. ROY SWALBERG-TOM STUART CONSTRUCTION, APPLICANT

Ali Avery reported that the applicant is proposing a building on Lots 1 & 2 of the Riverbend Industrial Subdivision at 55 South Riverbend Way. The building is proposed to be a multi-purpose sports facility that will provide a workout/fitness facility with volleyball and basketball practices and a concession and retail store. The proposed addition will be 64,154 square feet in size with the proposed landscaping to be 16% of the site. The total required parking spaces

would be 161 stalls with 6 ADA parking stalls with the applicant proposing 161 stalls with 6 ADA stalls.

Per City Code 10-1-43:A., it states “Building Massing, Form and Pedestrian Scale: Buildings shall relate to each other in their massing and forms. Square “boxlike” structures with large, blank, unarticulated wall surfaces are deemed to be unacceptable. Buildings should have features and patterns that provide visual interest at the scale of the pedestrian which reduces apparent mass and relates to local architectural character.”

The proposed building is to be a concrete tilt-up building that is approximately 310’ x 204’ in size and 34’ in height. The architect is proposing to use variation in paint color to break up the wall surfaces with a variation every 72’ on the southern elevation, 45’ on the west elevation, 84’ on the north elevation and 53’ on the east elevation. The south elevation will feature pop-outs and parapet variations at both ends of the building where the entrances are located. There will also be trees planted every 40’ on the northern elevation. As the Planning Commission and City Council have the final decision as to whether this proposal complies with the City Code, the DRC recommends that at a minimum the north and west elevations use techniques such as parapet variation or a change in texture in order to break up the “boxlike” elevations that are highly visible from Center Street and 1200 West.

Commissioner Kirkham asked if there was any safety or traffic concerns with Legacy School located across the street. Ali Avery replied that the DRC, which includes members of the Police and Fire departments, reviewed the site plan and did not express concern.

Commissioner Knowlton asked when the anticipated peak parking times would be. Roy Swalberg, Tom Stuart Construction, replied that Saturday would be the busiest day.

Council Member Mumford commented that the design of the building could be improved and that the long wall could be broken up with architectural details. Roy Swalberg replied that Utah Athletic would own the building and that the current parapets are 34’ tall and that there is a pop-out currently planned for the west side but any more would be excessive. He said they could change the paint colors and possibly move the arrangement of the concrete walls.

The Planning Commission also suggested other options to enhance the design of the building including canopies over the windows, a change in texture on the north elevation, a horizontal feature and changes in paint color.

**Council Member Mumford moved that the Planning Commission recommend approval of the site plan for Utah Athletic Center located at 55 South Riverbend Way to the City Council subject to the following conditions:**

- 1) A lot line adjustment must be reviewed by City staff and recorded with Davis County prior to issuance of a building permit.**
- 2) A technique such as parapets, variation in paint or change in texture to break up the box-like elevations that are on the highly visible sides of Center Street and 1200 West.**
- 3) A horizontal feature be added to add to the pedestrian scale of the building.**

**Commissioner Kirkham seconded the motion. The motion was approved by Commissioner Kirkham, Garn, Knowlton, Drinkall, Jensen and Council Member Mumford. Commissioner Baskin abstained from voting.**

**6. CONSIDERATION OF A FINAL PLAT FOR EAGLEPOINTE ESTATES PHASE 15 PLAT B LOCATED AT 1001 & 1015 SOUTH EAGLEPOINTE DRIVE. BECKY AND DAVID BORNEMEIER, APPLICANTS**

Ali Avery reported that the applicant is requesting to combine two lots in two existing subdivisions to facilitate the construction of their home across the two lots. The existing subdivision lots are Lot 1219 of Eaglepointe Estates Phase 12 and Lot 1508 of Eaglepointe Estates Phase 15. Once they are vacated from their respective subdivisions, then a one-lot subdivision plat will be recorded which will be named Eaglepointe Estates Phase 15 Plat B. A public hearing is required and has been advertised for the May 5, 2015 City Council meeting for the vacation of the lots from the current subdivisions. In order to fully utilize the property, the public utility easements will also need to be vacated between the two existing lots. The combined lot will be 1.09 acres in size. The overall slope of the lot is 15% or greater, so the lot will be a Restricted lot which allows for a reduced front yard setback. The applicant has not submitted any easement releases from the affected utility companies as of the date of this meeting. The DRC is recommending that the easement releases be submitted to City staff prior to recording the subdivision plat. The subdivision plat will expire if it is not recorded within 30 days of City Council approval.

**Commissioner Baskin moved that the Planning Commission approve the final plat for Eaglepointe Estates Phase 15 Plat B subject to the following conditions:**

- 1) **Consent from the utility companies being affected by the vacation of public utility easements must be submitted to the City staff prior to recording the subdivision plat.**
- 2) **The subdivision plat will expire if it is not recorded within 30 days of City Council approval.**

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

David Bornemeier, applicant, asked if the subdivision plat could be extended to 60 days. Ali Avery replied that the City code requires 30 days.

7. CONSIDERATION OF A TIME EXTENSION FOR A CONDITIONAL USE PERMIT FOR SAND AND GRAVEL QUARRYING ON THE GRANITE CONSTRUCTION PROPERTY (DAVIS COUNTY SERIAL #01-120-0033). CHRIS FAULHABER-GRANITE CONSTRUCTION, APPLICANT

Ali Avery reported that this conditional use permit was granted April 22, 2014 and that per City code the conditional use permit would expire if the work has not commenced within one (1) year of the date of approval, unless a reasonable time extension, up to one year, has been requested by the Planning Commission. As the applicant is requesting a one year extension they must present evidence that unusual difficulties have prevented the work from being started or completed within the specific time limits. The applicant has provided a letter that states there have been difficulties with the landslide and also access issues with adjacent landowners.

Council Member Mumford asked if there were fees associated with filing a new conditional use permit. Ali Avery replied that there were nominal fees but that the applicant would need to get re-approval if the conditional use permit for sand and gravel quarrying lapsed.

**Commissioner Garn moved that the Planning Commission approve the time extension for the conditional use permit for sand and gravel quarrying on the Granite Construction property (Davis County Serial #01-120-0033) subject to the following condition:**

- 1) **The conditional use permit shall expire if the work authorized has not commenced prior to April 22, 2016**

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

8. PUBLIC HEARING FOR AND CONSIDERATION OF AMENDMENTS TO THE CITY'S LAND USE ORDINANCE

Ali Avery reported the Planning Commission and City Council recently approved a code amendment regarding building design standards for nonresidential structures in October 2014. Since that time, City staff has identified that the code amendment has become a barrier to certain types of development, specifically buildings and building additions that are not visible to the public. The proposed amendment details the quality of design that City staff intended and design standards based off of the newly adopted Mixed Commercial (MXC) zoning regulations.

The Planning Commission reviewed the building design standards for nonresidential buildings and made the following changes to 10-1-43 A1-A3:

The amendments would make these standards applicable to any façade visible from the public right-of-way. The standards include: horizontal articulation for each façade greater than 100 feet in length, measured horizontally, and shall incorporate architectural features such as wall plane projections, recesses, or other building treatments, colors and textures that visually interrupt the wall plane. No uninterrupted length of a façade may exceed 100 horizontal feet. Vertical articulation would apply to each principal building greater than 30; in height shall have a change in cladding material, or surface plane or other building material treatments, colors and textures which visual interrupt the wall plane. No single cladding material or surface plane may extend for an uninterrupted vertical distance of more than 30'. Parapet variation would apply to all facades visible from a public right-of-way shall include a parapet that varies in height by at least 2' for each 60 linear feet of façade length.

Ali Avery recommended on 10-1-43C 2A that "A wainscot finish, a minimum of 4' in height be provided on any façade visible from a public right-of-way, including pedestrian, transit and bicycle corridors" be amended to exclude "including pedestrian, transit and bicycle corridors".

Ken Leetham commented that the language in this section isn't meant to be onerous and that staff did not want to leave this open to interpretation.

The Development Review Committee (DRC) recommends approval of the proposed amendments to the Land Use Ordinance regarding building design standards for nonresidential structures with no conditions.

**Commissioner Drinkall opened the public hearing at 7:50 p.m.**

Wes Johnson, Menlove Auto, LLC, commented that he would like to ask for an exemption to the design standards. He said he lives in the City and agrees with the standards in general but said that his proposed building would be out of public view and that it would cost a lot of money to incorporate all the design standards.

Commissioner Baskin commented that the Planning Commission was satisfied that this building should be exempt due to the fact that his building is not visible from the public right-of-way.

**Commissioner Drinkall closed the public hearing at 7:53 p.m.**

**Commissioner Baskin moved that the Planning Commission recommend approval of the proposed amendments regarding building and land for nonresidential structures to the City Council as further amended with no conditions. Commissioner Garn seconded the motion. The motion was approved by Commissioner Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.**

9. APPROVAL OF MINUTES

The Planning Commission meeting minutes of April 14, 2015 were reviewed and approved.

**Commissioner Knowlton moved to approve the minutes of April 14, 2015 as amended. Commissioner Garn seconded the motion. The motion was approved by Commissioners Kirkham, Garn, Knowlton, Drinkall, Jensen, Baskin and Council Member Mumford.**

Commissioner Baskin thanked the City and the many volunteers who came to the Arbor Day event at Deer Hollow Park. She also said that there was a great turnout for the City's kite festival with over 100 people in attendance. Council Member Mumford thanked Commissioner Baskin for organizing many of the volunteers and said that the park is starting to look very nice.

10. ADJOURN

Chairman Drinkall adjourned the meeting at 8:05 p.m.



Chairman



Secretary