

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
JULY 28, 2015

FINAL

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

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

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

OTHERS PRESENT: Sean Gilliland, Winegars; Jim Wilson, Maureen Wilson, residents; Dianna Egbert, Ad Craft.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR A SINGLE FAMILY DWELLING LOCATED AT 52 NORTH HWY 89 (BEHIND WILSON VETERINARY HOSPITAL). JIM AND MAUREEN WILSON, APPLICANTS

Sherrie Christensen reported that from 1979 to 2000 there were two lots at this location. One lot was 0.25 acres with 60 feet of frontage and the other was 0.75 acres with 71 feet of frontage. As the minimum lot width and frontage requirements at that time were 60 feet with a minimum lot size of 7,000 square feet for single family homes. These lots were legal lots which became nonconforming due to later amendments (2002) to the zoning ordinance. In 2000 Jim Wilson recorded a lot line adjustment through a quit claim deed which changed the lot line so that both lots were .50 acre in size with a 25' access easement across the front parcel from Highway 89 to the rear parcel. The site plan for Wilson's Veterinary Hospital from 2000 shows an easement

across the property to future commercial business with the only access to the back property via the shared driveway. In 2000 the property was zoned Boulevard Commercial which had no minimum frontage requirement, lots less than 100' wide were required to share a driveway of minimum size 25 feet. There were also no minimum lot sizes for commercial uses and 8000 square feet was required for single family dwellings.

In 2002 the code was changed to rename the Boulevard Commercial Zone to the Highway Commercial zone which required 65 foot frontage and a lot size of one acre for all uses. Based upon this information, City staff has determined that the lots are legal "lots of record" and therefore cannot be a consideration of whether a conditional use permit should now be issued on this property.

Sherrie Christensen commented that if all negative issues are mitigated the presumption should be that a conditional use permit be issued for the single family home. She recommended that the lot line either be moved or that the lot line be verified to demonstrate that the chain-link fence dog run is located on the same parcel as the clinic and that the Planning Commission require setbacks of 30' on the north and east side of the property and 40' on the west and south property lines, as a buffer to adjacent commercial uses.

Commissioner Knowlton asked if minimum setbacks for the proposed home were larger than what is normally required in a single family zone. Sherrie Christensen replied that the proposed setbacks are larger than what is required in a typical single family zone, as the single family use will be adjacent to a commercial use this would need provide an adequate buffer while still maintaining room for construction of a home. The setbacks will not pertain to sheds or any other type of out building.

Commissioner Baskin asked when the dog run fence was installed. Sherrie Christensen responded that it was placed within the last few weeks and that the applicant did not need a permit to install that fencing. She recommended that a 6' privacy fence be installed to separate the home from the dog run as a buffer or other landscape buffer deemed suitable by the Planning Commission.

Commissioner Garn asked if dogs would remain in the dog run after hours. He also asked what type of privacy fence would be installed. Jim Wilson replied that no dogs would be left in the dog run after hours. He said that it will most likely be a vinyl fence on the north and south sides and possibly replacing part of the chain-link fence with vinyl near the dog run if required.

Council Member Mumford suggested that heavy landscaping could serve as a buffer behind the dog run to which Jim Wilson agreed that this could be a reasonable solution as he would like to maintain an open view of some sort.

Commissioner Baskin also asked Mr. Wilson if he would be willing to install a fence between his property and the school and also between the home and veterinary clinic if the need arose in either situation in the future, due to potential sale of the home separate from the business. Mr. Wilson replied that he would be willing to construct more fencing at that time but would prefer to leave it open for now.

Commissioner Garn moved that the Planning Commission approve the conditional use permit for “single family dwelling” for Jim and Maureen Wilson, proposed at 52 North Highway 89. In order to mitigate any negative impact from adjacent incompatible uses, safety or access issues, noises, or odors, the following conditions shall apply:

- 1) Adequate access and turnaround shall be provided and approved by the South Davis Metro Fire Department;**
- 2) A lot line adjustment shall be made to provide for the inclusion of the dog exercise area to be included on the veterinary clinic parcel and not the home parcel;**
- 3) Landscape buffering & Fencing:**
 - South property line only-a 6 foot privacy fence (block or vinyl) be installed and 8 feet of landscape buffer with trees, shrubs, and ground cover, comparable to buffer on veterinary clinic;**
- 4) The home shall be sited with the following minimum setbacks:**
 - South property line- 40 feet;**
 - North property line- 30 feet;**
 - East property line-30 feet;**
 - West property line- 40 feet, after lot line adjustment**

Commissioner Baskin seconded the motion.

Council Member Mumford asked if the third condition of approval should include requiring an 8 foot landscaping buffer on the west property line to separate the lots and conflicting uses.

Commissioner Garn declined to amend his motion to that effect.

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

Council Member Mumford asked if the third condition of approval should include requiring an 8 foot landscaping buffer on the west property line to separate the lots and conflicting uses. Commissioner Garn declined to amend his motion to that affect.

3. CONSIDERATION OF A PROPOSED CONDITIONAL USE PERMIT FOR AN ELECTRONIC MESSAGE SIGN AT 3371 S. ORCHARD DR. DIANNA EGBERT-WINEGARS, APPLICANT

Sherrie Christensen reported that this area is zoned Commercial Shopping (CS) in the S2 sign overlay zone. The applicant is proposing to replace a portion of the existing sign with new signage and to also add an electronic message sign. The existing sign is 188 square feet which is non-conforming as the code is 150 square feet for the S2 zone. The applicant is not increasing the size of the sign and the proposal is to use the existing cabinet and install an animated full color 2'9" x 10'11" LED sign. The applicant will now also be installing a less intrusive sign which puts off half the light as the originally proposed sign in their application to avoid infringing on the adjacent neighbors. Based upon the Federal Highway Administration recommends that electronic message signs be required to display for 8 seconds with a 3 second transition for driver safety.

The Development Review Committee (DRC) recommends approval of the conditional use permit for an electronic message center sign with the following condition: that a sign permit be issued by the City's Building Department prior to installation of a message center sign.

Commissioner Baskin asked if this sign would be located within 100 feet of a residence. Sherrie Christensen replied that it would not be. She also said that she had discussed with the applicant the possibility of shutting down the sign at 11p.m. as other illuminated message signs in the area where required to do.

Commissioner Drinkall commented that in a previous conditional use permit review pertaining to an illuminated message sign that a public hearing was held for the sake of the adjacent neighbors and recommended that a public hearing be held in this case as well.

Commissioner Knowlton said that as this was a generic conditional use permit that it may be unnecessary to hold a public hearing but that this type of application should be reevaluated to determine if it should remain a conditional use permit.

Commissioner Baskin commented that the law does not require a public hearing but because a previous similar application was reviewed with a public hearing that the same fairness and equity be given to all applicants and residents. She also said that residents would appreciate openness in government in this type of instance. Sherrie Christensen replied that if similar conditions are placed on both applications that this would also be a measure of fairness.

Commissioner Garn commented that Winegar's Grocery has a weekly ad that they send to residents and asked if that is what the sign would be used for. Sean Gilliland, Winegars, replied that the sign would highlight daily specials, food combinations, and the new Subway restaurant and to draw customers into the store. He also said that regardless if the store hours are extended or even if it eventually stays open 24 hours, the electronic sign will be turned off at 11 p.m. as they are part of the community and do not want to interrupt the neighbors with flashing lights late at night.

Commissioner Baskin asked for clarification on the 75% of the total electronic sign area. Sherrie Christensen replied that this is based on research of what other communities allow and that the electronic portion of the sign will be much less than 75% of the total sign area.

Commissioner Baskin moved to delay approving this conditional use permit until such time as there will be a public hearing for residents to weigh in. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Baskin, Kirkham, Garn and Council Member Mumford. Commissioner Knowlton voted in opposition to the motion.

4. CONSIDERATION OF A PROPOSED CONDITONAL USE PERMIT FOR FIREFLY EQUIPMENT AT 655 NORTH 700 WEST. STEVE APOSHIAN, APPLICANT

Sherrie Christensen reported that Firefly Equipment, LLC manufactures turf grass harvesting equipment and are looking to move from one location within the City to a new location for the purpose of expanding their business. Issues at the previous location included parking, striping and access for loading. The new location meets the minimum parking standards; the parking area is striped and has ample access for loading and unloading. The DRC recommends approval with no conditions.

Council Member Mumford moved that the Planning Commission approve the proposed conditional use permit for Firefly Equipment, LLC at 655 North 700 West without conditions. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Baskin, Kirkham, Garn, Knowlton and Council Member Mumford.

5. APPROVAL OF MINUTES

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

Commissioner Knowlton moved to approve the minutes as modified. Commissioner Jensen seconded the motion. The motion was approved by Commissioners Drinkall, Jensen, Baskin, Kirkham, Garn, Knowlton and Council Member Mumford.

6. ADJOURN

Chairman Drinkall adjourned the meeting at 7:32 p.m.



Chairman



Secretary