

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
JULY 27, 2021

**FINAL**

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and BreAnna Larson led those present in the Pledge of Allegiance.

PRESENT:   Commission Chair Ted Knowlton  
              Commissioner Ron Jorgensen  
              Commissioner BreAnna Larson  
              Commissioner Katherine Maus  
              Commissioner Brandon Tucker  
              Commissioner William Ward

EXCUSED:   Commissioner Alisa Van Langeveld

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

OTHERS PRESENT: In person: Dee Lalliss, Brad Buehner, Amanda Buehner, residents; John James, Shannon Colton, S&J Custom Creations.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR S&J CUSTOM CREATIONS LOCATED AT 151 NORTH 700 WEST, UNITS #4 AND #5, SHANNON COLTON, APPLICANT

Mackenzie Bennett reported that S&J Custom Creations designed and manufactured custom cabinets. The building at 151 North 700 West has five units shared by multiple tenants with S&J Custom Creations proposing to operate out of two units #4 and #5. The building is located in the Manufacturing Distribution (MD) zone and per City Code “wood product manufacturing” would be a conditional use in this zone. Each unit would be approximately 1,500 square feet for a total of 3,000 square feet dedicated to this business. The business would be required to have a minimum of three parking stalls and have provided eight. The building contains three additional units, one unit was vacant, another was used for a cabinet shop, and one consisted of an automotive related business.

S&J Custom would use woodworking machinery, sanding booth, and paint booths. The paint booth must be approved by the South Davis Metro Fire Agency prior to the issuance of a business license. The applicant had indicated that this location would be temporary, and they do not anticipate expanding or growing their business here.

The Development Review Committee (DRC) recommended approval of the conditional use permit for S&J Custom Creations with the condition that they submit paint booth specifications/plans for review by the South Davis Metro Fire Agency prior to issuance of a business license.

John James, S&J Custom Creations, commented that the woodworking and the paint booth would be kept separate.

Commissioner Maus asked if there would be outdoor storage onsite. Mackenzie Bennett replied that there would not be any outdoor storage.

**Commissioner Tucker moved that the Planning Commission approve the conditional use permit for S&J Custom Creations located at 151 North 700 West, with one condition:**

- 1) Submit paint booth specifications/plans for review by South Davis Metro Fire Agency.**

**Commissioner Maus seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Van Langeveld was excused.**

**3. CONSIDERATION OF A PRELIMINARY PLAN AND FINAL PLAT FOR ALTYN VISTA PUD, A FOUR LOT SUBDIVISION AT 340 AND 360 NORTH ORCHARD DRIVE, DARIN FENWICK, APPLICANT**

Mackenzie Bennett reported that the concept plan for Altyn Vista PUD subdivision was approved by the Planning Commission during the March 9, 2021 meeting and by the City Council during the March 16, 2021 meeting. The two parcels located at 340 and 360 North Orchard contain approximately 1.48 combined acres. The applicant would like to divide the two parcels into four lots with a private road. The proposed road would be 23 feet wide and 255 feet long with a 70-foot-wide hammerhead turnaround. At the time of concept plan approval, one condition was placed to increase the lot sizes to a minimum of 10,000 square feet which was a standard for the R1-10 zone.

Ms. Bennett said the applicant has adjusted the lot line for lot 2 to increase the lot size to 10,000 square feet. All access points to Orchard Drive would be removed with the exception of the northernmost driveway on lot 1. Per City code section 10-7-4 the Planning Commission would

be allowed to vary lot area, setback, height, and coverage requirements in a Planned Unit Development (PUD). The applicant has requested reduced setbacks from the new private road for the existing and proposed structures. She explained that the applicant was meeting or exceeding the minimum requirements for setbacks with the exception of the front yard setback from the road. Typically, the setback was 25 feet or 20 feet with a slope greater than 15% but the applicant was requesting a 10 foot front yard setback to accommodate existing structures. The side yard setback would remain at 8 feet and the rear yard setbacks would remain at 25 feet for the main dwelling. Accessory structures could be three feet away from side and rear property lines or one foot if roof drainage stays on the property and there are no windows or a fire rated wall. The applicant has asked that the front yard setback requirement be reduced from the private road to the accessory structures to 3 feet when normally it would be 25 feet from the road. There are existing structures on lot 1 which would become legal nonconforming if this setback was not allowed. The garage and shed on lot 1 would remain, the garage on lot 2 would be demolished to make room for the new road while the pergola would remain, and the 10 foot wildlife fence would be demolished prior to development of lot 4. Plans and construction for lot 3 would begin soon; however, lot 4 would not be developed in the foreseeable future.

The City Engineering and Planning Departments have redlines that must be addressed prior to the final plat being recorded. The redlines would be minor and therefore the DRC has recommended approval of the preliminary plan and final plat with completion of any redlines as a condition.

Mackenzie Bennett said that Brad Buehner and Amanda Buehner, who owned lot 2, were in attendance.

Brad Buehner asked about the water detention and said there was a retention pond on lot 4. Mackenzie Bennett replied that the City Engineer, Paul Ottoson, would have to make a determination on this.

Brad Buehner then asked if a private road could be gated. Sherrie Pace replied affirmatively and said an electric gate would require a building permit with the code or knox box provided to the Fire Department.

Commissioner Maus asked about the road width and the requirement to increase the road 24 inches to include gutters. She asked if the 24 inches would come from the setback or the road. Mackenzie Bennett replied that this was for the plat recording and the site plan referenced the proper size.

Commissioner Jorgensen spoke on the discussion from the March 9<sup>th</sup> meeting and said this area was designated as surface fault rupture special study zone per the Utah Geologic Survey. However, there was nothing noted in the City's sensitive lands overlay district that would trigger any additional provisions. He asked the applicant if they had done any further due diligence or

research. Brad Buehner replied that he thought the area was further up and had not investigated it further.

Commissioner Jorgensen asked if there was any further due diligence that the Planning Commission would need to do related to this potential concern. Sherrie Pace said she would speak with the building official which may result in an inspection when the foundation was excavated. There may be certain building code restrictions that would then be necessary if any fault lines were uncovered.

Chair Knowlton asked if the information had been reflected in the City's map what the functional consequences would be. Sherrie Pace replied that prior to a building permit they would be required to obtain a site-specific geotechnical review and a letter of clearance would be placed in the building permit file. If something was found there would then be specific recommendations from the geotechnical engineer. She explained if a geotechnical hazard was found at any time during an excavation, then a geotechnical review would be required.

Chair Knowlton asked if there was anything the staff could do as this was a hypothetical situation. Sherrie Pace responded that the applicant could be put on notice that there may be a geologic hazard which would be reviewed at the time of excavation for the building permit. She said a note could be placed on the plat stating that the area may be included within a geological hazard fault rupture zone and that a letter of clearance from a geotechnical engineer, in accordance with the International Building Code Chapter 18, would be required if a hazard was discovered.

Commissioner Jorgensen commented that as a matter of precedent that consideration was given to known information whether it was within the City's codes and maps or from credible sources. He said the intent was not to burden the applicant but felt the Planning Commission should address potential concerns or risks.

Chair Knowlton asked the applicants about the prospective approach if it was put into the motion. Brad Buehner questioned what the cost might be for testing like that.

Mackenzie Bennett commented that they, the developers, would have to hire a geotechnical or engineering firm to perform the testing.

Chair Knowlton clarified that the Commission was not proposing to require more testing but just to place information about the potential risks on the plat. It would then be the property owner's decision on how to proceed at the time of excavation. Sherrie Pace said that in the event that a hazard was found by the building official at the time of excavation, the City would then require an expert to review the property.

Mackenzie Bennett commented that this would be a redline on the plat and would not require any immediate action.

Chair Knowlton noted that the applicant may want to perform the testing to better understand the site before building the home. He said the benefits would be to reduce the risk and for peace of mind.

Commissioner Larson said that the property was currently owned by one family and asked who would maintain the road if a lot was sold. Sherrie Pace replied that they would have a type of HOA with CC&Rs that detailed road maintenance and snow removal, etc.

Commissioner Tucker commented that it was essentially a glorified driveway and not technically a road. He said this meant he had zero concerns with the setback changes especially as it was not visible from a public road.

Commissioner Maus asked if there was any concern with the reduced setback when considering current drought conditions, parking within 3 feet of the structures, and potential fire danger from hot exhaust and dry grass. Sherrie Pace replied that after review with the fire marshal of the road design, current utilities, and placement of the fire hydrant that she did not have a concern. She felt that fire trucks would still be able to service the homes. Ms. Pace also clarified that she did not have a concern with the location of parked cars and a potential fire hazard.

Amanda Buehner clarified that the parking would be next to the existing structure on lot 2 or her driveway area. She said there would not be room for parking where the 3 foot setback would be. Mrs. Buehner asked if there was still a need for the hammerhead turnaround as the hydrant would be relocated to Orchard Drive. Sherrie Pace responded that any street over 150 feet would require a turnaround.

**Commissioner Jorgensen moved that the Planning Commission recommend to the City Council approval of the requested preliminary plan and final plat for a four lot subdivision called Altyn Vista PUD located at 340 and 360 North Orchard Drive subject to the following conditions:**

- 1) Completion of all engineering and planning redlines including the addition of a note on potential geohazards;**
- 2) Reference negotiated setbacks on the plat to be recorded with the County;**
- 3) Receive approval from the South Davis Metro Fire Agency on driveway placement for lot 3.**

**Commissioner Larson seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Van Langeveld was excused.**



4. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY  
PLANNING COMMISSION

Sherrie Pace reported that no Planning Commission items went before the City Council during their July 20<sup>th</sup> meeting.

Chair Knowlton asked if there was a date for the form based code open house. Sherrie Pace replied that staff had discussed this but had not yet set a date.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of July 13, 2021 were reviewed and approved.

**Commissioner Tucker moved to approve the meeting minutes as written for the July 13, 2021 Planning Commission meeting. Commissioner Jorgensen seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Van Langeveld was excused.**

6. ADJOURN

Chair Knowlton adjourned the meeting at 7:20 p.m.

*The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday August 10, 2021 by unanimous vote of all members present.*

  
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Linda Horrocks, City Recorder