

1 A majority of the Planning Commission indicated that Conceptual Site Plan requirements
2 appear to have been met, and indicated a desire to table the Conditional Use Permit.
3 Commissioner Daly **made a motion** for the Planning Commission to accept the Conceptual Site
4 Plan Application submitted by C. W. Urban for the proposed development project located at 55
5 North 400 West, subject to the following directives and reasons for action. Commissioner Kjar
6 seconded the motion, which passed by unanimous vote (6-0).

7
8 Directives:

- 9
10 1) *The applicant's next step is to prepare and submit a Final Site Plan Application that*
11 *complies with submittal provisions of CZC 12.21.110(e).*
12 2) *The Final Site Plan design and layout is to substantially conform with this Conceptual*
13 *Site Plan Acceptance, or as amended by this acceptance or by the City at Final Site*
14 *Plan Approval.*
15 3) *The Final Site Plan is to conform with the Conceptual Site Plan submittals presented*
16 *to the Planning Commission, as follows:*
17 a. *The Design and Layout is to fulfil with the proposed four (4) elements of the*
18 *Conceptual Site Plan Submittal consisting of: 1-Materials, 2-Planting, 3-Site*
19 *Design, and 4-Lighting, as provided to the City. Additionally, all use of*
20 *outdoor lighting is to comply with CZC 12.55.140, Outdoor Lighting.*
21 b. *The Building Design, with two-car garages, is to comply with the Exhibits (A-*
22 *000, A-201, Elevations and A-000, A-201 Perspectives). Additionally, all*
23 *garages are to be sized to comply with CZC 12.52.090(a).*
24 c. *Setbacks, Fence, Trash, Open Space Diagram (AS-201), with the exception*
25 *that the 25-foot front yard setbacks for 400 West and Frontage Road shall be*
26 *provided as required by CZC 12.32.300 Table of Development Standards.*
27 d. *The Design and Layout is to comply with the Parking Diagram (Sheet AS-*
28 *103) providing 37 visitor parking stalls for the townhomes and 34 parking*
29 *stalls for the duplex units, totaling 71 visitor stalls.*
30 4) *The Dwelling Unit Density shall not exceed eight (8) dwelling units per acre*
31 *(permitted) or 9-12 units per acre upon issuance of the applicable conditional use*
32 *permit, subject to a qualified verification of the actual gross density of the parcel.*
33 5) *The Final Site Plan design and layout is to comply with, but not limited to, the*
34 *Landscaping provisions of CZC 12.51.070(g) and CZC 12.51.070 for General,*
35 *Parking Lot, and Public Street Landscaping requirements.*
36 6) *Additionally, the Final Site Plan is to comply with CZC 12.55.050 Adequate Public*
37 *Facilities, CZC 12.55.190, Street Improvements Required, and CMC Chapter 16,*
38 *Storm Water Management.*
39 7) *Lastly, these Conceptual Acceptance Directives are to help facilitate compliance with*
40 *applicable City provisions regarding "The Hive" Development. However, there may*
41 *be other applicable City regulations that have not been identified at this level of*
42 *review. Consequently, there may be other standards or adjustments identified during*
43 *a Final Site Plan review.*

44
45 Reasons for Action:

- 46
47 a) *The Planning Commission finds that the Conceptual Site Plan has been reviewed in*
48 *accordance with CZC 12.21.110(d).*
49 b) *The Planning Commission finds that the Conceptual Site Plan has been reviewed*
50 *considering the applicable provisions of CZC Chapter 12.32 – Residential Zones,*
51 *including CZC 12.32.060 – Regulations of General Applicability.*
52 c) *The Planning Commission finds that the required "Public Hearing" was conducted in*
53 *accordance with CZC 12.21.050 Public Hearings and Meetings. Additionally, the*
54 *meetings were conducted in accordance with Executive Order 2020-5 Suspending*

the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19, issued by Governor Herbert on March 18, 2020.

- d) The Planning Commission finds that "Acceptance" of a Conceptual Site Plan is not intended to permit actual development of property pursuant to such plan but is to be prepared and reviewed merely to represent how the property could be developed [see CZC 12.21.110(d)(5)].
- e) Lastly, the Planning Commission finds that any conditions of acceptance be limited to conditions needed to conform the conceptual site plan to approval standards and ordinance requirements [see CZC 12.21.110(d)(4)].

Commissioner Kjar **moved** to table the Conditional Use Permit Application submitted by C.W. Urban for the proposed development project located at 55 North 400 West, and direct the applicant to accomplish or provide the following, with the following reasons for action. Commissioner Summerhays seconded the motion, which passed by unanimous vote (6-0).

- 1) This request for a Conditional Use Permit is to be reviewed in conjunction with the applicable Final Site Plan or other related approval, prior to receiving a decision whether to approve the additional 9-12 units for the proposed development.
- 2) The applicant shall prepare and submit a professionally conducted "Traffic Study" for the proposed development, which must also address the following specifically:
 - a. Whether the proposed development creates a need to provide additional infrastructure or improvements to mitigate or accommodate the additional traffic generated by the development.
 - b. Address the anticipated traffic circulation and dispersal patterns, particularly related to providing a "private through roadway" from 400 West to Frontage Road.
 - c. Address the recommended placement of ingress/egress points and any related turning movements.
 - d. If an impact is identified in the study, what is the applicable percentage of the impact caused by allowing the additional conditional use density of 9-12 units per acre.
- 3) The applicant shall submit the applicable Final Site Plan documents to the South Davis Metro Fire District for review and provide as part of the submittal any written recommendations, from the Fire Marshal and/or Fire Chief.
- 4) Additionally, the applicant shall have the Fire District review the design of the visitor parking locations and use of the private roadway and provide feedback and/or recommendations related to adequate fire access and applicable emergency services.
- 5) As part of the Final Site Plan Application, the applicant is to prepare and submit a Stormwater Management Plan, which must be reviewed and deemed acceptable by the City Engineer.

Reasons for Action:

- a. The Planning Commission finds that approval of densities 9-12 units per acre is a Conditional Use in the Residential High Zone.
- b. The Planning Commission finds that the findings needed to meet the review CUP factors of CZC 12.21.100 are substantially contingent upon the site plan design and layout expectations of the Zoning Ordinance.
- c. The Planning Commission finds that there may be potential traffic impacts that may need mitigation, as was also raised by the participants in the "public hearing" proceedings.

- d. The Planning Commission finds that the use of private road on-street parking versus the need for maintaining adequate fire and related emergency services may need to be mitigated and is seeking recommendations from the Fire District.
- e. The Planning Commission finds that additional information is needed to address adequate Stormwater Management, which can be accomplished with the related Final Site Plan review and approval process.

PUBLIC HEARING – EDMUNDS AUTO – CONDITIONAL USE PERMIT

Mackenzie Wood, Assistant Planner, explained that the applicant applied for a Conditional Use Permit for a Vehicle Rental or Sale, used, limited use. The applicant desires to open a small sales operation that sells cars in a limited manner. The cars would generally be stored indoors in the flex office/warehouse space of an existing building. The application submittal indicates that the business would not perform any maintenance or repair work. Ms. Wood explained that the parking lot in this case is particularly limited and lacks a truck turn-around area. Thus, if a transport truck is used for deliveries, it will have to load off-site and likely in the public street. Such activity would impact the traffic flow and could be hazardous.

Commissioner Kjar asked if sufficient parking would be left for other tenants of the property. Ms. Wood responded that existing tenants do not require a lot of parking, but the property does have one remaining empty tenant space. The three parking stalls for display vehicles required by the State can be provided indoors.

Robert Edmunds, applicant, said he planned to run a small operation specializing in used Honda vehicles backed by warranty. He said he believed the transport drivers could be instructed to park in a way that would cause little impact to traffic. He said the warehouse space would only allow around eight vehicles at one time, and deliveries would not be extremely frequent. He said the entire property has 37 parking stalls, and briefly explained uses of other tenants on the property. Mr. Edmunds expressed confidence that the site has plenty of parking.

Chair Hayman opened a public hearing at 7:42 p.m., and closed the public hearing seeing that no one electronically indicated a desire to comment. Commissioner Summerhays pointed out that uses change over time, and emphasized the need to ensure the property would have sufficient parking at build-out. The Commission discussed parking on the property.

Commissioner Daly made a **motion** for the Planning Commission to approve the Conditional Use Permit request for Edmunds Car Company, subject to the following conditions and reasons for action. Commissioner Summerhays seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. This Conditional Use Permit shall apply only to the user space located at 1052 West 500 North, Suite 40, as proposed by the applicant.
2. This Conditional Use Permit approval is for a Vehicle Rental or Sale, used, limited use. No maintenance or repair shall be performed unless otherwise approved by the City in an applicable land use approval.
3. Display vehicle parking shall not be less than three spots, as required by the State of Utah.
4. All display vehicles shall be operable and in good condition, and shall be kept as follows:
 - a. All vehicles for sale shall be parked or stored inside the warehouse portion of the building.

- 1 b. Vehicles for sale shall not encumber the use of any required parking stalls,
2 except for the incidental use of delivery/pick-up of the operator or new owner,
3 which shall not exceed a 24-hour period.
4 c. Any vehicle for sale shall not be temporarily located in an area that conflicts
5 with needed customer or other tenant parking spaces and vehicle circulation
6 lanes or other similar common area place.
7 5. The loading and unloading of vehicles for sale from a commercial transport truck is
8 prohibited, except for a limited capacity towing trailer not to exceed three (3) vehicles
9 (e.g. wedge type trailer towed by a pick-up truck).

10
11 Reasons for Action:

- 12
13 a) The Planning Commission finds that the land use of vehicle and equipment rental or
14 sales is a conditional use within the Industrial-High Zone [CZC 12.36 (Table of
15 Uses)].
16 b) The use is consistent with the expectation of the City's General Plan [Section 12-
17 430-1 & Future Land Use, Goal 1, 12-480-6].
18 c) The Planning Commission finds that the applicant is proposing a limited sales
19 operation on a limited capacity site consisting of two (2) multi-tenant flex/office style
20 buildings.
21 d) The Planning Commission finds that the applicant has enough warehouse space to
22 fulfill the State's dealer minimum requirements of three (3) display stalls and
23 sufficient storage and parking for a limited sales operation.
24 e) The Planning Commission finds that with the implemented conditions of approval the
25 criteria for issuance of the CUP have been satisfied, as described in the applicable
26 staff report.

27
28 INLAND MARINE – CONDITIONAL USE PERMIT – 1040 N 950 W

29
30 Ms. Wood said the applicant, working on behalf of Inland Marine, applied for a
31 Conditional Use Permit for a Vehicle and Equipment Rental or Sale use. Inland Marine is a
32 sales operation that sells boat time shares. The Planning Commission tabled the application on
33 April 8, 2020 with directives.

34
35 The Planning Commission discussed the need to ensure sufficient parking remains for
36 the property as a whole. Lolo Tenifa, applicant, confirmed that loading and unloading of vehicles
37 would only occur at the rear of the building, and would not pose a safety hazard to children
38 visiting the neighboring Coconut Cove business. The applicant submitted a letter from Coconut
39 Cove.

40
41 Commissioner Daly said it appears the application meets requirements established by
42 City Code. Future potential parking issues will be up to the property owner to address.
43 Commissioner Wright responded that she believes the Planning Commission needs to ensure
44 sufficient parking exists on the property with the CUP. She emphasized the need to make sure
45 the property owner is aware of the dwindling amount of parking available on the property, and
46 brought up the possibility that the property owner may put pressure on the City in the future to
47 grant a parking modification for the remaining empty tenant space. Chair Hayman pointed out
48 that the property owner may be able to present a parking plan for the remaining tenant space
49 that includes adjacent off-site parking, but warned that she would not feel compelled to grant
50 future parking modifications, particularly given that the owner was on notice of the parking
51 issues the owner had created. Commissioner Daly suggested including a finding that specifies
52 there are only two remaining parking stalls to be assigned to the remaining tenant space.
53

Chair Hayman made a **motion** for the Planning Commission to approve the Conditional Use Permit request for Inland Marine at 1040 North 950 West, Suite 500 subject to the following conditions and reasons for action. Commissioner Wright seconded the motion, which passed by unanimous vote (6-0).

Conditions:

1. This Conditional Use Permit shall apply only to the user space located at 1040 North 950 West, Suite 500.
2. This Conditional Use Permit approval is for a Vehicle and Equipment Rental and Sale use.
3. Display vehicle parking shall not be less than three spots, as required by the State of Utah.
4. All display vehicles shall be operable and in good condition, and shall be kept parked inside the garage/building and shall not encumber the use of any required parking stalls and shall be located in an area that does not conflict with needed parking and vehicle circulation lanes (e.g. in the auto repair use facility, an approved storage area, or other similar place).
5. The loading and unloading of vehicles for sale from a commercial transport truck may only occur in the west loading zone.

Reasons for Action:

- a) The Planning Commission finds that the land use of vehicle and equipment rental or sales is a conditional use within the Industrial-High Zone [CZC 12.36 (Table of Uses)].
- b) The use is consistent with the expectation of the City's General Plan [Section 12-430-1 & Future Lane Use, Goal 1, 12-480-6].
- c) The Planning Commission finds that with the implemented conditions of approval, the criteria for issuance of the CUP have been satisfied, as described in the applicable staff report; with recognition and understanding that based on current uses of the property, there are only two remaining parking stalls, and future uses may be constrained.

PARRISH CREEK BUSINESS PARK, BUILDING B – CONCEPTUAL SITE PLAN

On April 8, 2020, the applicant came before the Planning Commission desiring to amend the approved project's Buildings B, C, and D, by combining Lots 3 & 4 and building one building instead of three. The Planning Commission tabled the item with directives. Ms. Wood reported that the applicant had for the most part met the directives, with the exception of providing parking counts for possible uses. She said Staff finds the application meets regulations in City ordinance. Ms. Romney suggested the Planning Commission add a condition regarding review of possible amendments to the subdivision plat and PDO.

Commissioner Summerhays asked if any of the Commissioners have a hard time with the property moving away from the originally approved flex/office use. Nick Brady, project architect, confirmed that boat sales is one prospective tenant use for the building. Commissioner Wright said she believed a boat sales situation was appropriate for the subject area. Chair Hayman said she believed the applicant had met requirements for Conceptual Site Plan.

Chair Hayman made a **motion** to approve the amended Conceptual Site Plan application for parcels 06-392-0003 and 06-392-0004 with the following directives and reasons for action. Commissioner Wilcox seconded the motion, which passed by unanimous vote (6-0).

Directives:

1. The applicant shall prepare and submit a Final Site Plan Application, as described by the Zoning Ordinance 12.21.110(e).
2. The Final Site Plan shall show all utilities being provided to the site and obtain the necessary will serve letters from any of the applicable utility providers.
3. The applicant shall receive Conditional Use Permit for Vehicle Sales Use in conjunction with Final Site Plan.
4. Provide parking counts for uses that match current and under-review tenants in Buildings A & E (particularly vehicle and equipment rental and sale parking calculations).
5. Review required amendments to the subdivision plat and PDO approval.

Reasons for Action:

- a. The Planning Commission finds that a Conceptual Site Plan review is not intended to permit actual development of property pursuant to such plan but shall be prepared and reviewed merely to represent how the property could be developed (See CZC 12.21.110.d.5).
- b. The Conceptual Site Plan that has been submitted depicts how the site could be appropriately developed and with some alteration could be designed to comply with applicable provisions of the Off-Street Parking ordinance and other relevant regulations, as discussed in the Planning Staff Report.

COMMUNITY DEVELOPMENT DIRECTOR REPORT AND COUNCIL REPORT

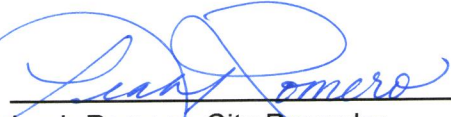
Mr. Snyder updated the Planning Commission regarding direction from the City Council. The Planning Commission is scheduled to meet next on June 24, 2020. Responding to a question from Commissioner Wright, Mr. Snyder stated that a review of City parking requirements is included on the list of long-term goals for the Planning Commission, but was not rated as a high-priority goal for 2020. Chair Hayman thanked the Commissioners and Staff for their hard work and dedication.

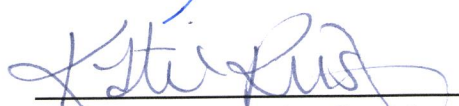
MINUTES REVIEW AND ACCEPTANCE

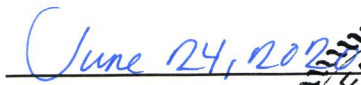
The minutes of the May 27, 2020 Planning Commission meeting were reviewed. Commissioner Wright **moved** to accept the minutes. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 8:53 p.m., Chair Hayman **moved** to adjourn the meeting. Commissioner Daly seconded the motion, which passed by unanimous vote (6-0).


Leah Romero, City Recorder


Katie Rust, Recording Secretary


Date Approved

