

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
MARCH 8, 2016

**FINAL**

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

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

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

OTHERS PRESENT: Carol Martin, LeAnn Johnson, Daniel Johnson, Gordon Holbrook, Geri Holbrook, Jim Allen, Pat Evans, Betty Jensen, Shawn Poer, Nick Collins, Sloan Collins, Will Smith, James Whelchel, Courtney Whelchel, Victoria Saldana, Carma Johnson, Sandy Harris, Glen Johnson, Julie Frandsen, Kim Nagle, Kirtis Hansen, Nancy Hunt, David Montanaro, Sheila Montanaro, Wendy Mell, residents; Joseph Reyes, Emily Dunbar, Justin Truong, Adam Raines, Eddy Edens, Kevin Quach, Aaron Brown, Sparky Devins, Sam Hudgins, Zeb Jackson, NSL Plaza; Tyler Busnell, Kirton McConkie; Patrick Scott, Taylor Spendlove, Brighton Homes.

1. PUBLIC COMMENTS

Jim Allen, 902 Romsey Court, asked why the Planning Commission is considering Planned Districts (P) instead of commercial zoning. Commissioner Drinkall commented that developers are able to request utilization of the P District. Commissioner Knowlton also said that the City is getting applications from developers for multi-family housing which is an indication that the free market is leaning away from retail at this time and there is a demand for this type of housing.

Jim Allen asked the purpose for changing the zoning into housing when allowed in the current zoning. Council Member Mumford replied that the P District allows the City to work with the applicant. He explained that the City hasn't received proposals for commercial and that with quite a few the vacant parcels; it is worth listening to all the proposals that are presented.

Ken Leetham recommended that the City does not have control over the market or the applications received. Everything that the City plans will not always be possible. There are areas designated for mixed use and areas identified for commercial and areas for multi-family housing. He explained that all master plans are put together with input from the residents, developer and City staff. The next planning level of the Town Center area will be presented to the public in an open house. There have been and will continue to be many opportunities for the public to have input on development throughout the City.

2. PUBLIC HEARING: PROPOSED AMENDMENT TO THE SIGN CODE-JOSH PATEL, APPLICANT

Sherrie Llewelyn reported that this application was presented to the Planning Commission last year with the proposed amendment to allow signs up to 600 square feet and 50 feet in height. The Planning Commission recommended against the proposal and City Council denied the application to amend the sign code at that time. Josh Patel with his attorney approached the City Council a few weeks ago and were directed to reapply with a modified request. The existing sign code language states that in the S-3 sign district that the maximum sign size is 200 square feet.

The applicant is requesting two modifications to the sign code. The first item would be that property that is adjacent to I-15 in the S-3 sign overlay zone with a minimum of 400 feet frontage on I-15 would be permitted to construct an on-premise sign no larger than 300 square feet.

The second proposed item includes standards for electronic signs including length of message and adjustable brightness, etc., which was recommended by staff in the previous application. Those proposed regulations of electronic signs are identical to state code regarding electronic billboards regulated by UDOT and guidelines from the Federal Highway Administration, as well as other transportation industry research.

She also identified other potential properties that would be affected by the sign code amendment include: 610 North Main, 400 North to Center Street on the west side of I-15, and south of Center Street. The Development Review Committee (DRC) recommends approval of the code amendment with no conditions.

Commissioner Baskin commented that the proposed language “notwithstanding the above” was too vague and needed to reference the table in the City code at section 10-4-13.

Tyler Buswell, Kirton McConkie, commented that he is representing Josh Patel and the NSL Plaza. He explained that the code amendment makes sense in that Mr. Patel will be using the

existing on premise sign which has been in place since the 1970s, that the zoning changes are consistent with those of nearby cities, that the sign size changes are not generally applicable and that the sign will be a benefit to the property and the community. Mr. Buswell said that City staff researched twelve nearby cities for on-premise signage. Six cities allow 300 square foot signs and the other six allow smaller signs with ten cities allowing electronic signs. City staff then determined that 300 square feet was the average allowed size.

Mr. Patel proposed that to limit the number of signs he was proposing some general restrictions including limiting the proposed sign size changes to properties with I-15 frontage and 400 linear feet of I-15 frontage. He also said that the proposed sign will help to bring business and revenue to NSL Plaza which will benefit the City.

Josh Patel, NSL Plaza, explained that he has worked hard to renovate this property including landscaping and façade upgrades and that potential tenants want the larger 300 square foot sign for advertising, as it is visible from I-15.

Commissioner Baskin then recommended changes to the language of the proposed amendment including Section 3-D to say “Additional conditions may be imposed by the Planning Commission including hours of sign operation, or setbacks from property lines to mitigate the impacts on nearby residential properties, to protect critical view sheds as established in the General Plan, or to prevent potential traffic hazards.”

Commissioner Mascaro commented that the city code or proposed amendment should have language to indicate recommended spacing in between signage on properties that are adjacent to each other to prevent signs that are too close in proximity to one another. Sherrie Llewelyn commented that a minimum setback from the property line would be helpful as well.

Commissioner Kirkham recommended that there be language to only allow one sign on each property.

Council Member Mumford asked how the Commission felt about allowing electronic signs throughout the City and commented that he has been uncomfortable with the last few electronic sign proposals that have come in to the City. He said that businesses should be allowed to compete with other businesses but that he does not want a bright, flashing “Vegas” feel throughout the City.

**Commissioner Drinkall opened the public hearing at 7:08 p.m.**

Rob Raines commented that his business is currently located downtown and is interested in relocating to the NSL Plaza. The draws include the freeway frontage sign and the remodeled building as the sign would help market his company.

Sparky Devins commented that he lives near the Plaza and is also interested in moving his business there due to the location and the sign, as it would be competing with billboards and his company would benefit from being able to advertise.

Justin Truong commented that his business is not able to spend a lot of money on marketing and this would give his company the opportunity to advertise and grow.

Jim Allen, 902 Romsey Court, said that he believed the Federal Highway Administration guidelines were created to remove billboards as they are distracting to motorists. He said these new electronic billboards are an even worse distraction and make it difficult to enjoy the view.

Kevin Quach said that he believes that most recent studies indicate that signs do not cause accidents and that most accidents are attributed to distracted driving from cell phone use.

Sam Hudgins commented that his company, Freaking Rad LLC, is currently located in Draper and is very interested in the location and the exposure this sign would allow.

Joseph Reyes said he is a current tenant at NSL Plaza and relocated from California. He explained that the other tenants include photographers, architects, gaming companies and that the goal is to have tenants that can collaborate and create a base for local events that would occur in the City. He said that the ability to advertise would be very beneficial to his business.

Emily Dunbar commented that she is a tenant in the building and plans to be there long term. She wants to help build the community and help create a family friendly atmosphere at the Plaza.

**Commissioner Drinkall closed the public hearing at 7:20 p.m.**

Commissioner Drinkall asked how many tenants Mr. Patel foresees in the NSL Plaza and how many would be allowed to advertise on the sign. Josh Patel replied that he has 14 tenants so far. He explained that there could be up to six rotations of signs displayed.

The Planning Commission and staff also recommended further wording changes to the proposed amendment including item number two to say “Notwithstanding the above, for any property that (i) is within the S-3 overlay zoning district, and (ii) has at least four hundred (400) linear feet of

frontage along Interstate Highway 15, there may be permitted the construction of one on-premises electronic sign with maximum sign area not to exceed three hundred (300) square feet.”

Commissioner Drinkall commented that two adjacent properties should not be allowed to have two signs right next to each other and that this needs to be addressed in the proposed amendments. Sherrie Llewelyn replied that the spacing could be within 50 feet of frontage to I-15 and 200 feet from the north and south property boundaries.

Sherrie Llewelyn also clarified that as this is an on-premise sign that it would be tenant specific advertising only. No other advertising, similar to billboards advertising brands like Coca-Cola etc., could be displayed. Only tenants on the property would be able to access the sign for advertising.

Ken Leetham recommended that the Planning Commission approve the proposed amendments with the subsequent changes to language to be adjusted by City staff.

**Commissioner Baskin moved that the Planning Commission recommend approval to the City Council of the proposed revised amendments to the Land Use Ordinance with the following findings:**

- 1. The proposed amendment is in accord with the comprehensive general plan, goals and policies of the City.**
- 2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in this title with these additional amendments to the language:**

**First being subparagraph two “notwithstanding the regulations in the table at section 10-4-13, for any property that (i) is within the S-3 overlay zoning district, and (ii) has at least four hundred (400) linear feet of frontage along Interstate Highway 15, the City may permit construction of one on-premises electronic sign with maximum sign area not to exceed three hundred (300) square feet.”**

**On subsection 3 the language will remain the same except on subsection D. “Additional conditions may be imposed by the Planning Commission including hours of sign operation, or setbacks from property lines to mitigate the impacts on nearby residential properties, to protect critical view sheds as established in the General Plan, or to prevent potential traffic hazards.”**

**3. Guidance that there should be one sign per parcel, guidance that the sign will be on the side of the portion of the property adjacent to I-15, develop criteria for signs that are adjacent to each other with a separation distance to be studied by City staff and to come back with recommended language.**

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

**3. PUBLIC HEARING: CONSIDERATION OF A RE-ZONING TO A PLANNED (P) DISTRICT FOR ODELL CROSSING LOCATED AT 210 EAST ODELL LANE FROM HIGHWAY COMMERCIAL (CH). –BRIGHTON HOMES, APPLICANT**

Sherrie Llewelyn reported that the general development plan was presented to the Planning Commission a few weeks ago and was recommended to the City Council for approval. The property is currently zoned Commercial Highway (C-H) and in accordance with the current code the development will need to go through a P-District rezoning process.

The City Council made a few changes to the general development plan. The changes the City Council requested include the reduction of units from 37 to 30, increased parking requirements, reorientation of the buildings to Highway 89, an addition of a courtyard, tot lot and community BBQ area, etc.

The applicant must negotiate a development agreement with the City Council. That agreement will address the site plan, landscaping plan, lighting, architectural design, and future platting of townhomes, should the developer chose to sell the units rather than rent. The DRC is recommending that the applicant not utilized vinyl fencing on the property and install a solid masonry wall along the north property line and a decorative wrought iron fence or masonry wall on the south property line.

Sherrie Llewelyn further stated that the Planning Commission and Council favor the previous proposal to include both an access to US Hwy 89 and Odell Lane. However, at this time UDOT will not allow a permanent second access onto Highway 89 as it violates several administrative rules to which they are bound. Their concern is that violating those rules relating to the proximity of other driveway accesses and the intersection with Odell Lane may create a traffic hazard and potential liability in the event of an accident. UDOT prefers an emergency crash gate instead and is willing to attend the City Council meeting to discuss the purpose of the rules. . UDOT has stated that if they were to allow the access without a crash gate, it would be classified as a temporary access, in that if either the property to the north or south were re-developed it would

be replaced with either a joint access to the south or an a second access to Odell Lan. A condition of that temporary access would be the construction of a center lane concrete barrier on Highway 89 to restrict left turns. This option would impact many other property owners and businesses along Hwy 89 from Odell Lane to Northtown Lane.

Taylor Spendlove, Brighton Homes, commented that while they have presented a plan of Odell Crossing before that this is a different layout since the original presentation. The density has been decreased by 7 units, there is increased parking and UDOT has granted permission for a temporary access via the crash gate. UDOT has since stated that this will not be open access for residents and will only be emergency access. He said that the traffic implications on Odell Lane will be minimal and will not impact the neighborhood. The property will be maintained by a management company to ensure that it remains nice.

Commissioner Drinkall asked if there will be an issue with the concrete curbing in the turn lane in regards to the bus rapid transit (BRT) line. Ken Leetham replied that a median in this location would be problematic for the City and that funding for BRT may not go through this session, therefore the full impact of a median is unknown. He also said that City staff recommends a crash gate that could be opened for public access in the event of an emergency.

Sherrie Llewelyn clarified that the crash gate would normally be locked but that there are alternative gates with spring loaded mechanisms which could be utilized to allow for snow removal.

Commissioner Baskin commented that Mr. Spendlove made a comment regarding that there would not be enough traffic generated by the proposed development to create a problem and asked for the basis of that analysis. Taylor Spendlove replied that there would be approximately 300 additional trips per day on Odell Lane which is minimal. He said UDOT is not required to give access to Highway 89 unless another suitable access is not available.

Commissioner Mascaro asked if the City Engineer had reviewed the proposed traffic generation and if Odell would be able to accommodate the additional traffic. Sherrie Llewelyn replied that Odell Lane would be able to handle the additional trip load according to the professional opinion of the City Engineer. The primary concern of the residents, she believes is the potential of additional parking along Odell Lane, which is why the parking ratio has been increased to 3.3 spaces per unit which exceeds the code requirement of 2.25 spaces per unit.

**Commissioner Drinkall opened the public hearing at 8:11 p.m.**

Jim Allen, 910 Romsey, asked about snow removal and if there would be enough room behind the driveways for the snow. Taylor Spendlove replied that they had considered snow removal and that there is 7-10 feet of space in most areas. They will also be able to push snow into the courtyard area.

Julie Frandsen, 244 Odell Lane, commented that she appreciates the redesign and additional parking but said that she was under the impression that if the development was unable to obtain access to Highway 89 that this application would be denied. She said the amount of traffic with the school is already too much. She mentioned that as a representative of the condominiums to the east which shares a property line with the school does, that they were not allowed to have vinyl fencing adjacent to the school.

Kim Nagle, 161 East Odell Lane, commented that she has seen many changes and appreciates developing the community for the better. Her concern is for the safety of the children walking up the street to school especially with an increase in traffic.

Sandy Harris, 170 Odell Lane, said that she wants a solid 8' wall to be built to block her property from the three story development. She also wants any graffiti removed from the fence immediately. She commented that there will be increased foot and auto traffic and that parking should not be allowed on the street especially in the winter as it is already difficult for her to access her driveway. Ms. Harris commented that she is concerned with the safety of the school children as well.

Will Smith, 379 Odell Lane, stated that his two concerns are increased traffic when his children are walking to school and the issue with snow removal on Odell. He said that traffic during rush hour will be a concern as well.

Commissioner Drinkall commented that the City's code enforcement officer can monitor snow removal and that the City Council could consider a crossing guard in the mornings and afternoons when children are coming to and leaving the school.

Nick Collins, 234 Odell Lane, said that this development is trying to fit a lot of tenants into a small area. He also said he is concerned about the crash gate on Highway 89 and possible graffiti on that gate. Commissioner Drinkall replied that the crash gate would not be large enough for graffiti as its primary purpose would be to provide emergency access and restrict other vehicles and would not necessarily be a solid gate.

Daniel Johnson, 208 Hillside Lane, commented that just because the property is available that it may not be appropriate for this development especially if the only access is Odell Lane. He said

he is concerned about the safety of the children and that no investment or income is worth the loss of one child. He is also concerned about traffic overflowing onto Hillside Lane which is a private road.

Steve Allan, 106 Hillside Lane, said that 300 trips per day may not seem significant but said that the concern is for the school children. He asked if a bridge for pedestrians had been considered.

Gordon Holbrook, Hillside Lane, commented that the walkway from Odell Lane to the school is used year round and that when the snow is plowed over the sidewalk that the children will walk in the streets which is also a safety issue.

Victoria Saldana, 184 Hillside Lane, said that at the last meeting it sounded like the development would not be approved if there was no access to Highway 89 and asked why it is still being considered.

Wendy Neely, 385 East Odell, commented that she is not opposed to a nice development but that a smaller development or single family homes would fit into the neighborhood better.

Gordon Holbrook also said that with the increase in traffic there is a concern that Hillside Lane, which is a private lane, will be used and the homeowners will have to pay for the increased maintenance of that street.

Residents Daniel Johnson and LeAnne Johnson voiced their concerns about the use of the private lane as well and said that there are older residents who live on Hillside who need to be protected from increased traffic as well.

Glen Johnson, 201 Hillside Lane, said he agrees with the other comments that had been made and was confused about the benefits this development would bring. He also said that even if access to Highway 89 is given that this would be a safety issue as well due to the high amount of traffic and the speed on that road.

Sandy Harris also commented that her original property was an acre in size and that the City took a half acre to widen the road. She said she does not want to do that again.

**Commissioner Drinkall closed the public hearing at 8:38 pm**

Ken Leetham clarified the next steps and said if the Planning Commission makes a recommendation to the City Council tonight that it would be reviewed at the March 29<sup>th</sup> Council meeting.

Commissioner Baskin asked why the traffic study was not requested by the City Council. Council Member Mumford replied that the City Council did not feel the expense was warranted or required.

Commissioner Drinkall summarized that the one overarching concern he had heard from the public hearing is increased traffic which will cause greater safety concerns and the impact this development will have on Odell and the safety of the children. He recommended this be taken back to the City Council to conduct a traffic study during peak hours and on garbage pickup day.

Other concerns from the Planning Commission included stacking of cars during peak traffic times, the narrowness of the street particularly with parked cars, concern and snow removal and children walking in the street.

Ken Leetham commented that there is a provision, in the City code for a P-District rezone, after a public hearing has been held the City Council, by ordinance, may establish a P District with a finding that the streets are suitable to accommodate traffic. He said that since there was previous discussion of a traffic study the Planning Commission could suggest the developer do more analysis regarding the impact of traffic.

**Commissioner Knowlton moved to postpone the decision on the proposed rezone of 210 East Odell pending the results of a traffic study. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Kirkham, Garn, Knowlton, Mascaro and Council Member Mumford.**

#### 4. CONSIDERATION OF PROPOSED SITE PLAN FOR ODELL CROSSING LOCATED AT 210 EAST ODELL LANE

As the consideration of a re-zoning to a Planned (P) District for Odell Crossing located at 210 East Odell Lane from Highway Commercial (C-H) was postponed the Planning Commission proposed to postpone this consideration of a proposed site plan for Odell Crossing as well.

**Council Member Mumford moved to postpone consideration of the proposed site plan for Odell Crossing located at 210 East at such time as the rezone has been acted on. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Kirkham, Garn, Knowlton, Mascaro and Council Member Mumford.**

## 5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of February 9, 2016 were reviewed and approved.

**Commissioner Mumford moved to approve the minutes of February 9, 2016 as amended. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford.**

The Planning Commission meeting minutes of February 23, 2016 were reviewed and approved.

**Commissioner Knowlton moved to approve the minutes of the Planning Commission meeting of February 23, 2016 as amended. Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford.**

Commissioner Baskin commented that a motion be made to request a traffic study for Odell Lane and the impact of safety issues regarding the residents of the area and those attending the school. She said it was not fair to the developer to expend time, money and effort to continually re-do the plans. She said that there should be data and not just public comment to determine the traffic impact on this road and whether the development be approved.

Commissioner Drinkall commented that issues range from snow removal, trash can pickup issues, width of the street and safety issues and asked what the City could do. Ken Leetham said that in the past the City painted the curb to restrict parking and was then was asked by residents on the street to un-paint curb. He said some residents have suggested widening the road but in his opinion in making this a one way street could be a solution. However it had been a one way street in the past and was not without problems. He further stated that the City has offered in the past to widen the street if property owners willingly dedicate property to the City for the widening, but the residents declined.

Council Member Mumford said the only downside to a one way street is that those homes on the end of Odell would use Hillside lane. He said one issue that the City inherited are these narrow streets built in the county along with those streets developed as private streets. Many of those streets are eventually dedicated to the City to maintain at the request of the residents. Those streets do not meet our width standards and create problems.

**Commissioner Baskin moved that the Planning Commission approve or request the approval from the City Council for a traffic study to be conducted related to the development on Odell Lane, its implications on Hillside, Orchard and Highway 89 to**

**determine the safety implications as they impact the general welfare. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford.**

Council Member Mumford asked regarding possible changes to the sign ordinance. Sherrie Llewelyn said that staff has plans to rewrite portions of the sign ordinance. The City currently complies with Federal codes but the ordinance does need to be revised.

Council Member Mumford reported on the application for the multi-family development near the proposed Lee's Market and said he has sent over several emails and letters which have been put on public record. He also said that there are approximately 820 students at Foxboro Elementary and once they reach 900 they will consider year round school. Ken Leetham s reported that the school district projects that 7% of the proposed apartment units will generate an elementary school student.

6. ADJOURN

Chairman Drinkall adjourned the meeting at 9:28 p.m.



Chairman



Secretary