

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
OCTOBER 11, 2016

FINAL

Chairman Robert Drinkall called the meeting to order at 6:29 p.m. Commissioner Leslie Mascaro led those present in the Pledge of Allegiance.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Lisa Watts Baskin
Commissioner Ted Knowlton
Commissioner Stephen Garn
Commissioner Kent Kirkham
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: Tia Crow, Romm Jackson, residents; Nate Pugsley, Taylor Spendlove, Brighton Development Utah; Brady Nowers, Questar Gas; Spencer Wright, Wright Development Group; Jim Camberlango.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF A PROPOSED PLAT AMENDMENT:
MILESTONE CONDOMINIUMS AN AMENDMENT TO HANSEN SUBDIVISION,
LOT 1, AT 360 NORTH 700 WEST. JENNIFER OGZEWALLA, APPLICANT

Sherrie Llewelyn reported that the proposed amendment is for the two acre Lot 1 in the Hansen subdivision and the applicant is proposing to divide the plat into a Planned Unit Development, essentially condominium-izing the existing structures on the property. The existing west building on the property would be sold to Wine Racks America, the east building retained by Tom Stuart Construction and the parking and landscaping will be maintained by a property owners association. The Development Review Committee (DRC) recommends approval with the conditions that the plat is revised to show the addition of an address table and the correct

subdivision name, and that the CC&R's for the common area be submitted prior to the final recording. All the findings and redline conditions have been met per the City engineer.

Council Member Mumford asked if the property meets the 10% landscaping requirement. Sherrie Llewelyn replied that there is landscaping along the front and south side of the property and that the existing building met the requirement via previous site plan approval.

Commissioner Drinkall opened the public hearing at 6:34 p.m. There were no public comments and he closed the public hearing at 6:35 p.m.

Council Member Mumford moved that the Planning Commission recommend approval of Milestone Condominiums, an amendment to Hansen Subdivision Lot 1, to the City Council with the following conditions:

Conditions:

- 1) **The Plat is revised to show the following items:**
 - a. **Addition of address table**
 - b. **Correct subdivision name in title block**
- 2) **Submit CC&R's for common area ownership, maintenance, etc.**

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

3. **CONSIDERATION OF A PROPOSED SITE PLAN AMENDMENT FOR EAGLEWOOD C-STORE AT 34 WEST EAGLEGATE DRIVE. LOGAN JOHNSON, APPLICANT**

Sherrie Llewelyn reported that this site plan amendment was on the agenda two weeks ago and the applicant has removed their request to relocate the garbage enclosure. The amendment for tonight is regarding the gas islands and canopy. The applicant would like a total of five islands with ten gas pumps and an expanded canopy. The DRC recommends approval with no conditions.

Mrs. Llewelyn then answered the commission's concerns from the last meeting, and said that the gas will be delivered to the site once a week and will take approximately 45 minutes to fuel. In regards to the location of the potential drive aisle, the drive access may be moved at a later date once the adjacent property is developed and a new access could be cut at that time.

Commissioner Garn moved that the Planning Commission approve the site plan amendment for Eaglewood Village C-Store at 34 West Eaglegate Drive subject to no conditions. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford.

4. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR THE PRESERVE-NORTH SALT LAKE LOCATED AT APPROXIMATELY 260 EAST 350 NORTH. TAYLOR SPENDLOVE, BRIGHTON DEVELOPMENT UTAH, APPLICANT

Sherrie Llewelyn reported that Brighton Homes is proposing a General Development Plan for a development located on 5.67 acres. The plan consists of 83 townhomes and 0.5 acres of reserved for future commercial use adjacent to Affordable Auto Sales. The DRC has not made a specific recommendation due to the absence of a larger plan for the area but the proposal is consistent with the mixed use designation in the General Plan and Towne Center Master Plan. The applicant has provided a conceptual plan, if redevelopment were to take place for the overall area showing office buildings along Highway 89 with parking behind the buildings, additional townhomes and retail space. That conceptual plan is only intended as illustration of one possible scenario for redevelopment along the corridor. The developer does not own or have financial interest in any of the properties, and is simply demonstrating how the proposed development could relate to future redevelopment in the area. The General Plan provides for a future bus rapid transit (BRT) station located in this area and the plan demonstrates good connectivity for pedestrians both internally and to the Highway. It will be important in the final design to provide for future pedestrian connections to the redevelopment area.

The 83 single family townhomes will be for individual sale, holding the open space, amenities, and private streets being held in common ownership. The amenities for the single family townhome development will include a tot lot, pool and cabana, and park area. The proposed townhomes are two story units with unfinished basements and are approximately 2,000 square feet. The buildings are designed with shared courtyards providing pedestrian access to the front doors of each unit. Each unit will have a 2 car garage. The proposed parking ratio of 2.43 spaces per unit which includes 36 guest parking spaces. Accommodation of 2 ADA stalls will be required.

Commissioner Garn asked if the development will exit onto Highway 89. Sherrie Llewelyn replied that there will be no access onto Highway 89, the two accesses for the development will be from 350 North.

Sherrie Llewelyn said that the landscape plan has 35% landscaped area, including the open space, which meets the City standards, but does not include the area reserved for the future commercial development. Commissioner Knowlton asked for clarification on the plan regarding the 35% landscaped area.

Sherrie Llewelyn commented that when City staff met with the applicant regarding how this proposed development would fit within the future redevelopment of the area the developer requested feedback from the Planning Commission and City Council regarding the amount of area to be reserved for future commercial on the corner of Highway 89 and 350 North.

Ken Leetham said that City staff is supportive of the proposed plan but would like to know how the Planning Commission feels about the development and if it meets the objectives of the Town Center Master Plan. He said it is a good transitional land use for the location, in that the project is bound on the west by existing commercial development and on the east by single family residential. He stated that staff and the developer had explored different development types on the site, including high density, multi-level residential mixed. Multi-level residential did not appear to have the same transitional qualities that the current proposal has, and was cost prohibitive as it would require underground or stacked parking structures. That level of intensity would have required financial participation from the RDA. Given those considerations, staff believes that the proposed housing type and courtyard design best meet the Town Center Master Plan goals at this location.

Taylor Spendlove, Brighton Development Utah, addressed Commissioner Knowlton's question about the landscaping and said that the percentage includes the pool and cabana, tot lots and front yards. He said there is a 300' by 50' strip of easement to Travel Luggage which is not included in the landscaping percentage. The developer is currently negotiating with the owner of Travel Luggage to determine how this area should be improved and/or landscaped. The HOA will maintain the common space and front yards, and each yard will be fenced with a short 3' picket style fence.

Commissioner Kirkham asked if guests or residents would park on the streets. Taylor Spendlove replied that the garages run along the private street frontage so cars would not be able to park on the streets, as that would block the garages. There will be no man doors to the garages, therefore the guest parking has been provided at the ends of the courtyards to provide easy pedestrian access to the front doors of the homes.

Commissioner Mascaro asked if there would be a phasing plan for the development. Taylor Spendlove replied that there would be a phasing plan brought before the Planning Commission. The pool and tot lot will be built during the first phase to help sell the individual homes.

Commissioner Mascaro also asked about the walk-ability in and outside of the development. Taylor Spendlove responded that they would like to review the development with City staff to determine best place to stub sidewalks for future connections.

Commissioner Mascaro asked if there would be some type of barrier or landscape buffer between the residential and future commercial development. Sherrie Llewelyn replied that City ordinances do require a solid wall between residential and commercial areas, which defeats true mixed use integration of the two land uses. Similar to the Foxboro Marketplace plan, the P-District rezone and development agreement would modify that requirement in the overall regulations for the project to improve walk-ability especially as the area is designated as a mixed-use area. She also stated that intensive and attractive landscaping could be required for a transitional barrier.

Commissioner Baskin asked if the existing trees would be removed or if they could be saved. Taylor Spendlove said that the biggest issue with mature trees is the roots which can cause difficulty when building. He said they would try to work around and save the trees if possible, although some will have to be removed for the installation of foundations and basements which would damage existing tree roots. He also answered Commissioner Baskin's question regarding driveways and said that there would be no individual driveways just a 5' concrete slab from the garage to the private street.

Council Member Mumford asked how large each front yard would be and how close the front doors are. Taylor Spendlove replied that there would be 20' to 30' between the two front doors and that the yards would be 10x20' (approximately 200 square feet) with a sidewalk between each unit. The front yards and additional landscaping and fencing will be installed by the developer and maintained by the HOA.

Taylor Spendlove clarified that there would be a sidewalk along the parking stalls, pool areas and between each unit.

Commissioner Drinkall asked why the units were not larger or three stories. Taylor Spendlove and Nate Pugsley replied that the two story units create a better community and that a three story unit restricts the development to a younger market.

Nate Pugsley, Brighton Development Utah, commented that this project will help generate Redevelopment Area Funds (RDA) and that while the adjacent car dealership is older and less attractive than a new business, it does still generate significant sales tax revenue for the city. He said that Brighton Development would be interested in acquiring the adjacent farm, luggage store

and car dealership properties in the future, when those property owners are ready to sell or relocate their businesses.

Sherrie Llewelyn said that if the Planning Commission makes a favorable recommendation to the City Council and they approve the General Development Plan then the applicant will apply for a rezone to the Planned (P) District in conjunction with a development agreement, preliminary plat and phasing schedule.

The Planning Commissioners agreed that the townhomes would be a good transition between the residential and potential commercial in the area and said that Brighton Homes develops a good product. They were pleased with the applicant preparing the proposed conceptual plan of the area and said that the project is headed in the right direction.

Commissioner Drinkall commented that there is a vision for Highway 89 and there have been a lot of redevelopment projects with a good use of space. He said this project is a good start even though the City would like to see more commercial space such as restaurants and shopping.

Council Member Mumford said that while this is a conceptual plan it is hard for him to approve a project in a mixed use area with only one use with the hope that the market for commercial uses will improve in the future. He agrees that this product offers a good buffer for the area but would prefer more mixed use included in each proposal, rather than only the residential component with the promise of commercial use that never comes.

Commissioner Mascaro asked the applicant if they had considered flex use units such as commercial space with residential above. Nate Pugsley replied that they have a flex use development in Layton which does not have a high demand. They also researched placing office space in the area and found that the demand would be low for that use as the market drives development for that kind of a project. They did consult with commercial brokers and found that there is little demand for commercial and office space at this location, and much more interest and demand around the Center Street area at the heart of the Town Center.

Ken Leetham clarified that staff does not have any recommended conditions at this time, as General Development Plan is a conceptual step. If Planning Commission and Council approves the General Development Plan City staff will work with the developer and the development agreement to incorporate the feedback and may have conditions as the project progresses.

Although a public hearing was not required, Commissioner Drinkall asked the audience if anyone present wished to address this agenda item.

Commissioner Knowlton moved that the Planning Commission recommend to the City Council approval of the General Development Plan for The Preserve at approximately 260 East 350 North based upon considerations outlined in the staff report. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham and Mascaro. Council Member Mumford voted in opposition to the motion.

5. CONSIDERATION OF A PROPOSED CONCEPT PLAN FOR ROMAINE COURT PUD AT 391 NORTH MAIN STREET. JIM CAMBERLANGO, APPLICANT

Sherrie Llewelyn reported that this one acre property is currently zoned R1-7 and the applicant is proposing a PUD of ten townhomes which is allowed as a conditional use in this zone. The zone does not specify minimum lot area per dwelling for townhomes; however duplexes must have 8,500 square feet of lot area and based upon this requirement with the lot size of 43,560 square feet this would allow for five duplexes. The applicant is requesting one duplex and two four unit dwellings to allow for more open space. Each unit will be two stories with a two car garage, a driveway, and five guest spaces. The proposed architecture will be traditional with stacked stone, stucco and hardi-siding. The developer will fence the perimeter of the property with a 6' vinyl fence and the landscaping on site is 41% of the property including a tot lot.

The front setback along Main Street is 20' and the rear setback is 15'. The proposed layout places Unit 6 approximately 2.5' from the driveway curb. The City engineer expressed concern that Units 5 and 6 are too close to the curb. Another issue is that the driveway for Lot 5 may not allow for two cars to park in the driveway, the angle of the drive could be adjusted at the preliminary approval stage to allow for better access. The DRC recommends approval of the concept plan with no conditions.

Sherrie Llewelyn also said that she had received one written comment, which was given to the Planning Commission, regarding traffic, the number of units (density), and concern about a possible hawk nest in the existing trees. The developer will need to take precautions not to harm the hawk nest when building. She said that the density is allowed per City ordinance and that the units will generate approximately 100 vehicle trips per day which should not affect traffic significantly on Main Street.

Jim Camberlango, applicant, said that he has built this product in several locations in Utah County and that the proposed units are fairly large at 1,900 square feet. He explained that the density on the site allows them to keep the units affordable as building costs are high. He also said they did not know about the hawk previously but will take care when removing the trees.

Commissioner Drinkall asked what the cost per square foot would be. Jim Camberlango replied that they are approximately \$80-90 per square foot which puts the homes in the \$200,000.00 range.

Council Member Mumford asked the applicant the size of the smallest project he had completed and said that the concern is that the cost of an HOA are high in regards to roads, maintenance, etc. Jim Camberlango replied that usually they complete larger projects but that there isn't a lot of frontage road to maintain for this project. The HOA will mow the grass, remove snow, and maintain the exterior of the units with a monthly fee of \$60.

Council Member Mumford commented that many HOA's don't set aside funds for roof structural repair or private street replacement and then approach the city for funding. He said these problems bleed out into the neighborhood when the buildings and roads are not maintained. Sherrie Llewelyn stated that in the past she has asked for an analysis of HOA costs which include the depreciation costs associated with road maintenance to ensure that the HOA dues are sufficient to cover future replacement.

Commissioner Knowlton said that his concern with developments next to a freeway is that residents are exposed to higher levels of pollutants. He said that this is something to consider looking forward as standards could be put in place in regards to air filtration systems and land use decisions near freeways.

Council Member Mumford asked how many other four-plexes were in this area and if the proposed units could become duplexes instead. Sherrie Llewelyn replied that she was aware of several duplexes there but was unaware of any other four-plexes there. She said that changing the four-plexes to duplexes would result in less open space.

Commissioner Kirkham moved that the Planning Commission recommend approval of the Concept Plan for Romaine Court PUD to the City Council with the following finding:

Findings:

- 1) **The proposed PUD Development complies with all applicable zoning standards**

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

Commissioner Garn asked if City staff will follow up on the issue of the units that are too close to the street. Sherrie Llewelyn replied that staff will work with the developer and this development will come back before the Planning Commission for preliminary plat approval.

Commissioner Kirkham commented that the air filtration issues and/or requirements could be addressed when the project comes back for further approval.

6. CONSIDERATION OF A PROPOSED TEMPORARY USE PERMIT FOR OUTDOOR STORAGE YARD AT APPROXIMATELY 1050 WEST CENTER STREET. QUESTAR GAS & CANYON PIPELINE, APPLICANTS

Sherrie Llewelyn reported that Questar has started a project to replace the pipeline that runs under Legacy Trail. The construction will cause trail closures from NSL Center Street to 500 South in Bountiful from October to May 2017. Questar and Canyon Pipeline have requested a temporary yard, located at 1050 West Center Street, to store pipe and other materials needed for this project. The applicant is proposing to enclose the property with a fence and a permanent entrance with curb and gutter. Once the project is completed the applicant will install above ground infrastructure at this location to maintain the pipeline. The DRC recommends approval with the following conditions that a temporary yard be used only in conjunction with the construction of the gas line under Legacy Trail, access to the site shall be between 6 a.m. and 10 p.m. September-May (and governed by the noise ordinance), the site shall be secure, the site shall be maintained in compliance with SWPPP, the site shall be restored, the applicant shall provide a proof of bond, and the duration of the permit shall be no longer than 12 months.

Brady Nowers, Questar, commented on conditions five and six and said that they have purchased the property from UDOT for future use and will be adding nicer fencing and landscaping. He said as the area will be gravel they do not want to reseed the property. He also said they generally do not do bonds. Sherrie Llewelyn responded that Questar will post a bond for the curbing so that should suffice for condition six.

Sherrie Llewelyn commented that the final site plan, submitted by Questar, shows a wrought iron fence with landscaping for this property.

Commissioner Mascaro moved that the Planning Commission recommend to the City Council approval of the conditional use permit for temporary outdoor storage yard located at 1050 West Center Street, subject to the following findings and conditions:

Findings:

- 1) **The proposed use is temporary in nature and in conjunction with an approved construction project in the vicinity;**
- 2) **Adequate measures are being provided to assure protection of site and adjacent properties.**

Conditions:

- 1) **The temporary yard shall be utilized only in conjunction with the construction of a Questar Gas line as approved by UDOT under the Legacy Trail;**
- 2) **Access to the site for loading and unloading pipe and materials shall be governed by the adopted noise control ordinance (Section 4-4-2) specifically between the hours of 6 a.m. and 11 p.m. (June-August) and 6 a.m. and 10 p.m. (September-May), except in the event of a bona fide emergency;**
- 3) **The site shall be secured at all times, when not occupied by construction crews;**
- 4) **The site shall be prepared, operated, and maintained in compliance with SWPPP and best management practices to minimize the dust and debris onto city streets and abutting properties;**
- 5) **The site shall be restored within 30 days of cessation of operations and completion of the project;**
- 6) **The applicant shall provide proof of bond, surety, or escrow for the restoration of the site; and**
- 7) **The duration of the temporary use permit shall be no longer than 12 months as requested by the applicant.**

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

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of September 27, 2016 were reviewed and approved. Commissioner Garn moved that the minutes of September 27, 2016 stand approved as corrected. Commissioner Mascaro seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Baskin, Garn, Kirkham, Mascaro and Council Member Mumford.

8. ADJOURN

Chairman Drinkall adjourned the meeting at 8:08 p.m.



Chairman



Secretary