

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
SEPTEMBER 22, 2020

FINAL

This meeting was held electronically via 3CX. The host site was located at 10 East Center Street in North Salt Lake.

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

PRESENT: Commission Chair Ted Knowlton
Commissioner Stephen Garn
Commissioner William Ward
Commissioner Brandon Tucker
Commissioner BreAnna Larson
Commissioner Alisa Van Langeveld

EXCUSED: Commissioner Kent Kirkham

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Dee Lalliss, Carol Newton, Elise Hutchison, Robert Walsh, Sandra Walsh, Jeff Leleszi, Zane Anderson; Ben Olsen, Zack Olsen, Silver Sky Lofts Townhomes; Nick Trujillo, Veolia.

Chair Knowlton stated that conducting this meeting with an anchor location, as in City Hall, where the public could attend in person does present a substantial risk to the health and safety of those who may be present at that location based upon the current COVID-19 pandemic and the limited staff support to properly ensure physical distancing and sufficient to disinfect for attendees and staff. Therefore, let it be know that there is a public health and safety risk for us to attend this meeting in a physical location, such as City Hall, which is why this meeting will be held remotely.

Commissioner Van Langeveld asked for clarification on the resolution and if the request to hold the meeting electronically needed to be done three days in advance. Sherrie Llewelyn replied that the notification that the meeting would be held electronically was posted fourteen days in advance. She said the City Council approved the resolution last week to answer the requirements per State code. This proclamation would need to be read every thirty days at the Planning Commission meeting. Ms. Llewelyn explained that how difficult it would to hold the meeting at

City Hall as she would have to present, sanitize, and run the PowerPoint, etc. and how the camera system was not setup to accommodate in person meetings.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING: CONSIDERATION OF CONDITIONAL USE PERMIT FOR THE EXPANSION OF A NON-CONFORMING USE (WASTE MANAGEMENT & REMEDIATION SERVICES) LOCATED AT 709 NORTH TAYLOR WAY, MD ZONE, NICK TRUJILLO, VEOLIA, APPLICANT

Sherrie Llewelyn reported that in May 2002 a conditional use permit (CUP) and site plan was approved for the facility at 709 North Taylor Way. The CUP was for the present use by Veolia for waste management and remediation services for the transport and ultimate disposal of hazardous wastes offsite. The business occupied half of the building and the other half was occupied by another tenant. The second tenant has vacated the premises and Veolia has requested a permit to use that half of the building to expand their business from hazardous waste disposal services to include nonhazardous waste disposal services. The property is in the Manufacturing Distribution (MD) zone. The code was amended in 2011 removing those uses as conditional uses in the MD zone, which makes the current use non-conforming. City code does allow for the expansion of non-conforming uses upon issuance of a conditional use permit by the Planning Commission after a public hearing.

Non-regulated/Non RCRA (Resource Conservation and Recovery Act) waste would be screened prior to being brought onsite to verify that it meets all the criteria of being non-regulated. It would also be transported to the site on non-hazardous shipping papers/bill of lading in non-bulk quantities of 55 gallons or less. It would then be staged in the warehouse for further sampling/testing prior to processing. A 25 yard roll-off dumpster lined with plastic would be placed in the warehouse and the waste would then be solidified and loaded in the roll-off using a backhoe/forklift tilt hopper. The applicant estimated about sixty-four 55 gallon drum equivalents would fill a 25 yard dumpster and comply with applicable DOT regulations. Once the roll-off dumpster was filled, Veolia would generate a new shipping document for the dumpster and it would be shipped to Subtitle C or D landfills based on waste profiling. The waste would be tracked via internal tracking systems to identify which waste was bulked into which dumpster. Veolia also intends to make any necessary building modifications including the installation of a dust collection system to control any fugitive dusts and a containment system for any accidental spills to avoid storm water contamination. All operations would be performed in accordance to local, state, and federal regulations for environmental health and safety.

Sherrie Llewelyn clarified that no disposal would be done at this location. She said the RCRA is the federal law that creates the framework for the proper management of hazardous and non-

hazardous solid waste. The law defines waste as hazardous if the waste has properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process waste to batteries and may come in many forms including liquids, solids, gases and sludge. City code prohibits the expansion of nonconforming uses except by conditional use permit, therefore the expansion is subject to review for compliance with the performance standards for conditional uses within section 10-7-2 of the code. Conditions may be placed on the use to meet the concerns for safety of persons and property, health and sanitation, environment, general plan proposals and neighborhood needs, performance and administrative.

Sherrie Llewelyn stated that staff determined there were several issues, which should be considered in the approval of the conditional use permit. This included site plan design and security. The site appears to be secured by a six-foot chain link fence and staff recommended verification of secondary spill containment. The second issue would be storage limitations and ensuring that no waste would be stored outside of the building. She said her understanding was that the maximum amount of time the waste could be stored on the property was ten days. The third issue was storm drain/runoff protections including verification of secondary spill containment. Ms. Llewelyn said the fourth issue was pollution control, water, air, and odors. All waste would be stored inside the building for a maximum of ten days and the operator would install a dust collection system. The fifth issue would be visual screening but as all the waste would be stored within the building there would be no need for a screened fence for outdoor storage. The sixth issue was compatibility with the neighborhood, the current building, landscaping and parking complied with the code and is of similar in character to other uses and buildings in the zone. The last issue was energy conservation and the proposed use provides an essential service for the safe disposal of non-hazardous waste particularly those wastes lost or damaged in shipment. She explained that this business provides a necessary service so that those wastes are collected and disposed of safely and not disposed via the storm water or sanitary sewer systems.

The Development Review Committee (DRC) has reviewed the application and felt that the expansion of the use would have no effect on the properties in the area and that the facility has operated the existing nonconforming business that handles hazardous waste for 18 years without incident or complaint. The expansion to receive non-hazardous waste is within the federal and state regulations in the manner proposed may be allowed with conditions to that effect. The DRC recommended approval with the following conditions that City staff verify the security of the site prior to issuance of a business license, no waste may be stored outside of the building, storm drain/runoff protections are in place or will be installed were necessary to protect against accidental spills, and the operator will install a fugitive dust system to control dust and odor from being vented into the area.

Nick Trujillo, Veolia, clarified that they would not be doing any disposal onsite but just consolidating and transporting the waste to the proper facilities. He commented that the overall

plan was to provide environmental solutions to businesses and industries to consolidate this waste and ship it to the right place for disposal in an economic way.

Commissioner Garn asked if any of the material would be taken to Stericycle to be burned. Nick Trujillo said this waste would not go to Stericycle but would be taken to Subtitle B and C landfills like Wasatch Regional Landfill.

Commissioner Larson asked which governing body was over this process to ensure the waste was in compliance and non-hazardous. Nick Trujillo replied that they complied with the Waste and Recovery Act per the EPA. He said there was certain criteria for how they categorized waste including flashpoint, toxicity, PH, metal content, etc. Veolia would screen the waste and create a waste profile and send samples to an independent lab for confirmation. They would then proceed with processing and consolidating if the waste was deemed nonhazardous.

Commissioner Larson commented that hazardous waste could come to the site and asked what would happen if it were confirmed to be hazardous. Nick Trujillo replied that the hazardous waste would either be rejected back to the generator or profiled as hazardous and shipped via the existing business and consolidated on the other side of the building and then sent to the proper disposal facilities. He explained that their current facilities did process hazardous materials, which had to be sent to the proper disposal facilities within ten days. Mr. Trujillo clarified that the hazardous waste was handled within ten days and the non-hazardous could be held onsite for a longer period of time.

Commissioner Larsen asked about the secondary spill containment. Nick Trujillo responded that it would be similar to what they had at their existing facility with a concrete berm around the staging areas with capacity indicted by engineering determinations.

Commissioner Van Langeveld commented that ultimately Veolia was regulated under the EPA. Nick Trujillo replied affirmatively and said they were also governed by the Utah Department of Air Quality and local (City) regulations.

Commissioner Van Langeveld commented on the oversight and asked if this included routine compliance reporting or if the regulation was only driven by incidents or complaints. Nick Trujillo responded that they had an intensive internal audit on an annual basis and conducted self-assessments. He said they also had routine visits from the Department of Air Quality and their most recent report showed no violations or items to address. Mr. Trujillo said they went above and beyond the regulations to protect their employees, the public and environment.

Commissioner Van Langeveld asked for clarification that Veolia had never been out of compliance in eighteen years. Nick Trujillo felt this was a fair statement but would like to verify that this was correct. He said to the best of his knowledge there had been no major violations in the City within those eighteen years.

Commissioner Van Langeveld asked about the fugitive dust system in regards to particulate matter being emitted into the air. Nick Trujillo commented that liquid waste would be solidified with flyash, litter, sawdust, etc. and could result in a small amount of dust. He said they would install a ventilation system, which would capture those types of particulates and trap them in a filter before it was emitted outside.

Sherrie Llewelyn commented that no incidents had been reported to the City related to the business and that if there was an EPA violation the City would have been notified.

Chair Knowlton asked if there were complaints about this business in the future and the Planning Commission approved this conditional use permit if there would be opportunities for recourse for the City.

Sherrie Llewelyn replied that a conditional use permit and business license could be revoked. She said they would be entitled to a public hearing and allowed to offer evidence in their defense. The City would also have to provide evidence from an investigation. Ms. Llewelyn clarified that all conditional use permits were subject to being revoked if there was a violation of the conditions or an issue related to health and safety.

Commissioner Larson said that the staff packet said that all waste would be stored for a maximum of ten days. Sherrie Llewelyn responded that this was an error and that Nick Trujillo's clarification that it was ten days for hazardous waste storage was correct.

Commissioner Larson asked if the DRC should be made aware of the clarification that the ten-day timeframe was for hazardous waste only. Sherrie Llewelyn replied that the nonhazardous waste was not controlled by the City. She said the biggest concern was the need to verify the fire wall separation as well as the sprinkler system per the Fire Marshall.

Commissioner Van Langeveld said the background provided in the staff packet explained that the code was amended in 2011 and removed those uses as conditional uses in the MD zone, which made the current use non-conforming. She asked if previously the operation was in compliance until 2011. Sherrie Llewelyn replied affirmatively and said they were in compliance until the code was amended. She stated that the code change was not targeted to this business but was a revision of the entire commercial and industrial uses section, which was greatly reduced the number of use categories.

Commissioner Van Langeveld asked under the current conditional use permit if the company could expand operations. Sherrie Llewelyn replied that they would be unable to expand without a conditional use permit. She said they would not be able to double their current hazardous waste operations as this permit was only for the nonhazardous waste.

Commissioner Van Langeveld commented on the volume and asked how compliance was regulated. Sherrie Llewelyn responded that they would be limited to the capacity of the building as they could not store anything outside.

Nick Trujillo expanded on the comment and said they would only have one 25-foot roll-off dumpster with the capacity for sixty four 55 gallon equivalent drums. He said they would not be able to have more than one roll-off or sixty-four drums in the warehouse at one time.

Commissioner Van Langeveld asked if Mr. Trujillo also understood that the conditional use permit did not allow for the expansion of the hazardous material. Nick Trujillo replied affirmatively and said one side of the building would be for the hazardous and the other side for the non-hazardous.

Chair Knowlton commented that per State law a conditional use permit was essentially a permitted use as long as the impacts could be mitigated. He said if the impacts could not be mitigated then the Commission could vote in denial. Sherrie Llewelyn said it was basically a permitted use with conditions. She said that denial would have to be based on the inability to mitigate a hazard or impact that was detrimental to the property owners in the area.

Chair Knowlton opened the public hearing at 7:10 p.m. There were no public comments and he closed the public hearing at 7:11 p.m.

Commissioner Van Langeveld expressed concern about the impact with regard to air pollution with the existing business and the potential expansion. She said she was unconvinced that internal audits were sufficient to prove compliance. Nick Trujillo invited the Commission, State and City to come to the facility at any time. He said he was happy to arrange an audit from the State to provide additional documentation. Mr. Trujillo also said Veolia would fund or support any additional building upgrades to support or mitigate any concerns.

Commissioner Van Langeveld commented that she would like to see the audit report. She spoke on Stericycle, which had been out of compliance, and said this put her in a hesitant position to vote to expand any waste disposal facility. Nick Trujillo replied that they would obtain that audit. He also reiterated that they did not dispose of any waste on the site and just consolidated and transferred the waste to other facilities.

Chair Knowlton clarified that the Planning Commission was the decision making body for this application. He also noted that the applicant is willing to take any guidance the Commission determined and would be required to comply with the conditions in the motion.

Commissioner Van Langeveld asked if the conditional use permit approval was for an indefinite timeframe. Sherrie Llewelyn replied that unless the applicant violated the conditions or something occurred that caused a risk to the health, safety, and welfare of residents.

Commissioner Van Langeveld asked if there was a sunset clause or a means to require them to come back in five to ten years to show that there were no concerns. Sherrie Llewelyn responded that she had seen conditions to require the applicant to file a yearly report with the City. She said yearly would be better than every five to ten years.

Chair Knowlton asked how long the company had been doing business in the City. Nick Trujillo replied that the business had been in the City for 18 years under other corporate names. He said the company name, Veolia had been established there for approximately seven to eight years.

Chair Knowlton asked if Mr. Trujillo viewed this application as a change in the nature of their operations or if it was an expansion. Nick Trujillo said it was an expansion and allowed them to provide alternate disposal and waste management to their customers in a way that was not otherwise available. He said this permit would allow them to work towards installing the mitigation systems and become operational in five to six months.

Commissioner Van Langeveld asked if any of the other Commissioners would prefer to receive the internal audit report before voting and/or requiring annual reporting be provided to the City to show compliance. Chair Knowlton commented that he would like to see the annual reporting be provided to the City, as it would enable the City to be quicker at any recourse if necessary.

Nick Trujillo commented that Veolia would be happy to provide an annual report and did not feel that would be onerous. Sherrie Llewelyn suggested that the report be submitted annually with their business license renewal.

Commissioner Larson was in favor of the annual report as well as this allowed the City to mitigate and oversee this type of use. Commissioner Van Langeveld said as the City had a lot of industrial operations that potentially impacted the environment she liked the idea of expecting compliance that did not hinge on a complaint or incident.

Commissioner Tucker felt that requiring a condition on their current operations may not be fair. He said if the applicant had not expanded, there would be no issue related to the non-conforming use for their current hazardous waste operations. Commissioner Van Langeveld said they were operating under a conditional use permit and are now a non-conforming use in the zone. She felt that it was the City's job to ensure they were mitigating any impact in perpetuity in all similar businesses.

Commissioner Tucker said that he agreed reporting was a good idea and the applicant was amenable to the requirement.

Chair Knowlton said that this type of service had to happen somewhere. He also said the applicant did not have a negative record. If the applicant did not keep up their side of the agreement, then this would allow some recourse for the City and would also put the onus on the

applicant prove yearly compliance. Nick Trujillo commented that on the hazardous waste side that they provided a service for the public in processing household waste along with the industrial users. He suggested that Veolia could provide two reports, one for the hazardous waste operations and one for the non-hazardous waste, so if there was ever noncompliance it would not put both operations at risk. Mr. Trujillo also said that per the State they had to submit a plan of operation and could provide this plan to the City as well. He said this plan for operation also includes all mitigation controls.

Commissioner Ward moved that the Planning Commission approve the conditional use permit for the expansion of a nonconforming use of waste management and remediation services for Veolia at 709 North Taylor Way with the following conditions:

- 1) City staff will verify the security of the site prior to issuance of a business license;**
- 2) No waste may be stored outside of the building;**
- 3) Storm drain/runoff protections are in place or will be installed were necessary to protect against accidental spills;**
- 4) Operator will install a fugitive dust system to control dust and odor from being vented into the area; and**
- 5) Annual reports be submitted to the City with the business license renewal for both the existing hazardous and proposed non-hazardous in a form acceptable to City staff.**

Commissioner Garn seconded the motion.

Commissioner Van Langeveld asked if there should be an additional requirement that the plan for operation be submitted as the first report regardless when it was generated in association with the business license.

Commissioner Ward amended his motion to include a sixth condition:

- 6) That the plan of operations that is currently on file with the State be submitted to the City of North Salt Lake and any subsequent amendments to it.**

Commissioner Garn seconded the amended motion. The motion was approved by Commissioners Knowlton, Garn, Ward, Tucker, Larson and Van Langeveld. Commissioner Kirkham was excused.

- 3. PUBLIC HEARING: CONSIDERATION OF A PROPOSED REZONE FROM HIGHWAY COMMERCIAL (CH) TO P-DISTRICT AT 212 NORTH HIGHWAY 89, BEN OLSEN, APPLICANT**

Sherrie Llewelyn reported that two years ago the general development plan for Sunview Village PUD was approved. This property is approximately 1.05 acres and is located at 212 North Highway 89. She showed a map of the property area with the current Highway Commercial (CH) zoning. The approval at that time included the concept plan for 14 (corrected 13) townhome units to be sold for owner occupancy. A public hearing was advertised for September 22nd conditioned upon the submittal of redline corrections of the site plan and landscape plan.

Chair Knowlton asked for a timeline on the project. Sherrie Llewelyn clarified that the public hearing for tonight was advertised two weeks ago expecting the redline corrections to be completed, but they had not been received. She said that the concept plan was approved two years ago and the City was waiting for additional applications from the developer. Ms. Llewelyn suggested that if there were any revisions based on public comment or the Planning Commission that they could be addressed prior to being placed on a future agenda, as the DRC recommendation was that this item be tabled. She explained that there were still several redline corrections that needed to be resolved such as submittal of the landscape plan and the plat for the subdivision.

Commissioner Ward asked if there would be another public hearing once those items had been received. Sherrie Llewelyn replied that it would be up to the Planning Commission to continue the public hearing or close the public hearing and just receive written comments from the public.

Sherrie Llewelyn showed the general development plan that was approved in 2018. There was a five unit building, a six unit building, and a two unit building. She then showed the revised layout with two 5 unit buildings and one 3 unit building. She explained that another change to the plan was that the units in the three unit building no longer had driveways to accommodate guest parking. Five guest parking spaces were added to the hammerhead turnaround. The DRC would like feedback on this change.

Each of the thirteen units has two bedrooms with two parking spaces in the garage for a total of 26 spaces in the garage. There are also ten units that would have guest parking in the driveway for a total of twenty guest parking in the driveways. The additional five guest spaces provide for a total of 25 guest spaces overall with a requirement for 4 guest spaces on the site.

Sherrie Llewelyn showed an example of the proposed architecture and said the townhomes would be two story units with flat roofs and balconies on the front of the buildings. The proposed architecture would incorporate stone, stucco and metal with a modern architecture style in gray and white with black trim. The improvements to the landscaping are approximately 40% of the site and would be added to the frontage along Highway 89 to conform to the Town Center cross-section for the highway, including an 8 foot park strip, a 7 foot sidewalk and the dedication of 15 feet to UDOT for future BRT expansion. Pedestrian access could be accommodated on either side of the private street.

The DRC recommended tabling this item and the preliminary plan approval until submittal of the preliminary plan sheet and any other redlines, the landscaping plan, and the setback for units 11-13, and driveways for all units.

Commissioner Tucker asked for clarification on the potential reduction of the units to 13 and said that the original and the current plan showed 13 units. Sherrie Llewelyn clarified that it was 13 units then and now and not 14 units, as she previously stated. She then showed the changes from the original plan to the current plan. This included removal of the driveways from three units to add three guest parking stalls.

Ben Olsen, Silver Sky Lofts Townhomes, apologized that they were unable to get the redline items to staff before the meeting due to the big windstorm. He said they felt like the layout worked better. Mr. Olsen said these were two story units instead of three, like other projects in the Town Center and the site had plenty of guest parking spaces.

Chair Knowlton opened the public hearing at 7:51 p.m.

Dee Lalliss commented that the notice sent to the public showed that this development had 14 units. He asked if this development was required to meet the new ordinances or if it was grandfathered in under the old requirements. Sherrie Llewelyn replied that this was a zone change and the density was negotiated. She said they originally submitted 14 units for preliminary and were required to remove one unit that was too close to the property line. The zone changes, setbacks and density were negotiated in the P-District. The proposed changes to the subdivision ordinance that require a 15-foot boundary around the edge as they have not been adopted.

Dee Lalliss asked about the three units with no driveways and how they would have to pull directly into their garages. He asked if this was a problem. Sherrie Llewelyn replied that the previous plan had driveways on each unit. She said the Planning Commission would have to recommend approval of that or provide additional recommendations.

Zane Anderson asked, via chat, how many feet there were between the Hillside property and the proposed property. He said the plat he received showed 14 units. Sherrie Llewelyn said there were distances of 13 feet and 10 feet between the properties along the property line and that having sent the notice out 2 weeks prior, she did not have the corrected drawing for 13 units.

Robert Walsh asked, via chat, when the landscaping plan would be finalized. Ben Olsen replied that he expected to have a landscaping plan tomorrow or Thursday.

Zane Anderson asked, via chat, what would happen to all the cottonwood trees. Ben Olsen responded that the cottonwood trees would be removed.

Robert Walsh asked in regards to the interior square footage of each of the units. Ben Olsen replied that the interior square footage would be 1,800 in addition to the garages.

Robert Walsh asked if the landscaping plan would include amenities. Ben Olsen replied that there were no amenities planned at this time.

Robert Walsh asked if the applicant would meet with the residents of Hillside Lane to answer questions. Ben Olsen responded that he would be willing to meet with the residents.

Sherrie Llewelyn said she would send Mr. Olsen's contact information to Mr. Walsh. Robert Walsh asked if Sherrie would also respond back to the questions in the email he sent earlier.

Robert Walsh asked about the timeline for construction and how long it would take to complete the project. Ben Olsen said they would begin construction as soon as all the approvals were received. He estimated that it would take approximately 18 months to complete the project.

Sandra Walsh questioned if the development would be a planned urban development or a condominium development and if there would be a homeowners association. She also asked in regards to the name of the development. Sherrie Llewelyn replied that it was basically a condominium development with an HOA that would manage the landscaping and the private street similar to Hillside Lane. She said the development was called Silver Sky Lofts.

Commissioner Ward suggested closing the public hearing tonight and continue it to hearing future date to allow for additional public comment when the revised drawings had been received.

Chair Knowlton closed the public hearing at 8:02 p.m.

Commissioner Ward moved to close the public hearing for this evening and continue to a later date. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Ward, Tucker, Larson and Van Langeveld. Commissioner Kirkham was excused.

Chair Knowlton asked for opinions from the Commissioners.

Commissioner Ward commented that he was in favor of each unit having an 18-foot driveway which meant he would not vote for the current layout.

Commissioner Garn said he liked the original plan as it provided driveways for each unit as well as room for guest parking.

Commissioner Van Langeveld commented that she thought the new plan was to allow for a dumpster location. Sherrie Llewelyn said that each unit would have their own garbage cans. She said one of the issues having space for the garbage truck access.

Commissioner Van Langeveld requested that the landscaping plan show new trees to replace the cottonwood trees that would be removed. She said she would like to see the landscaping plan.

Chair Knowlton said there were many good things about this application but the properties to the north and south would be redeveloped and this site did not take that into consideration. He felt there were shortcomings on this site plan including that none of the townhouses faced Highway 89 and there was no open space. Ben Olsen replied that he tried to purchase the adjacent properties. He said they were two story buildings and would be shorter than the neighboring Hillside Lane development.

Sherrie Llewelyn commented that these units would be similar in height to Hillside Lane as the elevation was 22 to 25 feet high and the homes on Hillside Lane were single story with pitched roofs and approximately the same height.

Commissioner Van Langeveld said the requested motion would rezone the property from RM-7 to a P-District. She asked in regards to the form based code in relation to this property. Sherrie Llewelyn replied that the current zoning was CH and required a P-District rezone for multi-family residential. She said this area would be part of the form based code in the Town Center zone; however, that code has not yet been adopted so the P-District would apply.

Commissioner Van Langeveld was in favor of tabling the item. Chair Knowlton said tabling the item meant addressing the concerns from the DRC including submittal of the final landscaping plan, the setbacks for units 11-13, and any other identified issues. He asked that the Commission provide guidance to the applicant.

Chair Knowlton felt that this was a good design and a good use on Highway 89. He spoke on the orientation to Highway 89 and how this could be mitigated through the placement of the doors or by not adding fencing there. He also spoke on the lack of open space in the project.

Commissioner Garn commented that the Commissioners had brought up several good points but felt like specific items needed to be given to the developer. He asked if the developer could face the units towards Highway 89. Ben Olsen replied that if the units were turned to Highway 89 they would have to backup onto Highway 89. He said he would provide a rendering of the unit that faced Highway 89. Mr. Olsen said the Commission had mentioned open space and the driveways. He asked if there were more specifics or direction the Commission could give him.

Commissioner Van Langeveld said that one option could be to reorient several units to front Highway 89 with an alleyway/driveways in the back and reorient other units into a courtyard configuration.

Chair Knowlton said that it was not the percentage of open space but landscaping that could be utilized by tenants. Sherrie Llewelyn suggested that some of the open space should be useable and gave options such as a gated dog area or a park. She recommended the developer research what amenities the potential residents would want.

Chair Knowlton suggested that some of the parking could be reduced to provide a better amenity/open space. He said this parcel would be right next to high capacity transit and that those tenants with the lowest demand for parking might choose to live here. He also asked how the City could facilitate better open space between parcels. Sherrie Llewelyn replied that staff could further review the layout with the developer.

Commissioner Van Langeveld asked if the Commission needed to specify that the developer return with a different development plan or just the missing line items. Chair Knowlton said that the Commission needed to provide direction to the applicant.

Commissioner Van Langeveld said in regards to the lack of open space if Chair Knowlton felt the open space at the end of the hammerhead turnaround was sufficient. Chair Knowlton replied that he wanted to see a piece of land held that could be combined into a bigger area. He said maybe it would result in the developer losing a unit but could result in better utility as part of a bigger concept. He explained that it was not all on the applicant to provide this as the City should also play a part.

Commissioner Ward said he would propose a motion with six issues to be addressed.

Commissioner Ward moved that the Planning Commission table the action on the requested rezone and preliminary plan approval to address the following issues:

- 1) Submittal of the preliminary plat sheet and other redlines,**
- 2) Submittal of the final landscape plan;**
- 3) Setbacks for units 11-13 shall be a minimum of 10 feet from the boundary of the project;**
- 4) All units shall have a minimum 18 foot driveway;**
- 5) Submittal of a rendition of the project from the perspective of Highway 89;**
- 6) Reconfiguration of the proposed units to provide additional open space on the southern boundary of the project.**

Commissioner Garn seconded the motion.

Commissioner Van Langeveld commented if the open space had to be on the southern boundary and suggested giving the developer the option to propose any version of open space. Commissioner Ward said his rationale for the southern boundary was the hope to have the three unit building reconfigured and also utilizing the car dealership property in the future. Commissioner Ward clarified that these were suggestions and not conditions.

The motion was approved by Commissioners Knowlton, Garn, Ward, Tucker, Larson and Van Langeveld. Commissioner Kirkham was excused.

Chair Knowlton asked the applicant if he had any questions. Ben Olsen replied that he had an idea of what the Commission wanted. He said he tried to purchase the adjacent properties but had been unable to do so. Mr. Olsen said this was part of the reason why the original application was made two years ago as he had been trying to develop a project that he could be proud of.

4. CONSIDERATION OF PRELIMINARY PLAN APPROVAL FOR SILVER SKY LOFTS TOWNHOMES PUD LOCATED AT 212 NORTH HIGHWAY 89, BEN OLSEN, APPLICANT

This item was tabled until a later date.

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

Sherrie Llewelyn reported that a new planning technician, Mackenzie Bennet, had been hired.

Ms. Llewelyn then said the City Council adopted Resolution 2020-24R related to electronic meetings. Earlier this year the State legislature made changes to the open and public meetings act in response to COVID. She said when you held electronic meetings generally you needed to have an anchor site for the public to attend. The change to the State code allowed for electronic meetings without an anchor site but required this to be announced in the public meeting and placed on the agenda. Chair Knowlton commented that until there was a vaccine that electronic meetings made sense and may be beneficial after that as it allows people to easily participate.

Sherrie Llewelyn spoke on a tour of the Town Center that the City hosted per the Utah League of Cities and Towns. She said it also included the lessons learned with development agreements.

Sherrie Llewelyn also mentioned the windstorm and the damage. She said approximately 500 trees were lost citywide. She said the City's Public Works crew went above and beyond.

Sherrie Llewelyn reported that she reached out to Dave Curtis regarding the commercial buildings and was told he would have the plans ready in two weeks. She also said the City Council had hired a planning consultant to draft renditions of the Hatch Park redesign. Three

plans would be presented to the public for input. The Parks and Arts Board and the Planning Commission would also provide feedback.

Sherrie Llewelyn spoke on the Redwood Road trail on 1100 North and said the City had grants to complete the trail but had been delayed due to being unable to acquire right of way from two property owners. She also said that with the addition of the new planning technician staff would be able to continue working on the form based code and subdivision ordinance. She asked for feedback on holding a joint work session to discuss the form based code with the City Council.

Chair Knowlton commented that work had to be completed. He said working remotely was transparent and allowed for easy participation. He suggested a remote joint work session with the City Council. Commissioner Larson was in agreement.

Sherrie Llewelyn then reported that the consultant was working on the annexation policy plan update. She said no decisions had been made at this point and the study would provide information on whether the annexation would be a good idea.

6. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 25, 2020 were reviewed and approved. **Commissioner Larson moved to approve the Planning Commission meeting minutes of August 25, 2020. Commissioner Tucker seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Ward, Tucker, Larson and Van Langeveld. Commissioner Kirkham was excused.**

7. ADJOURN

Chair Knowlton adjourned the meeting at 8:56 p.m.



For Ted Knowlton, as approved

Chair



Recorder

Secretary