NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING
APRIL 12, 2016

FINAL

Chairman Robert Drinkall called the meeting to order at 6:30 p.m. and led those present in the Pledge of Allegiance.

PRESENT: Commission Chairman Robert Drinkall
Commissioner Lisa Watts Baskin
Commissioner Ted Knowlton
Commissioner Kent Kirkham
Commissioner Stephen Garn

EXCUSED: 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: Craig Harris, Sandy Harris, Glen Johnson, Carma Johnson, Jeff Roberts, residents; Taylor Spendlove, Brighton Homes; Wilford Cannon, Eaglewood Development; Braxton Shank, Freedom LED Signs; Wade Crandall, Sky Properties.

1. PUBLIC COMMENTS

There were no public comments.

2. 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 developer has submitted a traffic study performed by Reeve & Associates, Inc. The current zoning is Commercial Highway (CH) and the traffic study was done for Odell Lane. The traffic counts were manually obtained while Orchard Elementary school was in session during the a.m. and p.m. hours to coincide with peak school hours and included pedestrian traffic. The summary of traffic counts include morning traffic with 25 vehicles per hour traveling westbound, 11 vehicles per hour traveling eastbound, and 8 pedestrians walking

westbound and 6 walking eastbound per hour. During the peak p.m. hours the traffic count per hour was 17 vehicles traveling westbound and 14 vehicles traveling eastbound. With the addition of 30 housing units the total projected vehicle counts per hour is 32 vehicles traveling westbound, and 18 vehicles traveling eastbound during the peak morning hours with 23 pedestrians walking westbound and 21 walking eastbound. During the peak p.m. hours there will be 25 vehicles traveling westbound and 22 traveling eastbound per hour. The projected maximum intersection delay will go from a current level of 8.9 seconds to 9 seconds and does not change street service level A. In plain terms that is defined as free flow of traffic and minimal interruptions in comfort and convenience. Streets are not considered for modification until they reach a level of service D or below. For Odell to go from a level of service A to D, 800 vehicle trips would need to be added during peak service hours. Trip generation is predicated based upon the estimates from the ITE Trip Generation Manual for Residential condominium/townhouse developments and will add a per hour projected 0.44 vehicle trips per dwelling unit in the morning and 0.52 trips per dwelling unit in the afternoon.

The Development Review Committee (DRC) has determined that the development will not change the level of service for Odell Lane and traffic impact will be minimal. The DRC recommends approval for the General Development re-zone to a Planned (P) District.

Commissioner Drinkall summarized that a traffic study was requested after the public hearing was held. There will be an increase of seven cars in the morning going each direction and an addition of eight cars in the afternoon going each direction. The biggest impact is the potential for more students walking from the proposed development to the school.

Commissioner Knowlton commented that there were questions regarding potential conflicts with pickup and drop-off of school children and that this analysis did not answer the question of stacking times. Sherrie Llewelyn replied that this study did not provide any information related to vehicles picking up or dropping off students, and only shows pedestrian and vehicle traffic.

Commissioner Kirkham asked for an update on the original consideration by UDOT to access the project from Highway 89. Sherrie Llewelyn replied that per her understanding UDOT would like Highway 89 as an emergency or secondary access with a crash gate, as Odell Lane is a viable option for access. She explained that regulatory rules by which UDOT is bound, does not permit the access onto Highway 89 when a viable alternative is available. She said UDOT would be willing to discuss the options and their concerns with the City Council.

Commissioner Garn asked if the concern for Highway 89 access was due to the left hand turn onto Highway 89. Sherrie Llewelyn replied that the concern is the proximity to the intersection and the driveway for Pineview Terrace apartments. If a full access were granted onto Highway

89, it would be considered temporary until such time that the access could be consolidated with Pineview Terrace or replaced with a second access onto Odell Lane. As a condition of a temporary access, UDOT would require a concrete center median be installed on Highway 89. This would preclude left hand turns onto Highway 89 and impact uses on the highway between Odell and Northtown Lane.

Commissioner Drinkall commented that the Planning Commission needed factual based information, in the form of the traffic study, to make a decision. Ultimately the City Council will make the final decision and that there was not a reason for the Planning Commission to deny the development. He said he would rather see retail or office space at the location but the market doesn't support that type of development. The city has a developer who willing to invest in the property and has met all the code requirements; therefore he would be inclined to vote in favor of the application.

Commissioner Knowlton commented that he was in agreement. As he reflected on the application before the Planning Commission tonight, he concluded that the general plan calls for intensity of use along Highway 89. Further this would not be a reasonable long term site for retail and that multi-family residential use would be an appropriate use for the site.

Taylor Spendlove, Brighton Homes, said that when they met with UDOT they were not denied access to Highway 89 but that there was a requirement for a median which was not the best option for the City. He also clarified that this traffic study was done while school was in session and not during spring break.

Commissioner Garn moved that the Planning Commission recommend approval on the proposed rezone from CH to P-District for Odell Crossing located at approximately 210 East Odell Lane with the following findings:

Findings:

1) **The proposed P District can be substantially completed within two (2) years of the establishment of the P District.**
2) **The development contains one phase that can exist as an independent unit capable of creating an environment of sustained desirability and stability; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have the beneficial effect which could not be achieved under other zoning districts.**
3) **The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district.**

4) **The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.**
5) **Any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the final plan.**
6) **The P district is in conformance with the City General Land Use Plan.**
7) **Existing or proposed utility services are adequate for the population and use densities proposed.**

Commissioner Baskin arrived at 6:52 p.m.

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

3. CONSIDERATION OF PROPOSED SITE PLAN FOR ODELL CROSSING LOCATED AT 210 EAST ODELL LANE. BRIGHTON HOMES, APPLICANT

Sherrie Llewelyn reported on the site plan for the Odell Crossing Townhomes which consist of 30 units in a total of five buildings with a courtyard and access from Odell Lane. There will also be crash gate for emergency access onto Highway 89. Additional property will be dedicated to UDOT, the sidewalk will be moved back and an additional shoulder will be added as well as a wider park strip and sidewalk per City code.

The landscape plan for the property meets the requirements of the ordinance with trees along Highway 89, the courtyard, 30% open space, tot lot and a community patio area. The fencing along the trail to the school will be a decorative split rail replacing the current chain-link fence. This will provide for increased visibility to reduce opportunity for vandalism or mischief and a safer walk to and from the school. Currently the housing units 21-30 are proposed to each have direct access to the trail, but due to the grade change, staff has discussed with the developer a single access at the southeast corner with a walkway around unit 21 for school children to access the trail from the development.

The Planning Commission will need to determine the type of fencing material to be used on the property. The DRC recommends solid fencing along the north boundary line and similar fencing along the south side of the property. In regards to the parking, the original development plan had 37 residential units which has been reduced to 30 units, the parking has also been increased to 94 parking spaces with 60 garage spaces, 15 driveway spaces and 19 guest spaces. The DRC recommends approval of the site plan to the Planning Commission.

Taylor Spendlove commented that a masonry fence on the north property line would be the best option especially for durability with snow removal but said that they would like to put a vinyl fence on the south side property line. On the east property line they are proposing a split rail fence for visibility and the school district was in favor of this type of fencing. The split rail fence would be a vinyl 4' tall fence and the masonry fence would be 6' tall.

Commissioner Knowlton moved that the Planning Commission recommends to the City Council approval of the site plan application for Odell Crossing Townhomes at 210 East Odell Lane, with the following findings and subject to the attached conditions:

Findings:

1) **The proposed use of multi-family dwellings have been approved as part of the Odell Crossing General Development Plan subject to a P-District Rezone and Development Agreement;**
2) **Sufficient parking is being provided for proposed use; and**
3) **The site plan and landscape conforms to the approved General Development Plan.**

Conditions:

1) **Subject to the approval of the P-District Rezone and Development Agreement;**
2) **Fencing for the project shall be solid masonry along the north property line, solid masonry or decorative wrought iron along south property line, and decorative split rail along the east property line adjacent to the trail.**

Commissioner Kirkham seconded the motion.

Commissioner Drinkall clarified that the fence would be 6' on the north and south property line and 4' fencing on the east property line.

Commissioner Baskin asked in regards to the fencing material on the south property line and asked if it needs to be clarified in the motion. Commissioner Knowlton replied that the developer did not feel like solid masonry was necessary. He asked if the developer would be open to installing wrought iron fencing.

Taylor Spendlove commented that they would like to do wrought iron or masonry fencing but that it was too expensive and that they would like to install vinyl fencing on the south side of the property.

Ken Leetham said that the opinion is that the redevelopment goals of Highway 89 and the Town Center are to make improvements to the quality of land uses, etc., and that this happens in the

smaller details. The City is not predisposed against vinyl fencing but the recommendation is to make beneficial changes to the corridor.

Commissioner Knowlton stated that he did not desire to amend his motion to allow vinyl fencing on the south property line.

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

4. PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO THE EAGLEPOINTE ESTATES SUBDIVISION PHASE 18, LOTS 1807 & 1814, ALONG WITH A VACATION OF A PORTION OF PACE LANE. SKY PROPERTIES, APPLICANT (THIS ITEM CONTINUED FROM NOVEMBER 10, 2015)

Sherrie Llewelyn reported that this item was tabled in November of 2015 at the request of the applicant due to the landslide remediation which was impacting the final determination of the setback from the crest of the slope; now that the issue was resolved the application can proceed. This request is for an amendment to Lots 1807 and 1814 and is a negotiated solution between the developer, the City and the gas pipeline companies. In order to lay the top main scarp back at the slope, Pace Lane was relocated south, Lot 1807 is reduced by 456 square feet to accommodate a new turn radius and Lot 1814 was widened and the buildable area designated to be 110' from the top of the landslide original scarp. In order to relocate a portion of Pace Lane the right-of-way has been reduced to 41 feet, the sidewalk has been eliminated on the landslide side of the hill, and the existing right-of-way will be vacated as a public street but will remain as a public utility easement. The plat and geotechnical report associated with the landslide remediation were prepared by the geotechnical firm and have been reviewed by the City Engineer.

The DRC is recommending approval of the plat amendment with a correction to Note 8, specifically noting all lots in the plat are subject to the geotechnical ordinance and correcting a code section reference currently on the plat; the addition of plat note 12 to clearly s define what will be allowed within the buildable area to reduce any impervious runoff; and minor redline corrections.

Sherrie Llewelyn reviewed and clarified the new lot lines per the proposed plat amendment with the Planning Commission and those present.

Commissioner Baskin asked in regards to the review by the City's Geotechnical Engineer, the City Engineer, and the developer's Geotechnical Engineer and if the right-of-way is now

considered stable. Sherrie Llewelyn replied that it has been built in accordance with the remediation plan.

Commissioner Baskin asked if the new right-of-way has been constructed. Ken Leetham replied that prior to the landslide a portion of Pace Lane was completed and will now be vacated. Some reconstruction of the roadway has been done including the removal and replacement of asphalt in some locations and the removal of asphalt and replacement of vegetation in other areas. He also explained that these were previously buildable lots and that they have been adjusted to remain as buildable lots.

Commissioner Baskin asked if the lots were owned by a developer or individual owners. Ken Leetham replied that the lots are owned by individual builders and have been party to the agreement. This amendment is necessary because the lots in their present form are not buildable and requires the adjustments in the amendment.

Commissioner Kirkham asked if there were any special considerations for the proposed landscaping in these areas. Ken Leetham replied that there were no special requirements on these lots. The property owners can put in front lawns with sprinkler systems. There is a storm drain system installed in Pace Lane and Silvertree Lane to capture runoff.

Sherrie Christensen clarified that the new geotechnical ordinance, requires lots in this hillside areas to have a site specific geotechnical report. Structural design and construction on the lot is required to follow the specific recommendation in that report, including landscaping, planting materials, etc. Each report is based on slope and soil conditions specific to that site.

Commissioner Baskin asked how many lots in this area would need similar action to be taken. Ken Leetham replied that there are no other lots that would need this type of amendment. The property that was formerly Phase 19 was vacated at the request of the developer after the landslide. If the developer wishes to subdivide that area it will need to come before the City and go through the subdivision process.

Commissioner Kirkham moved that the Planning Commission recommend approval of a plat amendment and right-of-way vacation for Eaglepointe Estates, Phase 18, Lots 1807 & 1814 to the City Council with the following findings and subject to the following conditions:

Findings:

1) **The amendment will be in the best interests of the City;**
2) **All lots comply with all applicable zoning standards;**
3) **All necessary and required dedications are made;**

4) **Provisions for the construction of any required public improvements are included;**
5) **The amendment complies with all applicable laws and regulations; and**
6) **The amendment does not materially injure the public or any person and there is good cause for the amendment.**

Conditions:

1) **That plat note 8 be revised and a new plat note (12) be added as shown in the staff report below:**

Plat note 8:

ALL LOTS IN THIS PLAT ARE SUBJECT TO THE REQUIREMENTS OF THE CITY CODE OF NORTH SALT LAKE, CHAPTER 12, SENSITIVE AREA DISTRICT & GEOLOGICAL HAZRDS AND CHAPTER 18 OF THE INTERNATIONAL BUILDING CODE. AS SUCH, PRIOR TO ISSUANCE OF A BUILDING PERMIT, A SITE-SPECIFIC GEOTECHNICAL ANALYSIS AND REPORT SHALL BE COMPLETED BY THE BUILDER OR PROPERT OWNER. CONSTRUCTION PLANS SHALL BE ENGINEERED & DESIGNED IN COMPLIANCE WITH THE RECOMMENDATIONS MADE WITHIN THE GEOTECHNICAL REPORT.

Plat note 12:

BUILDABLE AREA. ALL STRUCTURES SHALL BE CONTAINED WITHIN THE IDENTIFIED AREA NO ACCESSORY STRUCTURES SHALL BE ALLOWED WITHIN THE AREAS OUTSIDE THE BUILDABLE AREA, INCLUDING BUT NOT LIMITED TO, SHEDS, GARAGES, SWIMMING POOLS, CARPORTS, PONDS & WATER FEATURES. ALL IMPERVIOUS SURFACES ON THE LOTS SHALL BE LIMITED TO THOSE THAT CAN BE PROVIDED WITH RUNOFF DRAINAGE DIRECTLY TO THE CITY STORM DRAIN SYSTEM. THE BUILDABLE AREA SHALL BE CLEARLY STAKED PRIOR TO ANY EXCAVATION ON THE SITE.

2) Correction of minor redlines as required by the City Engineer.

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

Ken Leetham clarified that a public hearing was held regarding this issue on November 10, 2015.

Commissioner Drinkall opened the public hearing at 7:26 p.m. There were no comments and he closed the public hearing at 7:26 p.m.

5. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AN ELECTRONIC SIGN AT 640 NORTH MAIN STREET. JOSH PATEL, APPLICANT; BRAXTON SHANK, FREEDOM LED SIGNS

Sherrie Llewelyn reported that last month the sign code was amended to allow signs up to 300 square feet in areas adjacent to I-15 with a minimum frontage of 400 feet. Other updated standards for electronic signs require that they must be on a freestanding pole, wall or monument sign. Electronic signs must be constructed in locations that do not interfere with regulatory devices, and be equipped with a senor or device that determines ambient light and is programmed to dim. Other conditions include hours of operations, duration of display, and a transition time of 3 seconds.

The proposed sign would be located at the NSL Plaza in the Manufacturing Distribution (MD) zone in the S-3 overlay zone. The proposed sign will utilize the existing sign post and will include the removal of the top portion of the sign and replacement with a 30' wide and 10' tall LED sign which will only be allowed to advertise businesses on site.

The DRC recommends approval with four conditions including a sensor or device to determine ambient light and automatically dim according to ambient light conditions, duration of display shall be at least eight seconds, transition time between messages shall be no greater than three seconds, and a sign permit must be issued by the City prior to installation.

Commissioner Kirkham asked if the new sign will begin at the bottom of the existing sign support. Sherrie Llewelyn replied that this was correct and that an engineer has reviewed the sign to make sure it will support a new sign and has found it structurally sound. She clarified that it will be a 10' high by 30' wide sign that will be 300 square feet.

Commissioner Knowlton moved that the Planning Commission approve the conditional use permit for an electronic sign at NSL Plaza located at 640 North Main subject to the following findings and conditions:

Findings:

1) **The existing sign is not being increased in height;**
2) **The sign is located within the S-3 Overlay Zone;**
3) **The sign is located on property with greater than 400 feet of frontage on I-15.**

Conditions:

1) **The sign shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions;**
2) **Duration of each display shall be a minimum of eight (8) seconds;**
3) **Transition time between messages shall be no greater than three (3) seconds; and**
4) **A sign permit must be issued by the City's Building Department prior to installation of an electronic sign.**

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

6. CONSIDERATION OF A PROPOSED AMENDMENT TO THE CITY'S LAND USE ORDINANCE REGARDING THE LENGTH OF DEAD-END STREETS

Sherrie Llewelyn reported that changes to the proposed ordinance have been made from the last Planning Commission meeting to reflect feedback from the commission. These modifications would allow the Planning Commission to recommend an increase in length from 600' in to 1,000' under certain circumstances and with conditions. Those circumstances would include: physical conditions which preclude the ability to establish any practical means of access; provision of a through street will result in undesired cuts and fills; buildings or existing developments block access to the site which would result in landlocked property; and if the exception has received a favorable recommendation from the South Davis Metro Fire District and the DRC. Exceptions to cul-de-sac length may also be subject to the following conditions as deemed necessary: possible modified construction standards such as pavement width and cul-de-sac diameter; quantity and placement of fire hydrants; looped water lines; emergency egress; drainage; or other easements.

Commissioner Baskin then specified changes including clarifying language and minor edits as this ordinance may not be addressed again for many years. Sherrie Llewelyn will make the proposed changes and edits proposed by the Commissioners as specified in this meeting.

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.**
3) **The proposed change would reduce large cuts and fills in mountain development, which would otherwise not be necessary.**
4) **The proposed changes are as modified in the Planning Commission meeting.**

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

Commissioner Baskin left at 7:45 p.m.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of March 8, 2016 were reviewed and approved.

Commissioner Garn moved to approve the minutes of March 8, 2016 as amended based on discussion and Commissioner Baskin's rewrites. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Garn and Kirkham. Commissioners Baskin, Mascaro and Council Member Mumford were excused.

The Planning Commission meeting minutes of March 24, 2016 were reviewed and approved.

Commissioner Kirkham moved to approve the Planning Commission notes for March 24, 2016 as changed. Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Knowlton, Garn and Kirkham. Commissioners Baskin, Mascaro and Council Member Mumford were excused.

8. ADJOURN

Chairman Drinkall adjourned the meeting at 7:53 p.m.

Chairman

A. Bradford
Secretary