

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
JULY 10, 2018

**FINAL**

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

PRESENT: Commission Chair Ted Knowlton  
Commissioner Stephen Garn  
Commissioner Kent Kirkham  
Commissioner William Ward  
Commissioner BreAnna Larson  
Commissioner Natalie Gordon

EXCUSED: Commissioner Brandon Tucker

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Kate Werrett, Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Dee Lalliss, Brian Hamilton, Mary Ann Tidwell, Gene Tidwell, Lisa Hamilton, Kris Garcia, Rafael Chavez, Beni Carrera, residents; Paul Poteet, Liberation Development Investments; Dustin Pennington, Stantec Consultants; Mike Haslam, Tom Stuart Construction.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF A PROPOSED RE-ZONING OF PROPERTY LOCATED AT APPROXIMATELY 150 EAST 350 NORTH FROM RESIDENTIAL, R1-7 TO HIGHWAY COMMERCIAL (CH) FOR ARROWHEAD APARTMENTS, A PLANNED DISTRICT (P), LIBERATION DEVELOPMENT INVESTMENTS, APPLICANT

Sherrie Llewelyn reported that this one acre property was located on 350 North and was currently zoned R1-7. The applicant had requested a zone change to the Commercial Highway (CH) zone with the intent to then rezone for a Planned (P) District. This process was required as

the property was less than five acres. The proposed development would consist of 27 multi-family residential units in one three story apartment building.

Mrs. Llewelyn explained that this development would be part of the Town Center Master plan area and there were several conflicting designations with the proposed development. The Town Center Concept Map (map 3, page 8) designates the property as land likely to develop/redevelop and adjacent to the Bamberger Trail. The Land Use Concept Map (Map 4, page 10) designates the property as future park/open space. The Town Center Parks and Open Space Map (map 6, page 32) has no designation on this property for parks or open space other than a for a trail connection from the future Bamberger Trail to the existing Parkway Trail along Highway 89 north of 350 North. Based upon this information the Planning Commission will need to make a recommendation to the City Council on the desired land use for this property within the Town Center. It appears the intent was to include the property for redevelopment as a mixed use property with a dedication of trail segment. The Planning Commission would need to make a recommendation to the City Council on the desired land use for the property within the Town Center, as the intent appeared to be redevelopment to mixed use with a dedication of trail segment. Staff suggested that the redevelopment of this parcel was considered to be part of a larger redevelopment area and any approval of the rezone and development would require cross easement access for the eventual redevelopment of the Highway 89 adjacent parcels.

The current R1-7 zoning would allow a density of up to eight dwelling units and the proposed CH Zone would allow the property to proceed with a P-District application where density, architecture, landscaping, and parking requirements would be determined per a development agreement.

Sherrie Llewelyn presented the proposed front and side elevations and said that staff would work with the applicant on providing the required covered parking and to refine the architecture to meet the Town Center guidelines.

Paul Poteet, Liberation Development Investments, commented that the intent was to build affordable and quality higher density housing units. He said they would build the apartments to condominium code so that they could be converted in the future as for sale units. Mr. Poteet said that these units would rent for \$1,000 to \$1,300 and marketed towards young professionals.

**Commission Chair Knowlton opened the public hearing at 6:41 p.m.**

Dee Lalliss, commented that the eastern side of the property was zoned for condominiums but would not be visible from the highway due to a 5 to 6 foot drop so he would support the addition of apartments.

Brian Doughty, said that he lived adjacent to the proposed development which he believed would ruin his view, take away from his privacy, and that the construction would cause noise and other issues. He asked that the City consider what was best for everyone and not just one developer. Mr. Doughty also said that care should be given to potential issues like rodents, drainage, property lines, leveling the property, and that there were too many apartments already.

Brian Hamilton commented that three story high density housing may not fit into the neighborhood and suggested that the property would already have been zoned CH or P-District if that is what it was meant to be. He said that 27 units on one acre would affect the neighborhood and that consideration should be given to green space instead.

**Commission Chair Knowlton closed the public hearing at 6:52 p.m.**

Sherrie Llewelyn commented that the City had also received an email from a resident who was not in favor of the zoning change.

Chair Knowlton asked for feedback from the Planning Commission after reviewing the plans for the site.

Commissioner Kirkham commented that he felt that the proposed rezone and development did not meet the comprehensive general plan for the area and did not fit in the Town Center area.

Sherrie Llewelyn review one town center map of the area which showed that the suggested use for the area was green space with a trail connection and another that showed the property was listed as likely to redevelop within the town center boundary area.

Commissioner Ward asked if the proposed development would prohibit the trail connection. Sherrie Llewelyn replied that the developer would be required to dedicate or install a portion of the property for the trail connection.

Commissioner Larson commented that the Planning Commission needed to look at the long term plan for the City especially in regards to green space and the future impact as rezoning changed what a property could be in the future.

Commissioner Gordon asked who currently owned the parcel. Sherrie Llewelyn replied that it was owned by Mr. and Mrs. Tidwell.

Commissioner Gordon commented that she would be recusing herself as she was friends with the Tidwells and knew that the sale of the property would be used for their retirement.

Commissioner Garn said that it appeared the property lines were overlapping onto other properties. Sherrie Llewelyn replied that a formal survey would need to be done if the rezone and general development plan were approved and that the google earth aerial shown does not accurately reflect the true location of the property lines.

Chair Knowlton stated that the General Plan is clear about the appropriateness of more intense forms of housing that would be appropriate adjacent to Highway 89 and future transit stops. He also said that the plan pushed for a transition of intensity from a single family neighborhood to Highway 89 which conflicts with the proposal.

The Commission discussed appropriate density, the proposed zoning, how the proposed development would fit with future redevelopment of the area, the best use for the property, the need for high density housing, proximity to Highway 89, and whether a P-District zone should be five acres or not.

Paul Poteet commented that the general plan showed the proposed property as part of the downtown/Town Center area. He explained that they applied for the CH zone so they could develop the property now. Mr. Poteet said they could do certain things to help provide more privacy for the adjacent neighbors such as site obscuring fences, trees, or other suggestions. He said they felt that after working with City staff that this seemed to be the best use of the property to accomplish higher density housing in the Salt Lake area.

Commissioner Larson asked if the unit number could be decreased and if this would change the opinion of the Commission. Paul Poteet commented that they could consider decreasing the number of units but had determined the requested 27 units per acre based on the Town Center plan standards.

Commissioner Ward commented that some changes to the proposed development could mitigate some of the concerns but he said that the Commission was looking at the future redevelopment of the entire area in conjunction with the adjacent properties.

Paul Poteet commented that he was confused as to why the property could not be rezoned to the CH zone as it would make sense as part of the downtown corridor. Sherrie Llewelyn commented that the City was working on a form based code that would address these transitional areas as well as architecture, form, height and quality and that the changes to the CH zone had been made to use the P District process until the form based code was completed.

Chair Knowlton explained that while the City did not want to see the development fail the Planning Commission's responsibility was to the public and the long term success of the City while reflecting the ordinances that are in place.

**Commissioner Garn moved that the Planning Commission recommend denial to the City Council for the rezone from R1-7 to CH for Arrowhead Apartments located at approximately 150 East 350 North, with the following:**

**Findings**

- 1) **The proposed amendment is not in accord with the comprehensive general plan, goals, and policies of the City; and**
- 2) **Changed or changing conditions do not make the proposed amendment reasonably necessary to carry out the "purposes" stated in Title 10 of the Land Use Code. (NSL Code 10-3-1-E)**
- 3) **The rezone does not meet the intent and purposes of Title 10, Chapter 25, Highway Commercial Zone, in that it is not adjacent to the Highway, nor part of the proposed development and parcel that is adjacent to the Highway.**

**Commissioner Larson seconded the motion.**

The Commissioners then discussed their proposed vote with Chair Knowlton stating that he was inclined to vote in favor of denial of the application. Commissioner Ward commented that he would be voting in opposition to the motion to show the City Council that there was a conflict when making this determination. Commissioners Kirkham, Larson and Garn were in favor of the motion of denial. Commissioner Gordon abstained from voting.

**The motion was approved by Commissioners Knowlton, Garn, Kirkham and Larson. Commissioner Ward voted in opposition to the motion. Commissioner Gordon abstained from voting. Commissioner Tucker was excused.**

3. CONSIDERATION OF A PROPOSED GENERAL DEVELOPMENT PLAN FOR ARROWHEAD APARTMENTS AT 150 EAST 350 NORTH, LIBERATION DEVELOPMENT INVESTMENTS, APPLICANT

Sherrie Llewelyn suggested tabling this item due to the Commission's denial of the rezone of the proposed property and pending the City Council's decision.

**Commissioner Larson moved to table the consideration of the proposed General Development Plan for Arrowhead Apartments. Commissioner Ward seconded the motion.**

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

4. PUBLIC HEARING-CONSIDERATION OF A PROPOSED SUBDIVISION PLAT AMENDMENT TO FOXBORO MARKETPLACE SOUTH, LOTS 3 & 4, LOCATED AT 552 NORTH CUTLER DRIVE, SPECTRUM ACADEMY, APPLICANT

Sherrie Llewelyn reported that this application was related to a lot line adjustment needed to move the school's fire lane to provide a 13'6" building clearance per the fire code. The lot line adjustment would be between the Del Taco on lot 3 and Spectrum Academy on lot 4 with Spectrum Academy to purchase 172 square feet of property from Del Taco. The proposed amendment would mean a reduction of the landscape buffer for Del Taco from 8' to 6'6". The Development Review Committee (DRC) recommended approval with one condition for final revisions to the owner's dedication and easement per City Engineer redlines.

Dallas Nelson commented that he was the architect for the project and that the height requirements is per the fire department. He said they would try to meet the intent of the landscaping requirement by restoring the landscaping irrigation system and maintaining the same number of trees and shrubs as required per the Del Taco site plan approval.

**Chair Knowlton opened the public hearing at 7:43 p.m. There were no public comments and he closed the public hearing at 7:44 p.m.**

Sherrie Llewelyn commented that the code requirement of a public hearing for a plat amendment should be revised especially in circumstances like this where no public right of way or public easement was affected by the proposed amendment to the plat.

**Commissioner Garn moved that the Planning Commission recommend approval to the City Council of the plat amendment for Foxboro Marketplace South Subdivisions, lots 3 & 4 at 552 North Cutler Drive with the following condition:**

- 1) Final revisions to owner's dedication and easements, per City Engineer redlines.

**Commissioner Larson seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Larson and Gordon. Commissioner Tucker was excused.**

5. PUBLIC HEARING-CONSIDERATION OF A PROPOSED SUBDIVISION PLAT AMENDMENT TO 1-215 PARKWAY COMMERCIAL CONDOMINIUMS, LOTS 18,

LOCATED AT 259 SOUTH RIVERBEND WAY, VERONA INVESTMENTS,  
APPLICANT

Sherrie Llewelyn reported that this was a Tom Stuart project and that the site plan approval for four buildings was done within the last two years. An amendment was required because during construction Tom Stuart Construction modified the footprint of the building outside the platted area. She did comment that the architecture of the building overall had been improved with the change and by adding a more attractive roofline.

After reviewing images of the building the Commission agreed that the architecture and improved roofline were a nice addition to the City.

**Chair Knowlton opened the public hearing at 7:49 p.m. There were no public comments and he closed the public hearing at 7:50 p.m.**

**Commissioner Kirkham moved that the Planning Commission recommend approval to the City Council of the plat amendment for I-215 Parkway Commercial Condominium Subdivision at 259 South River Bend Way with no conditions. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Larson and Gordon. Commissioner Tucker was excused.**

6. CONSIDERATION OF A PROPOSED SITE PLAN AMENDMENT FOR FEDEX  
LOCATED AT 750 NORTH FRANKLIN PARKWAY, ADDING ADDITIONAL  
PARKING AREA BETWEEN THE EXISTING FACILITY AND 1100 NORTH,  
STANTEC CONSULTANTS, APPLICANT

Sherrie Llewelyn reported on the proposed site plan amendment which would add nine acres of property to the existing FedEx facility at 750 North Franklin Parkway. The nine acres were currently owned by Gramoll Construction Company who would be moving to a new location on Center Street. The proposed expansion would provide additional parking for trailers. She explained that two accesses onto 1100 North would be eliminated due to security reasons. The applicant proposed a 10' decorative wall with landscaping consisting of trees, shrubs, and decorative rock mulch for outdoor storage screening along 1100 North.

The DRC recommended approval with two conditions for the resolution of hydrology redlines for the City Engineer and the payment of required storm water impact fees.

Dustin Pennington, Stantec Consultants, commented that the proposed landscaping would help to improve the area.

Commissioner Ward asked how many trailers would be stored on the proposed expansion area. Dustin Pennington replied that the parcel would consist of approximately 250 parking spots.

**Commissioner Ward moved that the Planning Commission recommend approval to the City Council approval of the site plan amendment for FedEx located at 750 North Franklin Parkway between the existing facility and 1100 North with the following conditions:**

- 1) Resolution of hydrology redlines from the City Engineer;**
- 2) Payment of required storm water impact fees.**

**Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Larson and Gordon. Commissioner Tucker was excused.**

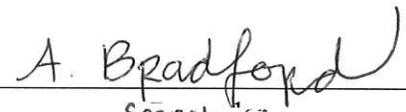
#### **7. APPROVAL OF MINUTES**

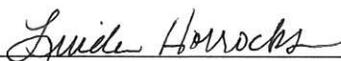
The Planning Commission meeting minutes of June 27, 2018 were reviewed and approved. **Commissioner Garn moved to approve the Planning Commission minutes of June 27<sup>th</sup> as listed. Commissioner Kirkham seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Larson and Gordon. Commissioner Tucker was excused.**

8. ADJOURN

Chair Knowlton adjourned the meeting at 8:01 p.m.

  
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Chair

  
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Secretary

  
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City Recorder