

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
SEPTEMBER 11, 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 Brandon Tucker  
Commissioner BreAnna Larson  
Commissioner Natalie Gordon

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

OTHERS PRESENT: Greg Flinn, Jan Flinn, Nikki Anderson, David Finklea, Laura Judd, Deb Pearson, Bob Pearson, Bruce Judd, Cindy Sterner, Nicole West, Mike Edgar, Shandra Bates, Kelly Jones, Caralyn Bingham, Marc Holley, Damon Holdaway, Mark Lee, Richard Phillips, Shirley Arnett, James Arnett, Lynn Brown, Sandy Sutherland, Ryan Ward, Les Brown, Andrew Greenwood, Brooke Greenwood, residents; Debra Holdaway, Atlas Academy; Linda Olsen, Janet Barmore, Regina Moffat, Bountiful residents; Lisa Watts Baskin, Stan Porter, James Hood, City Council.

1. PUBLIC COMMENTS

Chair Knowlton explained the agenda items for those present and said that the amendments to the City's Land Use ordinance was not related to any specific building or site and invited those present to make comments on items not on the agenda items.

There were no public comments.

2. PUBLIC HEARING: CONSIDERATION OF PROPOSED AMENDMENTS TO THE CITY'S LAND USE ORDINANCE REGARDING THE COMMERCIAL SHOPPING ZONE, PLANNED DISTRICT ZONE, AND BUILDING HEIGHT REGULATIONS

Sherrie Llewelyn clarified that contrary to posts on social media the City had no intention of shutting down the Sunshine Café and that there were no current proposals from a developer to redevelop the property.

Sherrie Llewelyn also explained how existing regulations and ordinances affected existing properties. She said if there was already an existing property with a permit and it was properly licensed and then the City changed the zoning which then no longer allowed a use, the existing use would be grandfathered. Mrs. Llewelyn gave provided an example of grandfathered uses: If a carwash was built in a particular zone that allowed that use, and then the code was amended to no longer allow carwashes, that carwash existing at the time of the code amendment would be grandfathered. Provided that the carwash did not go out of use as a carwash for longer than 12 months, the carwash would be allowed to continue, regardless of ownership of the carwash. If the property on which the carwash was located was converted to use other than a carwash, any new use would be required to be a use that is permitted in the zone.,

Sherrie Llewelyn reported that staff was proposing three new changes with the first change related to building height. The current ordinance defined the building height as “the vertical distance from the average natural grade surface at the foundation, to the highest point of the building roof or coping.” Under this current definition it is difficult to determine height based on natural grade due to a variety of factors including topography due to erosion, development cuts and fills, prior mining activity, and varied elevations on hillside lots. This causes confusion for homes built on the hillside, in determining the average natural grade, with great variability in grade on any lot.

Staff is proposing that the code be amended to state “that the maximum height of the building shall be measured from final finished grade at the lowest foundation of the front elevation to the highest point of the building roof or coping. In the event that front elevation is on a slope, the maximum height shall be measured from the midpoint of the elevation. Buildings constructed on hillsides may have a maximum of one (1) basement story fully exposed on downhill side. The maximum height of the downhill side shall be no greater than ten feet (10’) greater than the maximum height allowed in the zone.”

Staff also proposed clarifying height related to accessory buildings with the current code stating that the maximum height of an accessory building would be 20 feet and only one story. The proposed change would be “no building which is an accessory to a one-family, two family, three family or four family dwelling shall be erected to a height greater than one story, fourteen feet (14’) to the top of the wall plate and no higher than twenty feet (20’) to the highest point of the building roof or coping. The maximum square foot floor area of an accessory building is fifty percent (50%) of the footprint of the principal building to which it is accessory.”

Commissioner Tucker suggested that on section 10-1-25 for maximum building height that the height not be tied to the “front” elevation but to the “uphill” elevation. Without the change the proposed language would limit homes on the uphill side of the road to only 2 stories, while homes on the downhill side of the road could have 2 stories, plus a walk out basement.

Chair Knowlton explained to the audience that Sherrie Llewelyn would detail the recommended amendments for building height, Commercial Shopping, and the P District and the Planning Commission would make their comments to staff and then be followed by the public hearing. Sherrie Llewelyn clarified that after the public hearing and upon direction from the commission, she would make any suggested changes and then bring the amendments back to the Planning Commission for further review at the next meeting.

Commissioner Gordon asked that staff bring an example of homes on the uphill side of a road with an exposed basement in the front of the home for review the next time the proposed amendments were discussed.

Sherrie Llewelyn reported on the next proposed amendment for the Commercial Shopping (C-S) Zone. She said that multi-family dwellings in this zone were currently conditional uses with no standards for the maximum density, parking, landscaping, etc. She noted that under state code, a city is required to approve conditional uses if a development meets the current minimum requirements in the City ordinance. The proposed change would require any multi-family use in a Commercial Shopping Zone to go through a Planned (P) District rezone. The change would allow for better developments by placing requirements on fencing type, landscaping, for sale versus for rent units, height, parking, etc. The City Council could also deny a P District zoning request based on acreage, location, layout, parking, architecture or timing.

Mrs. Llewelyn then presented a map highlighting the areas of the City that were currently zoned C-S.

Commissioner Gordon commented on conditional use permits and said that for the areas currently zoned C-S that the City would have little control over any proposed development under the current code, but if the P District was put in place that it would be an extra layer of protection as it would require review by both the Planning Commission and the City Council.

Commissioner Ward asked if the Use Regulations table under section 10-11-13 should be revised to remove the “C” under the C-S Zone. The planning commission agreed.

Sherrie Llewelyn commented that the P District may discourage some developers from doing multi-family housing in the C-S Zone, because it requires additional scrutiny and process.

Commissioner Ward said that it was better to have more requirements or standards for multi-family housing which the P District proposal would help to facilitate.

Sherrie Llewelyn then reported on the P District Zone and said that the current ordinance, Title 10, Chapter 13, included two steps. The first step involved an application for the General Development Plan, which the Planning Commission reviews and makes a recommendation to the City Council for approval or denial of the plan. The second step includes an application for a rezone to a P District, a public hearing before the Planning Commission for recommendation on land use regulations and zone change, and then City Council approval of the zone change, land use regulations, and development agreement.

The proposed restructured process would also be two steps with the first step to include an application for the General Development Plan and the rezone to a P District, with the a public hearing scheduled prior to the Planning Commission's recommendation of the general development plan and the draft land use regulations. The City Council would then approve or deny the general development plan. Step two would include the application for a final rezone to the P District, the Planning Commission's recommendation on the land use regulations and zone change, and then the City Council's approval of the zone change, land use regulations, and development agreement.

Sherrie Llewelyn then spoke on minimum development size and said that current ordinance for a P District rezone requires a five acre minimum for zones which are not Commercial Highway (CH). This standard does not adequately allow development of infill parcels. The recommended change would allow the City Council the tools for better architecture, amenities, occupancy, etc. on infill parcels in all zones. The advantage to using a P-District rezone, is that the process is a legislative one as opposed to the administrative process under the C-S district and conditional use. Legislative decisions allow the City Council to approve or deny projects based upon any number of reasons, or deny for no reason. Administrative actions, like conditional uses, the City must approve the use if the minimum standards of the zone can be met, regardless of the desirability, quality, or other subjective elements of the development.

Other additional changes clarify the required documents to be included in the development agreement, address the issue related to future rezoning the property if the developer fails to build the development under the P-District, require a public hearing to revert the P-District zoning, and allow the zoning to be changed in any zone as appropriate rather than returning to the original zone, which may be unfavorable.

Commissioner Gordon asked if a P District had been approved by the Council and then the developer did not end up building the development, but sold the property to a new developer, if

the area would remain a P District. Sherrie Llewelyn replied that a new developer would be required to abide by all of the same standards of the development agreement and to assume that P District.

The Commission discussed how the proposed code amendments would address certain issues such as zoning reverting to the original zoning, required acreage, prohibited uses, and the timing of public hearings.

**Commission Chair Knowlton opened the public hearing at 7:18 p.m.**

Mike Edgar, resident, commented on the 35 foot maximum height and said it would be confusing if the finished grade varied. He suggested that the measurement be taken off the back of the curb as it was pre-engineered.

Damon Holdaway, resident, said that his business, Atlas Academy is located in the same strip mall as the Sunshine café. He expressed concern that these businesses would be affected by the proposed change in the 5 acre minimum requirement. He said all the owners of the strip mall had recently received offers to purchase the property for redevelopment. Mr. Holdaway stated that he is not proud to tell people he lives in North Salt Lake and that he tells them he lives in Bountiful, because North Salt Lake is known for oil refineries and apartments. He asked why there was a desire to change the zoning from commercial as there were very few commercial zones in the area. He expressed belief that the only reason their properties had not been redeveloped was because their combined acreage was under 5 acres.

Sherrie Llewelyn commented that the proposed code amendments had no relation to any proposed redevelopment projects on their properties, nor had City been approached by any developers regarding the strip mall property. She clarified that the 5 acre minimum would not be a prohibiting factor on that site as it was adjacent to the Towne Plaza P-District that is over 5 acres. Therefore if a developer purchased those properties it could be developed as the next phase of the Towne Plaza P-District. She stated the likely reason the properties had not been redeveloped would be that there are 4 separate owners between Atlas Academy and the Chevron, and the fact that the owners were not willing to sell.

Damon Holdaway said it did not appear coincidental that the developers had recently approached those property owners to sell and that the P District would cause the City to lose commercial in that area.

Sandy Sutherland, resident, commented that she owns a business in the strip mall and asked what a P District would entail. Sherrie Llewelyn replied that it would be a zone that would require

specific requirements as part of the development. These requirements could be specific uses, architecture, amount of commercial required, etc.

Sandy Sutherland then said that the City was a land of apartments and asked how many empty buildings were enough. She said that more resources needed to be in place before more multifamily was built. Ms. Sutherland said she felt that the rezone was an incognito way to reduce commercial and asked that the City listen to the residents.

Shirley Arnett, resident, commented that she moved to the City twenty five years ago as she felt it was a safe environment to raise a family. She said during that time many apartments had been built and while she was told that the apartments would only add one or two students per school that this was not true. Ms. Arnett also said that the City should keep the C-S zoning in the area instead of having the P District.

Commissioner Gordon asked staff to what level was the Planning Commission supposed to consider the impact of growth on the school system. Sherrie Llewelyn clarified that while the Planning Commission should consider the impact of a development on the school system, it is important to remember that the school growth will come no matter where the housing is built, and that ultimately the state has the responsibility to educate children, how and where resources are directed to do that is the responsibility of the local school boards.

Nikki Anderson, resident, commented that while she was supportive of development that she had several concerns with the proposed changes for the P District as it gave the City license to do whatever they wanted, that there were not many C-S properties, and the uses in the P-District were too broad.

Sherrie Llewelyn clarified that under the existing code in the C-S zone that multi-family was a conditional use with no restrictions on density or design. She said currently that if the developer met the minimum standards, regardless of how many units, the City would be required to grant approval of the development. A P-District would actually create more restrictions, not less.

Mark Lee, resident, asked about the Winegar's redevelopment and if the developers could now apply for a P District rezone per the proposed amendments. Sherrie Llewelyn replied that the developer could apply but said that based on the initial outpouring of feedback from residents and discussions that she had had with the developer that they would most likely be unwilling to apply.

Ryan Wood, resident, said that the City was doing a good job but he had a concern about adding more residential as it would remove public gathering places. He said that while landowners could

do what they wanted, the vision of the City should be more open areas with an integration of business and residential.

Kelly Jones, resident, asked if the Winegar's property had been zoned P District if the five story building would have been constructed. Chair Knowlton said it was difficult for the Planning Commission to answer that question as they had asked the developer for changes to be made to the proposed plan but the developer had shifted gears and did not continue with the proposed project.

Sherrie Llewelyn commented that the developer shifted gears mainly because of public outcry and the corresponding changes requested by the Planning Commission. She also responded that the public hearing would be held earlier in the process per the proposed amendments to gather that input prior to any decisions being made.

Kelly Jones then said that she felt the proposed changes would allow more leeway for developers. She said they remained in their neighborhood because it was within walkable distance to commercial, parks and schools. Mrs. Jones said that these changes could impact families, traffic, and schools if the City was too pro-development.

Cindy Stringer spoke on concerns she had related to development including traffic, crime, rentals, and resale home values if there were not more stringent requirements. She stated that she believes that the reason schools are Title I schools is a direct correlation to building apartments. She also commented that the Eaglewood Village Apartments feel like World War II housing, which she does not support.

Shirley Arnett asked why the citizens could not be given the names of the developers for the strip mall property. Chair Knowlton replied that there were no existing applications with the City at this time and that if there were any negotiations it was currently between private parties.

Debra Holdaway, Atlas Academy, asked if the City Council and Planning Commissioners lived in the City. Chair Knowlton replied that the elected and appointed officials did live in the City. Debra Holdaway then asked why there were no businesses or commercial in the City. She commented that she was getting calls from developers to sell her property and asked why the code amendments were being proposed at this time. Chair Knowlton spoke on the City's general plan and said that the concept for the area was a walkable town center. He said the question was how to enable the private sector to fulfill that vision and whether the current C-S zone was the best way to accomplish that. Ultimately these proposed changes were driven by the concept of how to create a gathering place for the community.

Chair Knowlton also commented that the Planning Commission and City Council had recently approved at least three commercial buildings in the area.

Dave Finckley, resident, commented that the City lacked personality and the main draw was that it was close to Salt Lake City. He expressed concern with dense housing and felt that development needed to be done in a sustainable way by taking traffic and density into consideration.

Ryan Wood suggested that the City could purchase the Winegar property to put in amenities like a public pool.

**Commission Chair Knowlton closed the public hearing at 8:03 p.m.**

The Planning Commission asked if there could be future discussion of the proposed amendments. Sherrie Llewelyn recommended that the item be tabled to allow staff to make the discussed revisions and bring the item back for further consideration.

Chair Knowlton clarified the proposed changes including those in section 10-1-25 to change “front” to “uphill” and changes to the Use Regulations table in section 10-11-3 to remove the “C” entirely from the residential uses.

**Commissioner Gordon moved to table action on the proposed amendment.**

Commissioner Ward recommended that staff make the discussed changes and any other pertinent changes.

The Planning Commission then discussed potential additional requirements for a P District such as maximum height requirements, overlays, and the pros and cons of requiring mixed use/commercial in a development.

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

3. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 28, 2018 were reviewed and approved. **Commissioner Kirkham moved to approve the minutes for the Planning Commission meeting from August 28 with one change. Commissioner Larson seconded the motion. The**

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

Commissioner Garn commented on the applause after each resident commented during the public comment section and asked that in the future that this practice be limited.

4. ADJOURN

Chair Knowlton adjourned the meeting at 8:15 p.m.

  
Chair

\_\_\_\_\_  
Recorder

  
Secretary