

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
SEPTEMBER 25, 2018

FINAL

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and Kent Kirkham 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

EXCUSED: Commissioner Natalie Gordon

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

OTHERS PRESENT: Karen Laws, resident; Wilford Cannon, Eaglewood Development.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF A PROPOSED CODE AMENDMENT
RELATED TO REGULATION OF DOMESTIC FARM ANIMALS

Sherrie Llewelyn reported that the current ordinance regarding domestic farm animals may be too restrictive and cumbersome so staff recommended several changes. The current ordinance allowed domestic farm animals in P Districts and neighborhoods with single family lots of 7,000 square feet and up. The number of animals allowed are determined by animal points and related to the size of the property. For example lots of up to a half acre would be allotted 45 animal points which equals 15 chickens. The ordinance requires that the property owner who wishes to have chickens obtain a yearly domestic farm animal license and receive an inspection.

The proposed regulation would remove the requirement for licensure and fees and would also allow chickens on lots less than 7,000 square feet. Chickens would be permitted in any zone on

single family and two family lots. Lots under 7,000 square feet would be allotted 18 animals points which would equal 6 chickens. Additional changes would be the inclusion of miniature potbelly pigs as household pets with a limit of two per residence, the prohibition of ostriches, no annual permit requirement, all inspections would be complaint based, and would clarify enclosure requirements.

Sherrie Llewelyn then reviewed the enclosure requirements and said that the current code required that the enclosure be setback 50 feet from any neighboring dwelling units. She stated that the Commission may want to review whether the 50 foot requirement was still appropriate. Mrs. Llewelyn had researched other communities and ordinances with required setbacks to between 15 to 50 feet away from any neighboring dwelling unit, modifying the setback would allow more residents to keep domestic farm animals.

The Development Review Committee (DRC) recommended approval with two findings that the proposed amendments were in accord with the comprehensive general plan, goals and policies of the City and that changed or changing conditions make the proposed amendments reasonably necessary to carry out the “purposes” stated in the Land Use Code.

Commissioner Kirkham asked what “domestic farm animals” entitled. Sherrie Llewelyn replied that the animals allowed were based on a point system and included chickens, rabbits, pheasants, ducks, and pigeons at 3 points each; turkeys and geese and 10 points each; miniature potbelly pigs proposed to be added at 18 points each; and sheep, goats and llamas at 50 points each. Prohibited animals included roosters, donkeys, pigs, cows, horses, ostriches, nuisance animals, and any non- domesticated animals including exotic pets.

Commission Chair Knowlton opened the public hearing at 6:42 p.m.

Karen Laws, 974 Chatham Drive, commented that she was interested in chickens for the eggs and bug control. She expressed concern with the requirement that the chickens remain in an enclosure as she would like her chickens to be free range. Sherrie Llewelyn clarified that the enclosure was a chicken coop or hutch and a run is a fenced-in open area. She said as long as the backyard was fenced and the chickens remained there, that should be consistent with the ordinance.

Commissioner Larson commented that in the proposed ordinance requirement item three specified that the enclosure “shall be securely constructed with a hardware mesh type material and shall also have a protective overhead mesh”. Sherrie Llewelyn replied that the enclosure should have the overhead mesh but the run could be open.

Commissioner Larson said that generally if an overhead mesh was added to a chicken enclosure that it was for the safety of the chickens and not for containment.

Commission Chair Knowlton closed the public hearing at 6:46 p.m.

The Commission then discussed administrative changes to the proposed code, enclosure requirements, the determination of potbelly pigs as household pets versus domestic farm animals, nuisances, the 50 foot setback, and the overall purpose of the original code and the proposed amendments. The proposed changes from the Commission are noted below:

E. The following regulations shall apply:

1. Domestic farm animals shall be housed in an animal enclosure, run, or fenced rear yard area that is strong, sturdy, and secure. Enclosures such as, chicken coops and rabbit hutches shall be roofed and fully enclosed. The enclosure shall be weather proof and predator safe.
2. Domestic farm animals shall be kept in an enclosure, run, or fenced rear yard area at all times when outside.
3. An animal run or fenced back yard must be provided and must be securely constructed with a hardware mesh type material, or similar secure material to keep the domestic farm animals contained.
4. Only one animal enclosure and run shall be allowed per property lot.
5. Animal enclosures must be located at least thirty-five (35) feet from any neighboring residential dwelling.
6. Animal enclosures shall be in rear yards and shall be no closer than 5 feet from the side and rear property line.
7. Animal enclosures and runs must be properly ventilated, clean, dry, and odor free, always kept in a neat and sanitary condition and in a manner that will not disturb the use or enjoyment of the neighboring lots due to noise, odor or other adverse impacts.
8. A chicken coop shall have nest boxes for egg laying and perches on which the chickens can sleep.
9. No domestic farm animals may be kept inside any residence.

10. No building or structure to house domestic farm animals shall be constructed on a lot prior to the time of occupancy of the principal structure.

11. Animal enclosures and manure storage shall be kept twenty (20) feet from streams, tributaries, ditches, storm water management facilities, drop inlets and/or other storm drainage areas that would allow fecal matter to enter any city storm drainage system or stream. Dumping animal manure into the city's storm drainage system is prohibited.

Commissioner Ward asked if the 50 foot setback was too prohibitive. Sherrie Llewelyn replied that staff had found that the 50' requirement forced them to deny applications for domestic farm animals in the past. She said that other city codes ranged from 25 feet to 50 feet and that the nuisance generally came from either roosters or owners who did not maintain the coop which led to smells, rats, etc. Mrs. Llewelyn suggested that the setback be reduced to 35 or 40 feet from neighboring dwelling units.

Commissioner Kirkham asked if it would be a disservice to residents to allow more neighbors to have chickens. Sherrie Llewelyn replied that she did not think there were a lot of people who wanted chickens but said that the amendments would allow residents with smaller lots to have them.

Commissioner Garn moved that the Planning Commission recommend to the City Council approval of the proposed amendments with the following findings:

- 1) The proposed amendments are in accord with the comprehensive general plan, goals and policies of the City.**
- 2) Changed or changing conditions make the proposed amendments reasonably necessary to carry out the “purposes” stated in the Land Use Code.**
- 3) Contingent on the discussed and following changes to the amendment (see above):**
 - a. maintain a separation of 35 feet from the coop to the neighboring dwelling units;**
 - b. moving “pot belly pig” to the land use table as a household pet;**
 - c. clarifying the distance is from the enclosure and not the run;**
 - d. enclosed by a fence or other measure and eliminating the need for a “protective overhead mesh” and a coop or rabbit hutch must be 35' from neighboring houses;**
 - e. and reordering the regulations under section E.**

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

3. CONSIDERATION OF PROPOSED CODE AMENDMENTS RELATED TO THE COMMERCIAL SHOPPING (CS) ZONE, PLANNED DISTRICT (P) ZONE, AND HEIGHT REGULATIONS

Sherrie Llewelyn reported that a public hearing was held during the previous Planning Commission meeting and then reviewed the requested code amendment changes per that meeting. She clarified that the height was measured from the foundation with the highest point of finished final grade to the highest point of the building roof or coping. Buildings constructed on a hillside could have a maximum of one basement story fully exposed on the downhill side, adding an additional ten (10') feet of maximum height for that side. She presented a diagram which would be added to the code to illustrate how to determine the maximum building height measurement.

Mrs. Llewelyn then showed several examples throughout the City of different properties with exposed basements, a garage adjacent to the basement with two stories above it, lower side/rear elevations, etc. Additional changes to the amendment included maximum height of accessory buildings, a better definition of "finish grade", and revisions to the Use Regulations table.

Commissioner Larson clarified that there would no longer be a required minimum development size for a P District.

Chair Knowlton commented that the City would have the ability to require either single or mixed use in the negotiation of a P District. Commissioner Ward said that he also felt these amendments would allow the City the flexibility to deny a P District for any reason or to require certain things like a set percentage of commercial, etc.

Chair Knowlton suggested that on page 5 under number 9 of the applicable zoning regulations that it read "circulation, pedestrian and vehicular".

Commissioner Ward moved that the Planning Commission recommend to the City Council approval of the proposed amendments with the following findings:

- 1) The proposed amendments are in accord with the comprehensive general plan, goals and policies of the City.**
- 2) Changed or changing conditions make the proposed amendments reasonably necessary to carry out the "purposes" stated in the Land Use Code.**
- 3) With the minor modifications discussed.**

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

4. CONSIDERATION OF A REQUESTED EXTENSION FOR AN ADDITIONAL TWELVE MONTHS FOR CONCEPT PLAN APPROVAL, EAGLEWOOD COVE PH. 13-15, APPROVED ON AUGUST 2, 2016; WILFORD CANNON, EAGLEWOOD DEVELOPMENT, APPLICANT

Wilford Cannon, Eaglewood Development, clarified that the extension would be for Phases 13-15 and not 15-18 as noted on the agenda.

Sherrie Llewelyn reported on the history of the concept plan and said the project had not changed since the initial approval in 2016. She said that the subdivision went through concept plan approval which is valid for one year; however, when the plan went to preliminary plan approval the City's new geologic hazard ordinance required a geologic hazard study which led to the applicant requesting the first one year extension. The developer hired a new geotechnical consultant which required additional time to complete their evaluation of the property. The progress on the project has been delayed due to conflicting opinion on the geotechnical investigation between the City consultant and the developer's consultant leading to an appeal process and review by an independent third party. The applicant has requested a second one year extension and City code allows for up to 3 one year extensions.

The DRC recommended approval of the twelve (12) month extension with all previous conditions of approval as none of the pertinent ordinances had changed and the project meets all the minimum standards.

Wilford Cannon commented that he would be happy to report on the history of the project or answer any questions from the Commission.

Commissioner Kirkham asked if the Commission needed to be aware of the geotechnical report and any pertinent concerns. Sherrie Llewelyn replied that she was unsure of the details but that the concerns or disagreements would not shutdown the project. She explained that the impartial review by a third party expert was the proper route to proceed.

Commissioner Tucker moved that the Planning Commission approve a second twelve (12) month extension for the Concept Plan approval of Eaglewood Cove, phases 13-15, subject to all previous conditions of approval. Commissioner Garn seconded the motion. The

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

5. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR
WILLIAMSBURG LUXURY APARTMENTS LOCATED AT APPROXIMATELY
256 SOUTH HIGHWAY 89. BOB PENDLETON, PENDLETON CONSTRUCTION,
APPLICANT

Sherrie Llewelyn reported that the previous general development plan approval was granted in 2016 with the next step to proceed to a zone change and development agreement. The sale agreement between the previous developer and the property owner did not go through and the property owner has now entered into an agreement with the current developer- Pendleton Construction. The property was zoned Commercial Highway (CH) with a requested rezone to P District. The proposed development would consist of four building with 214 residential units and 10,444 square feet of retail space. Mrs. Llewelyn then discussed additional items such as the amenities including a swimming pool, the landscaping plan, and access on Highway 89 as well as emergency access. In regards to parking, the one bedroom units would require 1.5 spaces, two spaces would be required for 2 and 3 bedroom units, .25 guest spaces per unit, and there would be shared parking with the commercial. The developer would need to revise the plan to add carports to 40 spaces.

Sherrie Llewelyn presented examples of the proposed elevation which would be a traditional colonial style. Other potential requirements included solid fencing along I-15 and decorative fencing along Highway 89 to prevent jaywalking, a trail connection, and cross section improvements with the neighboring City's Edge development.

The DRC recommended approval of the general development plan with nine conditions including requirements for the commercial and residential sign in the development agreement, fencing requirements along I-15 and Highway 89, pedestrian access to the trail, parking ratio of 1.5 spaces for a 1 bedroom, 2 spaces for a 2-3 bedroom unit, and 0.25 spaces per unit of guest parking, carports added to 40 spaces, provisions for a transit stop/shelter, burial of electrical lines, cross section improvements with City's Edge, and the negotiation of the development agreement and P- District zone change.

Chair Knowlton asked about the future location of the bus rapid transit (BRT) station. Sherrie Llewelyn commented that while staff was currently unsure of the exact location she said it would be adjacent to the proposed property. Staff would continue to work with UDOT on a traffic light and crosswalk in this location to help attract the commercial to the area.

Commissioner Kirkham asked about the location of the emergency access. Sherrie Llewelyn said that second access road was located to the south of the property and would have a gate with a knock box for emergency access and egress.

Chris Artell, Pendleton Construction, commented that they were in agreement with the conditions presented by staff. He said they would also like to work with staff on obtaining approval of a second access from UDOT.

Chair Knowlton asked about the potential plan for the property south of the commercial property that was currently used by Hugh's RV. Chris Artell commented that the property was owned by UDOT and he was unsure of the future use.

Chair Knowlton also asked the developer if there were tenants lined up for the commercial spaces. Chris Artell replied that the current restaurant, Chile Amor, would remain at this location.

The Commission discussed site access, grade changes, future bus rapid transit and how residents would access Highway 89.

Sherrie Llewelyn commented on the residential access to Highway 89 and said that the sidewalk entrances and pedestrian trail would be designed to discourage jaywalking and lead to the transit stop. She explained that the potential traffic light and crosswalk could also be an option as well as additional right of way allocated to the future BRT station.

Commissioner Kirkham moved that the Planning Commission recommend approval of the general development plan for Williamsburg Luxury Apartments located at approximately 256 South Highway 89 with the following findings and conditions:

Findings:

- 1) **The General Development plan conforms to the City's comprehensive general plan;**
- 2) **The plan meets all requirements of the development code.**

Conditions:

- 1) **Commercial & Residential Sign information (height, size, multi-tenant, design aesthetic) to be included in the development agreement;**
- 2) **Fencing shall be solid fencing materials on the west side of the property adjacent to I-15 and on the east side of the property fencing shall be decorative metal fencing with masonry columns;**

- 3) Pedestrian access to the master planned trail shall be provided at the northwest corner of the property;
- 4) Parking is approved at a ratio of 1.5 spaces/1 bedroom unit, 2 spaces/2-3 bedroom unit, and 0.25 spaces per unit guest parking;
- 5) Carports be added to 40 spaces;
- 6) Provision for transit shelter/stop shall be provided to accommodate current bus routes and future Bus Rapid Transit; applicants shall attempt to expand access through the south side of the development (UDOT property) to create an intersection with Eaglegate Drive and the potential for a street light and crosswalk in that area thereby eliminating the need for the crash gate;
- 7) Burial of electrical power lines along Highway 89 shall be required;
- 8) Coordination of cross section improvements to park strip and sidewalk shall be made with City's Edge Development to the north; and
- 9) Successful negotiation of the development agreement and final P-District zone change.

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

Commissioner Ward asked several general questions including the current population of the City and how many apartment units had been approved in the last two years. Sherrie Llewelyn replied that the current population was 21,000 residents. She said that staff had a spreadsheet with the housing statistics and that a majority of the multi-family housing was approved in the 1980s. Mrs. Llewelyn also said that staff had prepared an analysis of the vacant parcels in the City which were likely candidates for redevelopment.

6. APPROVAL OF MINUTES

The Planning Commission meeting minutes of September 11, 2018 were reviewed and approved. **Commissioner Tucker moved to approve the Planning Commission meeting minutes of September 11, 2018. Commissioner Ward seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker and Larson. Commissioner Gordon was excused.**

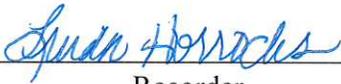
Sherrie Llewelyn commented that the next Planning Commission meeting would include a review of City Code for driveway access for businesses and that a future meeting would include a review of accessory dwelling units.

7. ADJOURN

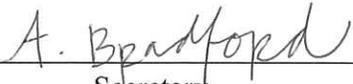
Chair Knowlton adjourned the meeting at 8:15 p.m.



Chair



Recorder



Secretary