

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
NOVEMBER 13, 2018

FINAL

Commission Chair Ted Knowlton called the meeting to order at 6:32 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 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: Mary Lynn Kinsel, Raelynne Jefferies, Marilyn Barney, Chris Coats, Dave Coats, Steve Israelsen, Ben Kendrick, Robin Kendrick, Aaron Biehn, Max Biehn, Brooke Muir, Charles Hall, Tyler Squire, Doug Derricott, Ron Barney, Dave Curtis, Jared Cump, residents; Eric Shinsato, Allied Electronic Sign; Mark Greenwood, Granite Construction; Joe Nelson, Parker McGarvey, CW Land; Joe McAllister, Lakeview Rock Products; Chad Garner, Midvale; Mark Hallows, Ann Hallows, Rich Franklin, June Franklin, Katherine Cottrell, Bountiful residents.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF A PROPOSED REZONE FROM
SPECIAL USE RESTRICTED (SR) TO PLANNED DISTRICT (P) FOR A GENERAL
DEVELOPMENT PLAN FOR THE RIDGE PLANNED DEVELOPMENT LOCATED
AT APPROXIMATELY 650 SOUTH EDGECREST LANE, CW LAND, APPLICANT

Sherrie Llewelyn reported that Granite Construction currently owned the property and that it was zoned Special Use Restricted (SR) which allowed mining operations. The applicant was now

asking for a rezone from SR to a Planned (P) District for the purpose of residential subdivision. The developer, CW Land, has submitted a General Development Plan and a rezone request to a P District. The newly revised P District ordinance provides for a public hearing, followed by a recommendation by the Planning Commission to the City Council for review. The proposed development would be for 102 single family lots and 51 townhomes ranging from 5,000 to 18,000 square foot lots on 49.26 acres. The proposal also contains 19.58 acres of open space including a proposed trail and tot lot that would be maintained by the homeowners association (HOA).

Mrs. Llewelyn explained that the previous concept plan for the development showed a connection to the existing Pace Lane but said this had been revised for the road to end in a cul-de-sac. She said the revised drawing also showed a trailhead with a parking area per City staff recommendation.

The proposed parking for the project included 102 garage parking spaces for the 51 townhome units at 2 spaces per unit, 26 guest parking spaces for the townhomes, 204 garage spaces for the single family units at 2 spaces per unit as well as 102 driveway spaces for a total of 434 total spaces. The proposed amenities for the project included a tot lot near the townhomes, a pocket park near the single family homes, a trailhead and loop trail on site, and open space of native vegetation. The site would have sidewalks and tie into the existing trail system with a 15 foot buffer of open space that would be maintained by the HOA. Staff also recommended that a wall be constructed to restrict access from the residential development and the mining/gravel pit area.

Sherrie Llewelyn then talked about the potential geologic hazards in the area and said that per the City's new geotechnical ordinance that prior to preliminary plan, the final rezone and development agreement that the results from a geologic hazards investigation must be approved by the City Geotech Consultant would be required per the Sensitive Lands Overlay Zone.

Chair Knowlton commented that the City had taken a number of steps to ensure that there was a much higher level of confidence when building on the hillside. Sherrie Llewelyn said that since the 2014 landslide the City had intensified their standards and adopted a geotechnical ordinance that would ensure that all lots were reviewed before the developer was given a building permit. She said the developer had hired a geotechnical consultant to perform the studies and collect samples.

Sherrie Llewelyn then reviewed a map of the proposed trails, the layout of the single family homes, and examples of the elevations for the townhomes. She explained that the roads in the single family area would be public and those in the townhome area would be private.

The Development Review Committee (DRC) recommended approval of the general development plan with nine conditions related to the geotechnical approval, final architecture design, final layout, amenities, addition of a trailhead and parking lot, fencing adjacent to the mining operation, signage related to the mining proximity, final engineering, submittal of the development agreement, and final approval of the P District rezone.

Chair Knowlton explained that the Planning Commission was an appointed body and as such would only review the pros and cons of the development as they related to City code before making a recommendation to the City Council.

Chair Knowlton asked what City staff recommended for the 15 foot landscaping buffer on the west side of the development. Sherrie Llewelyn replied that the objective was to keep any improvements on those residential lots, such as a shed or fence, away from the proposed perimeter fencing to provide adequate protection from access to the mining operations.

Commissioner Kirkham asked about the slope of the proposed road that would connect to Parkway Drive. Sherrie Llewelyn replied that the developer said the proposed road would have a 12% grade but that she could not verify that until more detailed engineering was received at preliminary plan. She said that the developer would be required to provide any necessary fills or grading.

Commissioner Kirkham also asked about any restrictions that would be required for the mining activities. Sherrie Llewelyn replied that they would need to maintain a 100 foot buffer from the residential development. She said that per the updated mining ordinance that any new mining would be required to establish a 300 foot buffer.

Commission Chair Knowlton opened the public hearing at 7:03 p.m.

Doug Derricott, 802 Parkway Dr, asked if the developer had acquired access on the east side of the development. Sherrie Llewelyn replied that the City owned a 60 foot wide piece of property inside the Questar easement.

Mr. Derricott asked if he was losing a portion of his property. Sherrie Llewelyn replied that the proposed road would be 60 foot and would be contained on the City's property.

Ron Barney, 209 Edgewood Circle, said that the traffic on Edgcrest Drive would be impacted by this development and asked if a study could be done to show the impact on the existing neighborhood. He explained that the Edgcrest Drive was narrow and the traffic generated by the proposed development would be detrimental to the area. Mr. Barney also asked if potential

property owners would be notified of the adjacent mining and potential impacts. Sherrie Llewelyn replied that no traffic study had been performed and that while the City Engineer would review the access that the street met the requirements. She said that mechanisms to ensure safety would be provided by Lakeview Rock Products and included as part of the geotechnical report. Mrs. Llewelyn commented that staff would require significant notification be made to potential homeowners as well as the recommendation that certain building materials which were susceptible to vibrations not be used on these homes.

David Coats, 193 Pace Lane, said that the real issue was that the property was currently zoned Special Use Restricted (SR) which allowed mining. He asked if the area was rezoned to a Planned District if it could revert back to SR. Sherrie Llewelyn replied that if the City signed an agreement with the property owner that it would not revert back to SR without rezone approval from the City Council.

Tyler Squire, 766 Parkway Drive, asked that the Commission consider the topography/slopes and that the grading plans be closely reviewed. He said that the property owners who had built on Parkway Drive had to sign a slope easement agreement with the previous developer.

Mary Lynn Kinsel, 290 East Eaglewood Drive, commented that she had been intently watching this project for the last two years including attending the Appeal Hearing and the City Council meetings. She thanked Sherrie Llewelyn for her work on the project and said that even though there were concerns about high density housing, traffic, etc. that she would rather have housing there instead of mining.

Aaron Biehn, 914 Parkway Drive, commented that his property had a 2:1 slope that was previously approved by the City. He asked if there was a reasonable assurance that he would not need to retain his property in the future. Mr. Biehn also asked about the potential to fix the road conditions on Eagleridge and Parkway Drive as well as potential traffic solutions there.

Joe McAllister, Lakeview Rock Products, commented that he was the general counsel for Lakeview and that they supported this proposed plan. He said this was the first legitimate proposal that would work in conjunction with their property. Mr. McAllister said they would work with Granite and CW Land to make this development work.

Brooke Muir, 1021 Parkway Drive, asked about addressing the current traffic issues on Parkway and Eagleridge specifically the roundabout and difficulty for cars making a left turn.

David Coats commented that he was in favor of residential on this property versus continued mining and said it was important to get the zone changed from SR.

Chair Knowlton asked staff to explain the concept plan process. Sherrie Llewelyn replied that the concept plan gave an idea on density and layout. She said that the Planning Commission could recommend additional requirements such as a traffic study addressing certain issues such as the roundabout, a full grading plan for lots, retaining, location of the tot lot and trails, and details to be shown at preliminary plat.

Dave Curtis, 766 Parkway Drive, asked what the process included after the conceptual plan review by the Planning Commission and approval by the City Council. Sherrie Llewelyn explained that the Planning Commission would make a recommendation on the concept plan to the City Council. The City Council would review and if the plan was approved, the developer would then need to submit the geotechnical review. The next step would be the preliminary plan which would include grading, road profiles, and the buildable envelopes with plats and setbacks. City staff would then review and provide redline corrections. The development agreement would then be drafted for the P District regulations including setbacks, building heights, parking, street width, and required amenities. The preliminary plan and development agreement would come before the Planning Commission for recommendation to the City Council. If the City Council approved the preliminary plan and development agreement the rezone to the P District would be completed and the next step would be final plat approval.

Dave Curtis commented that this was the first step in a long process and that each step would allow for additional public input.

Commissioner Gordon asked if the Commission was requesting the rezone during this meeting. Sherrie Llewelyn replied that the Commission would only make a recommendation on the concept plan and not the rezone at this time. She said per the new ordinance amendment that this process allowed for the public hearing earlier in the process before the developer completed engineering and other costly steps.

Mark Greenwood, Granite Construction, commented that they felt this was the best option for the property. He said they were on a tight deadline and if the deal was not completed before the end of this year they would have to resort to mining the property. Mr. Greenwood asked that the Commission and the Council make a decision rather than tabling this item.

Commission Chair Knowlton closed the public hearing at 7:37 p.m.

Joe Nelson, CW Land, said that they specialize in master planned developments and felt that City staff had been a tremendous help during this process. He said that he felt the meeting was going well and asked for a positive recommendation to the City Council.

Commissioner Ward commented on the first condition for approval which was geotechnical approval by the City Geotech Consultant and asked if this could be completed before the end of the year. Joe Nelson replied that there were some concerns but that CW Land planned to meet the deadline.

Mark Greenwood said that the zone change would not need to occur before the end of the year but that the buyer would like the assurance that it would be rezoned to a P District. He said the geotechnical report would take time so the assurance that it would be rezoned should be sufficient to move forward with the sale.

Chair Knowlton asked the Commission for feedback or guidance on the project including lot count, street patterns, open space, etc.

Commissioner Gordon commented that her concern was with the slope of the road that would connect to Parkway Drive and asked that the developer bring this information back to the Commission. She also asked that some thought be given on how to avoid a potential nuisance with the buffer area between the lot line and the fencing on the west side of the development.

Chair Knowlton clarified that the buffer area was the 15 foot landscaped area between the lot lines and the proposed barrier wall. Sherrie Llewelyn replied that an alleyway could potentially be created if property owners installed their own fencing. She said staff would review this issue.

Commissioner Garn commented that his concern would be with snow removal issues due to the steepness of the roads. Sherrie Llewelyn replied that the biggest area for snow removal concern would be the connection to Parkway Drive.

Chair Knowlton said that the main concern from the public hearing was traffic. He asked about the road that previously connected to Pace Lane which had been revised to a long cul-de-sac. Sherrie Llewelyn replied that the developer was unable to come to an agreement with Lakeview Rock Products on the connection to Pace Lane due to the fact that it might be unwise to have residential traffic near mining.

Chair Knowlton commented that when reviewing long term planning for the area that there should be a connection to the Lakeview Property as mining would eventually stop and the property would be redeveloped.

Commissioner Ward asked about the access points on the property. Sherrie Llewelyn replied that two access points were required for 20 or more lots. She said that the adjacent property would

have a connection to Pace Lane as well as another street with a stub at Lockwood Lane for two means of egress in the future.

Chair Knowlton asked about the request for private streets in the townhome area. Sherrie Llewelyn replied that the rationale for private streets was due to the narrow street width in that part of the development.

Commissioner Gordon moved that the Planning Commission recommend approval to the City Council the proposed general development plan for The Ridge located at 650 South Edgecrest Lane with the following conditions to be incorporated within the final zone change and development agreement approval:

- 1) Subject to the geotechnical approval by the City Geotech Consultant, per Chapter 12, Sensitive Lands Overlay Zone;**
- 2) Final architecture design, materials, colors which match the aesthetics, style and quality of the surrounding dwellings;**
- 3) Final layout, including entry landscaping, building setbacks and sufficient guest parking;**
- 4) Amenities to include privately owned and HOA maintained pocket park/tot lots to be located within the single family neighborhood and townhome neighborhood;**
- 5) Addition of a small trail head area at the development entrance, including parking for a minimum of 4 vehicles;**
- 6) The perimeter of the development shall be fenced with suitable non-climbable material, of a height to provide adequate protection from access to the mining operation, with appropriate signage related to the mine proximity;**
- 7) Final engineering which adequately addresses any issues that may be raised as part of the geotechnical review;**
- 8) Submittal of a required development agreement; and**
- 9) Final approval of the P-District Rezone.**

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

- 3. CONSIDERATION OF A PROPOSED GENERAL DEVELOPMENT PLAN FOR THE RIDGE PLANNED DEVELOPMENT LOCATED AT APPROXIMATELY 650S SOUTH EDGECREST LANE, CW LAND, APPLICANT**

The consideration of a proposed general development plan for The Ridge was included in the discussion for the previous agenda item.

4. PUBLIC HEARING-CONSIDERATION OF A PROPOSED CODE AMENDMENT RELATED TO ACCESSORY DWELLING UNITS

Sherrie Llewelyn reported that the proposed code amendments were to allow accessory dwelling units in all single family homes in the City. As the State code requires each city to have a moderate income housing plan the City adopted a moderate income housing plan in April 2018 and that one of the stated objectives and goals is to increase rental opportunities by considering the promotion of accessory dwelling units.

Mrs. Llewelyn then reported that current housing stock of 7,127 total housing units consisted of 2,090 multifamily rental units and 439 owner occupied townhomes/condos with the majority of the housing stock as single family homes at 4,101. Per the analysis of the affordable housing plan 1,347 housing units need to be added by 2020 to accommodate future growth with 130 units in the extremely low income category at less than 30% adjusted moderate income (AMI), 84 low income units between 30% and 50% AMI, and 209 moderate income units between 50% and 80% AMI.

She showed the housing need by 2030 with an additional 1,704 units with 165 extremely low income units at less than 30% AMI, 106 low income units between 30% and 50% AMI, and 264 moderate income units between 50% to 80% AMI. She reviewed the existing households by level of income and said that the median household income was \$71,758 per year in the City. 56.7% of residents met the AMI of \$71,758 per year, 11.9% of residents made \$57,406 to \$71,758 or 80% to 100% AMI, 15.5% of residents made \$35,879 to \$57,406 or 50% to 80% AMI, 6.2% of residents made \$21,527 to \$35,879 per year or 30% to 50% AMI, and 9.7% or residents made \$21,527 or less which would be less than 30% AMI.

Sherrie Llewelyn explained that in regards to housing affordability those who were under the 30% AMI should have a maximum monthly housing expense of \$545 with a maximum mortgage loan amount of \$38,877. Between 30 to 50% AMI would be a maximum monthly housing expense of \$908, 50 to 80% AMI would be a maximum of \$1,453, and between 80 to 100% AMI would be a maximum monthly housing expense of \$1,817 or \$259,612 as a maximum mortgage loan amount. When reviewing the affordability of available units for sale in the City from April there were 67 units available over the 100% AMI limit from \$259,613 and up, 17 units in the 80% to 100% AMI from \$196,546 to \$259,612, and 16 units available in the 50% to 80% AMI category from \$101,846 to \$195,545. She reported that there were only 17 affordable rental units in the 50% to 100% AMI category with 0 units from the 0% to 50% AMI. She said that with the

huge demand for both affordable homes to buy and apartments to rent, and the mandate for an affordable housing plan and the City's housing goals, staff had drafted an ordinance to help address these issues.

Mrs. Llewelyn reported that along the Wasatch Front there is an approximate 50,000 unit shortage due to the decrease in construction during the recession, and increased population. She explained that when there was a high demand for living spaces and a low supply that housing prices would increase due to competition for those units. She said that when high end units were built that this helped to take the pressure off lower price units and the overall affordable housing issue.

Under the current City code ADUs are not permitted, duplexes are only conditionally permitted in the RM-7 zone, and permitted in the R1-7 zone. . Under the proposed code, accessory dwelling units would be allowed on any single family lot as a permitted use. She said that the proposed code also addressed other requirements for an ADU including that one of the units must be owner occupied; one ADU per lot; definitions of the types of ADUs; definitions of setbacks; that the materials, colors, and appearance must be similar to the primary dwelling; size restrictions of a minimum of 300 square feet and a maximum of 1,200 square feet; lot coverage and rear yard coverage requirements; preservation of the single family character of the neighborhood; additional off-street parking for ADU tenants; the process for existing illegal ADU registration; and regulations for tiny homes.

Mrs. Llewelyn then presented images of different types of ADUs including granny flats/cottage homes, tiny homes, units over detached garages, units over attached garages, and basement apartments. She also showed examples and exhibits of the off-street parking/extra parking required for renters as well as hidden separate entries. The ADU parking exhibit detailed that extra parking could be provided to the side of the garage or property but not allowed in the front yard and a second driveway could not be added on the same street frontage to preserve the single family characteristic of a neighborhood.

Sherrie Llewelyn then explained lot coverage and presented an exhibit, with the example of a 10,000 square foot lot, detailing the placement of the primary dwelling and the ADU with the required 35% total building coverage. She also showed examples of existing homes in the City and how the lot coverage requirement would affect the size of potential ADU.

Mrs. Llewelyn reviewed the changes that were requested by the Commission in the October 23rd meeting including parking requirements for homes near transit areas and the requirement that ADUs that exceeded the 1,200 square foot maximum could ask for a conditional use permit.

Commission Chair Knowlton opened the public hearing at 8:27 p.m. There were no public comments and he closed the public hearing at 8:28 p.m.

Commissioner Garn asked about off-street parking. Sherrie Llewelyn clarified that the requirement would be for one additional space for the ADU such as the addition of a parking space on the side of a garage. She said an allowance could be made to reduce the parking if the unit was within walking distance of transit.

Commissioner Gordon asked about the height requirement for an ADU and if it just had to meet the requirement in the existing zone or if it could not exceed the height of the primary structure. Sherrie Llewelyn replied that based on the prior comments from the Commission that the height of the ADU could not exceed the maximum height of the zone.

Commissioner Kirkham thanked staff for their efforts on the amendments as they created great guidelines.

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; and**
- 3) The proposed amendments specifically implement goals and policies of the North Salt Lake Moderate Income Housing Plan and will provide additional opportunity for moderate income housing within the City.**

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

Commissioner Knowlton commented on a situation where his elderly neighbor created an ADU so that her family could move in with her. He said the family was able to care for her and make payments to purchase the home from her and that this was a great example of how it should be.

- 5. CONSIDERATION OF A PRELIMINARY PLAN FOR WINEGAR’S TOWNHOMES AT 3400 SOUTH ORCHARD DRIVE**

Sherrie Llewelyn reported that this was the preliminary plan for 54 townhomes and one lot proposed for future mixed use to be located on the former Winegar's grocery store property. She explained that the original application for a five story apartment building had been withdrawn and that the current zoning for Commercial Shopping (CS) allowed for multi-family dwellings as a conditional use.

The proposed layout had changed since concept plan approval with the orientation of the townhomes on the footprint of the existing store now east to west rather than north to south. The front doors of units 1-18 would face 3400 South and 550 West. There would be a twelve foot elevation difference between the location of the townhomes and the adjacent 550 West street, The elevation difference was reduced to approximately six feet at the north end where the other 12 townhome units are proposed. Units 19-25 and 40-47 would need to be moved approximately five feet to provide adequate distance from the curb for the building. Additionally the curb north of units 40-47 would need to be removed for the shared two way access and the access easement must be extended to Orchard Drive.

The three story townhomes were proposed to have a garage, with the second story to be seen at street level due to the elevation on the property. Staff had consulted with Bountiful City due to the adjacent right of ways and sidewalks.

Mrs. Llewelyn then reviewed the setbacks which would be 20 feet, the maximum height of the townhomes at 30 feet, coverage of the townhomes and the mixed use, landscaping at 21% of the site, the parking at 2.25 spaces per unit for a total of 121 stalls including guest parking, the density at 21.6 units per acre, pedestrian circulation via sidewalks on 550 West, and that no amenities were proposed or required in a CS zone.

The DRC recommended approval with two findings and five conditions related to sidewalk connections, providing adequate distance from the curb on units 19-25 and 40-47, removing existing curbing, adding access easement on Orchard Drive, and submitting engineering redlines and hydrology calculations.

Chair Knowlton explained that the previous application for the five story apartment building and rezone to a P District would have given the City the ability to negotiate with the developer. He said that since the developer decided to apply under the existing CS zoning this would allow for less discretion from the Planning Commission.

Commission Kirkham asked how close the Thyme & Seasons restaurant would be to the proposed property. Sherrie Llewelyn showed that the restaurant was 23 to 24 feet away from the property line.

Commissioner Kirkham asked about the existing buildings west of the Winegars building and if egress had been addressed once the building was taken down. Sherrie Llewelyn replied that the existing buildings did not have backdoors since they were built up against the Winegars building. She said that the structure could be taken down without impact the strip mall buildings.

Commissioner Kirkham also asked how the property was part of the City while the surrounding area was part of Bountiful. Mark Hallows commented that he was a long time resident of Bountiful and that from what he could remember Winegars was not satisfied with Bountiful and asked to be incorporated into the City.

Commissioner Gordon asked if the Commission would get to approve the townhome elevations. Sherrie Llewelyn replied that as an administrative issue, they would not get to approve the elevations under the code, but that the applicant had supplied the elevations and the Commission could view them.

Parker McGarvey, CW Land, thanked the Commission and said it had been a long process but overall it had helped them to create a better project. He said he grew up in the area and appreciated the chance to improve the property.

Chair Knowlton commented that the new reality was that the demand for retail had decreased and the need for housing had increased significantly. He said that while the City would have liked to work under a P District for this project that there was reasonable application under the CS zoning.

Commissioner Ward asked if there was a market preference for east/west or north/south facing units. Parker McGarvey replied that they based the orientation on the location of the existing retail so that the homes would not be facing the back of the retail building.

Chair Knowlton asked if the storm water detention area could be designed for uses such as open space or a park. Parker McGarvey said that was an engineering redline and when they considered underground detention and above ground retention that this did not work well.

Sherrie Llewelyn clarified that the open area on map would be landscaped in the future.

Residents then asked if they could make comments. Chair Knowlton explained that as the Planning Commission was unable to make changes but only administer the existing ordinance that a public hearing was not required. He then allowed residents to make clarifying remarks.

Mark Hallows asked if new infrastructure would be placed including water or sewage lines. Sherrie Llewelyn replied that the applicant would be required to obtain a “will serve” letter from the Sewer District and South Davis Water and would need to perform any improvements or upgrades required to obtain those letters.

Jared Cump commented that he lived behind the proposed development and did not understand why the applicant was proposing stairs on 550 West. Chair Knowlton replied that the Planning Commission had asked that there be pedestrian access to the adjacent streets.

Jared Cump also said that this development would make 550 West a parking lot as people would park along that street to access those stairs. He mentioned that there was currently a drug trafficking problem in the Winegars parking lot and that stairs in that location may continue to attract that type of activity. Chair Knowlton replied that the land use would change dramatically once the townhomes were built and would make that area more visible which would be less enticing for drug deals.

Robin Kendrick, 3242 Plum Tree Lane, commented that there was currently not enough parking at her condo development especially if the residents of the townhomes used the street for parking.

Mark Hallows asked why no impact studies were required to show how traffic, pedestrian, egress or changes in traffic flow from the proposed development would affect the community. Sherrie Llewelyn replied that a traffic impact study most likely would not show the impact that might be expected. She said the Planning Commission could require the study but staff did not feel it was necessary.

Commissioner Kirkham moved that the Planning Commission recommends to the City Council approval of the preliminary plan for Winegar’s Townhomes, located at approximately 3400 South Orchard Drive with the following findings and conditions:

Findings:

- 1) **The proposed development meets the minimum standards for a PUD subdivision in the CS zone, including lot size, height, landscaping, parking, and building coverage;**
- 2) **The Planning Commission has the authority to authorize standards and requirements for PUD subdivisions which may include lot area, width, yard, height and coverage.**

Conditions:

- 1) **Connect the 550 West Sidewalk to 3300 South Sidewalk;**

- 2) **Move units 19-25 & 40-47 approximately 5 feet to provide adequate distance from curb for building;**
- 3) **Remove curbing on access drive between townhomes and Thyme & Seasons property;**
- 4) **Add access easement to access on Orchard;**
- 5) **Submittal of engineer redline corrections and hydrology calculations.**

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

6. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AN ELECTRONIC SIGN AT 496 EAST 1100 NORTH (TACO TIME), ALLIED ELECTRONIC SIGN, APPLICANT

Kate Werrett reported that the DRC recommended approval of the conditional use permit with one condition that the sign permit be issued prior to installation of the message center sign. She explained that there are currently three signs on the existing post. The applicant proposed to paint the sign post black to replace the existing color. The uppermost Taco Time sign would remain and the two lower existing cabinets would be modified with the middle cabinet to house a message center and the lower cabinet to provide signage for multiple tenants.

The current sign structure was 34 ½ feet tall by 12 feet wide and approximately 236 square feet in size. The applicant did not proposed an increase in the total sign area as the sign exceeds current standards by 83 square feet. However, a permit was issued for the existing sign and as the code does not address multi-tenant signs the applicant should be allowed to continue the non-conforming size.

Additional considerations related to the proposed sign ordinance amendments proposed by staff include that the electronic sign shall not exceed 75% of the total sign, the duration of the changing sign copy shall be at minimum eight seconds with transitions no longer than three seconds, and an electronic message 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.

The existing sign contains 70 square feet of advertising for Empire Chinese Gourmet and 54 square feet of advertising for Wendy's. The existing land uses adjacent to the proposed sign locations are Taco Time, H&R Block, US Bank, Chevron, and Village Inn. A completed sign

application would need to be submitted and reviewed. The current sign is located 100 feet from any dwelling.

The proposed conditions included that the sign is equipped to ensure that the light emission does not exceed 0.3 foot candles above ambient light as measured 55 feet from the display, a photocell on the sign detects ambient light levels and adjusts the display intensity automatically, the electronic sign area does not exceed 75% of the total sign, and the duration of the changing sign copy shall be a minimum of eight seconds with transitions no longer than three seconds.

Sherrie Llewelyn commented that staff also asked that the applicant provide a spot for a traffic surveillance camera to be added as there were many accidents in that area. She also said that the sign, particularly the electronic message portion, could only be used for on premise businesses such as the Taco Time, H&R Block or whatever businesses were located in the complex.

Commissioner Gordon asked if the sign ordinance addressed broken or faulty electronic signs. Sherrie Llewelyn replied that she would have to review the current ordinance and that the City needed to update the sign code.

Chair Knowlton asked for clarification on the square footage on the existing sign. Kate Werrett replied that the overall size was 83.8 square feet.

Chair Knowlton requested that staff bring a sign code revision to the Planning Commission.

Eric Shinsato, Allied Electronic Sign, suggested that the process of sign approval could be approved administratively in the future.

Commissioner Ward moved that the Planning Commission approve the conditional use permit for an electronic “message center” sign at Taco Time located at 496 East 1100 North subject to the following findings and conditions:

Findings:

- 1) **The sign is located more than one hundred feet away from any dwelling.**

Conditions:

- 1) **The sign is equipped to ensure that the light emission does not exceed 0.3 foot candles above ambient light as measured 55 feet from the display.**
- 2) **A photocell on the sign detects ambient light levels and adjusts the display intensity automatically.**
- 3) **Electronic sign area shall not exceed 75% of the total sign.**

- 4) **Duration of changing sign copy shall be at a minimum of 8 seconds, with transitions no longer than 3 seconds.**
- 5) **A sign permit be issued by the City's Building Department prior to installation of a message center sign.**

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

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

Sherrie Llewelyn reported that as the City Council did not meet on November 6th due to the elections that there were no updates. She also said that during the DRC meeting that site plans were discussed and would continue to be reviewed by the Planning Commission.

Sherrie Llewelyn also said that the wrong trees were planted on 130 East, due to a miscommunication while she was on vacation. She said that this would lead to a revision of the ordinance to clarify where the measurement for caliper size of trees would be measured and an ordinance amendment will come to the Commission for review.

Commissioner Gordon asked about the meeting schedule for the remainder of the year. Sherrie Llewelyn replied that the Planning Commission would meet November 27th and potentially December 11th dependent on agenda items.

8. APPROVAL OF MINUTES

The Planning Commission meeting minutes of October 23, 2018 were reviewed and approved. **Commissioner Larson moved to approve the meeting minutes from October 23, 2018 with the corrections noted. Commissioner Ward seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Larson and Gordon. Commissioner Tucker was excused.**

9. ADJOURN

Chair Knowlton adjourned the meeting at 9:38 p.m.



Chair



Recorder

Secretary