

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
JANUARY 8, 2019

FINAL

Commission Chair Pro Tem Stephen Garn called the meeting to order at 6:33 p.m. and Kent Kirkham led those present in the Pledge of Allegiance. Chairperson Knowlton was not in attendance, as he had recused himself from the first item on the agenda, due to personal conflict.

PRESENT: Commission Chair Ted Knowlton
Chair Pro Tem 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: Luis Gonzales, David Rogers, Dale Broderick, Gaylynn Broderick, Dennis Hare, Cynthia Hare, residents; Scott Hirshi, Cable Com Inc.; Mike Farmer, Cushman and Wakefield; Brian Knowlton, Knowlton General.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING-CONSIDERATION OF P-DISTRICT REZONE FOR
HEPWORTH TOWNHOMES AT 155 NORTH MAIN STREET, KNOWLTON
GENERAL, APPLICANT

Sherrie Llewelyn reviewed the Planned (P) District process, which required a four meeting approval process, including a public hearing for the rezone request and a review of the General Development Plan by the Planning Commission followed by a recommendation to the City Council. If the General Development Plan was approved the applicant would then submit engineering drawings, site plans, and a draft development agreement to the City for review by the Planning Commission. The Planning Commission would then review the setbacks, architecture, number of units, etc. and make a recommendation to the City Council on the zone

change. After receiving approval from the City Council the developer could then proceed with construction of the project.

The proposed property, located at 155 North Main Street, currently zoned Residential (R1-7) was currently vacant with no structures. The developer requested a P District rezone for the purpose to build eight townhomes on the property. Each unit would have a covered carport, one uncovered stall, and four guest parking spaces for a total of 20 parking spaces at 2.5 stalls per unit.

Sherrie Llewelyn said that staff recommended that the developer place a landscape buffer along the property line. She presented a view of the building façade and explained that the buildings would be staggered due to the elevation change on the property. The buildings would be setback 10 feet from the sidewalk. Mrs. Llewelyn explained that the overall density would be 13.3 dwelling units per acre which was the least dense development in the Town Center area compared to Chesham Village at 17 units per acre, Odell Crossing at 19 units per acre, and City's Edge at 27 units per acre.

As part of the General Plan and the Town Center Master Plan, Hatch Park will be expanded to 150 East and with the plan calling for multi-family housing along the north side of the street. The City has purchased several properties for this future park expansion. A cross easement access for the alley would be required if the property to the west was sold and redeveloped.

The Development Review Committee (DRC) recommend approval of the general development plan with six conditions including approval of final architecture, provisions for a future cross easement, placement of traffic signs in the private alley, parking at 2.5 spaces per unit, submittal of a required development agreement, and final approval of the P District rezone.

Chair Pro Tem Garn opened the public hearing at 6:43 p.m.

Gaylynn Broderick, 121 North Main, commented that she and her husband own several rental properties across the street. She said that their tenants are not allowed to park on the street due to how narrow it was and expressed concern that the residents of the proposed development would cause parking and traffic issues.

Sherrie Llewelyn clarified that there would be 16 residential parking spaces plus 4 guest spaces which should be adequate and exceeded the parking requirement of the code.

Dale Broderick, 121 North Main, said that any on-street parking would make it very difficult for his tenants to exit their driveways.

Gaylynn Broderick commented that they would prefer three duplexes on the property rather than eight townhomes.

Dale Broderick commented that the duplexes they own on 150 North were 1,800 square foot units with single car garages and private backyards. He said that this area should not be considered Town Center as it was not high density but more of a quiet area for families. Mr. Broderick said that the residents of the proposed development would park on the street which would affect everyone who lived there. He also spoke on the setbacks and if the property lines had been surveyed.

Dale Broderick then said that the Hatch Park expansion included part of his property and explained that the city would have to purchase them to expand the park and that would be very expensive as they were only 4 years old.

Commissioner Larson thanked the Brodericks for the investments they had made to the area.

Dennis Hare, 150 North Main Street, said that his biggest concern was the height of the proposed development as he would have no privacy on his property. He also worried that the townhomes would be rented by four or more single individuals with multiple cars which would lead to street parking.

Luis Gonzalez, 171 North Main Street, spoke on behalf of his parents who own the abutting property on the north and said that they were concerned about construction, high density, the lack of privacy and if the landscape buffer would be enough. He also talked about a small garage that they currently accessed via the proposed property.

Commissioner Gordon asked if the property access was per a written agreement. Luis Gonzalez replied that he thought it was a verbal agreement for access to the garage.

David Rogers, a friend of Mr. Gonzalez, explained that the only access to the garage was through the fence on the proposed property.

Sherrie Llewelyn commented that the Gonzalez's could work with the property owner on any existing easements or other ways to allow access from the proposed alley.

David Rogers then asked if the City or the developer had made an offer to purchase the Gonzalez's property. Sherrie Llewelyn replied that the City had not made an offer to purchase that property.

Cynthia Hare, 150 North Main, asked about the increased traffic in the general area due to the development of City Center and if there was a plan to address this.

Commissioner Larson commented that the four way stop at Center and Main Streets would be widened and realigned as part of the City Center development project.

Chair Pro Tem Garn closed the public hearing at 7:02 p.m.

Brian Knowlton, Knowlton General, commented that he would address the concerns and questions presented during the public hearing. He said that the property had been surveyed and that the entire right of way was 48 feet wide from the sidewalk to the sidewalk. He also said there were no easements on the property. Mr. Knowlton said that the parking standard was for 2.25 spaces per unit and they were proposing 2.5 spaces per unit. He also said that these eight units would not increase traffic much.

Brian Knowlton then said that these would be very nice units which they expected to rent to tenants with one to two cars. He said if there was a problem tenant any issues could be resolved in 30 days which gave them more control in comparison to a problem homeowner that purchased a property.

Chair Pro Tem Garn asked if all the units were two bedroom and what the rental rate would be. Brian Knowlton replied that they were two bedroom units and would be rented at around \$1,600 per month.

Commissioner Kirkham asked about the current zoning of R1-7 which allowed up to eight units per area. He asked what the future proposed zoning would be for the area per the master plan. Sherrie Llewelyn replied that the master plan called for multi-family on the north side of 150 North.

Sherrie Llewelyn said the master plan was adopted in August of 2016 and that given the costs associated with purchasing Broderick's property, the city may have to expand the park without that property. She said that the City did not currently have the funding to buy properties at this time but impact fees, general fund monies, or bonds could be used per the City Council. She said that she cannot speak to the reason that the Brodericks were allowed to build the duplexes, but believes they were allowed because the Brodericks had a property right to build them and the city could not legally deny the project.

Chair Pro Tem Garn asked about the garage access and potential easement. Brian Knowlton commented that he would need to research this and work with the resident on a solution.

Dale Broderick asked how many units could be placed on the proposed property. Sherrie Llewelyn replied that the property was 0.6 acres and per the R1-7 zone requirements three duplexes could be placed on the property for a total of six units.

Commissioner Ward asked in regards to street parking. Sherrie Llewelyn replied that street parking is currently allowed on public streets, with the exception of winter months. The City Council will be considering an amendment to parking regulations that changes the exception to only those times during active snow events and the subsequent snow removal.

Dale Broderick said that the developer could not discriminate against renters with more than two cars and said that the biggest concern with the proposed development was street parking on 150 North. He said that if it was reduced to six units this would result in a lot fewer cars.

Commissioner Gordon stated that the public hearing had been closed and that the commentary with the audience was not appropriate. She requested that the deliberations and questions be limited to those between the Planning Commission, staff and the applicant. Chairman Pro Tem Garn agreed and reminded the audience that the public hearing was closed and no further comments would be taken.

Sherrie Llewelyn commented that as part of the P District rezone that the applicant was requesting eight units but the Planning Commission could negotiate the density and recommend an alternative to the Council. She also said that certain things could be done in regards to parking such as providing more guest parking or limiting the number of cars residents could have.

Brian Knowlton stated that despite what Mr. Broderick stated, a landlord can restrict the number of cars his tenant has as part of the lease agreement. He stated he does it all the time in his projects and it is not discriminatory.

Commissioner Larson commented that at first when she received her packet she was unsure as to whether the project fit the neighborhood or not. She stated that she visited the property twice, once during the day, and once at night. After viewing the property she felt that the proposed development would be appropriate, as the area needs revitalization. She felt that redevelopment was necessary and the proposed project did fit in with the master plan. She also said that the demographic was changing and that this development would appeal to young professionals working in SLC versus families looking for green space.

Commissioner Gordon said the master plan specified what the City wanted for the area and that this development would be a good way to obtain what had been planned for. She said that the P District would allow the City to ensure it was a nice development. Commissioner Gordon explained that under the current zoning the property owner could place three duplexes on the

property now with little control from the City regarding the architectural style, colors, and accesses, but a P District rezone would allow for more control.

3. CONSIDERATION OF GENERAL DEVELOPMENT PLAN FOR HEPWORTH TOWNHOMES AT 155 NORTH MAIN STREET, KNOWLTON GENERAL, APPLICANT

Commissioner Larson moved to recommend approval to the City Council the proposed general development plan for Hepworth Townhomes located at 155 North Main Street with the following conditions to be incorporated within the final zone change and development agreement approval:

- 1) **Final architectural design, materials, colors;**
- 2) **A provision for a future cross easement access to be provided, with specified terms and conditions to be required of future connecting developments to the west, in the event the City exercises the future shared access;**
- 3) **Placement of traffic directional signals for the private alley shall be required and clearly visible;**
- 4) **Parking shall be provided at the rate of 2.5 spaces per unit;**
- 5) **Submittal of a required redevelopment agreement; and**
- 6) **Final approval of the P District rezone.**

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

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A CONTRACTOR'S OUTDOOR STORAGE YARD AT 847 WEST NORTHPOINTE CIRCLE, CABLE COM INC., SCOTT HIRSHI, REPRESENTATIVE

Chairman Pro Tem Garn asked Commissioner Larson to text Chairman Knowlton and inform him that the previous item was finished and invited him to join the Planning Commission for the remainder of the agenda.

Sherrie Llewelyn reported that the proposed property was located at 847 West Northpointe Circle near Redwood Road and the I-215 interchange. The property consisted of two lots with one zoned General Commercial (CG) and the other zoned Manufacturing and Distribution (MD). The recently adopted fencing regulations section 10-1-33 Outdoor Storage is applicable to both zones. Cable Com proposed to lease the building and uses various vehicles and equipment that

would be stored nightly within a fenced yard which would qualify as outdoor storage. The requirements for outdoor storage include a conditional use permit, a site obscuring wall, and screening landscaping along the street frontage. The property owner, Scott Hirshi, has applied for the conditional use permit and asked to install a chain link fence versus a site obscuring wall.

Sherrie Llewelyn then showed examples of the vehicles and equipment that would be stored at the site. The DRC recommended approval with the condition that a solid site obscuring fence or wall be constructed around the outdoor storage area as there was no exception that could be granted.

Chair Ted Knowlton arrived at 7:31 p.m. and assumed the chair from Commissioner Garn.

Commissioner Garn asked if the lease with Cable Com would be a short or long term lease. Scott Hirshi replied that it would be a three year lease or longer.

Commissioner Gordon commented that the Planning Commission was voting on the conditional use and whether to allow outdoor storage with a site obscuring wall.

Scott Hirshi said that he was the property owner and the building had been vacant for approximately six months. He said he felt this tenant would be a good long term part of the community but the issue would be with the fencing. Mr. Hirshi said that he understood the reason for the site obscuring fencing in relation to heavy equipment but felt that the vehicles that would be stored on the site were not heavy equipment. He said that chain link fencing would cost about \$12,000 and a solid fence would cost \$45,000 and asked if they could install a chain link fence for security.

Sherrie Llewelyn clarified that the applicant could install chain link fencing if it was not for the purpose of outdoor storage.

Commissioner Tucker commented that in the City code outdoor storage included “company vehicles” and not just heavy equipment.

The Planning Commission discussed different aspects including what constituted outdoor storage, the definition of heavy equipment, and the fact that the previous tenant on the property was a car dealership and that the proposed application was similar in that vehicles would be stored on the property.

Chair Knowlton asked the Commission if they felt this use would be considered outdoor storage and also about the visibility from a public right of way. He said that the Planning Commission would like to allow the business but had limited power to approve the request.

Sherrie Llewelyn commented that if the Commission determined that the use was outdoor storage and required a site obscuring fence per the City code, the applicant would have a right to appeal the interpretation of the code to the appeal authority.

Scott Hirshi asked if any vehicle parked on the property overnight would be considered outdoor storage. Commissioner Gordon read that definition of Equipment and Materials Storage Yards from the City code Section 10-1-44 stated “includes any use related to outdoor storage of large construction equipment or machinery, company vehicles or large quantities of other materials.”

Scott Hirshi said he understood the desire to make the industrial area appear nice but felt that this seemed overboard for what the code required as the trucks were not heavy equipment and would only be parked there overnight.

Chair Knowlton clarified that the first question to be determined was whether the proposal from the applicant would be considered outdoor storage. All the Commissioners voted affirmatively that the proposal met the requirement for outdoor storage per City code.

Chair Knowlton then said the second question was whether the yard and outdoor storage would be visible from the public right of way including I-215 and Northpointe Circle.

Commissioner Ward commented that there was no definition for “visible” so that would give the Commission some discretion.

Commissioner Gordon asked if part of the property could be fenced partly with chain link fencing and a precast wall. Sherrie Llewelyn replied that this was a possibility based on how the Commission determined visibility from a public right of way.

Commissioner Garn commented that this was a large property for the storage of 25 vehicles. Scott Hirshi replied that the fencing was requested by the potential tenant for protection and could be placed along a portion of the property. He said that there were large phragmites in between the property and 1-215.

Commissioner Gordon said that chain link fencing visible from 1-215 reflected poorly on the City.

Mike Farmer, Cushman and Wakefield, said that the purpose of the chain link was for security of the equipment. He said that there was a three year lease and that the tenant may agree to fence a portion of the yard along I-215 instead of the entire property.

Commissioner Gordon stated that she did not support any invasive species such as the phragmites being used as shielding for outdoor storage. Sherrie Llewelyn replied that the property with the phragmites was owned by Salt Lake City.

Chair Knowlton asked how far the outdoor storage would need to be from the public right of way in regards to be deemed visible. Sherrie Llewelyn clarified that this was not defined in the City code.

Commissioner Tucker commented that he did not have an issue with the visibility from Northpointe Circle but said that the property would be visible from I-215. He felt that this was a black and white code enforcement issue. Commissioner Gordon was in agreement that the outdoor storage would be visible from the interstate. She suggested a solid fence along I-215 and chain link fencing along Northpointe Circle.

The Commission then took an informal vote on whether the outdoor storage would be visible from I-215. Two commissioners felt that it was visible from the interchange and five felt it was not.

Sherrie Llewelyn suggested that the tenant could park the vehicles within the paved "L Shape" area of the building which would obstruct the vehicles from view from the interstate. Commissioner Gordon then proposed that they could fence in a portion of the property for security.

Mike Farmer commented that he could negotiate with the tenant to see what might work for them.

Chair Knowlton commented that visible could be defined as a set measurement from the public right of way such as 150 feet or another predetermined distance.

Chair Knowlton asked the applicant if they would like to table the item to work with the tenant for a possible solution. Scott Hirshi said there was a time limit on letter of intent for the lease agreement.

Commissioner Gordon moved that the Planning Commission approve the conditional use permit for Hirshi Wag Properties and Cable Com with the following condition:

- 1) A solid site obscuring fence or wall be constructed along the I-215 right of way around the outdoor storage area, in accordance with City Code section 10-1-33(D) Outdoor Storage.**

Commissioner Tucker seconded the motion.

Commissioner Ward felt that this was burdensome to the applicant and he would vote no. He felt that a resolution could be found. Chair Knowlton asked why only I-215 was specified and not Northpointe Circle for the site obscuring fencing.

Commissioner Gordon commented that the site obscuring fence should be placed along the property line adjacent to I-215 as they would most likely store the vehicles at the rear of the property.

The Commission asked Mrs. Llewelyn how the Planning Commission should interpret portions of the code that are ambiguous. Sherrie Llewelyn commented that if this item went before a judge that they would consider the plain language of the code and any ambiguity would be found in favor of the property owner. She suggested amending the motion to say “and the outdoor storage from Northpointe Circle by a certain number of feet.”

Commissioner Gordon amended her motion to include “the outside storage must be 200 feet from Northpointe Circle.”

There was no second for the amendment and the original motion was resumed.

Commissioner Gordon moved that the Planning Commission approve the conditional use permit for Hirshi Wag Properties and Cable Com with the following condition:

- 1) A solid site obscuring fence or wall be constructed along the I-215 right of way around the outdoor storage area, in accordance with City Code section 10-1-33(D) Outdoor Storage.**

Commissioner Tucker seconded the motion. Commissioners Gordon and Tucker voted in favor of the motion. Commissioners Knowlton, Garn, Kirkham, Ward and Larson voted in opposition to the motion. The vote was 2-5 against; motion failed.

Commissioner Gordon asked that staff review the code to ensure that in the future the Planning Commission would have the ability to do what needed to be done and remove the ambiguity.

Commissioner Kirkham suggested the tenant could potentially store the vehicles inside the building. Scott Hirshi replied that they would need to install a 12x12 door but he could ask the tenant if this solution would work.

Chair Knowlton asked how many vehicles other than the 25 proposed company trucks would be parked on site during the day. Mike Farmer replied that it would probably be around 25 employee vehicles for a total of 50 parking spaces utilized throughout the day.

Commissioner Gordon moved that the Planning Commission approve the conditional use permit for Hirshi Wag Properties and Cable Com with the following condition:

- 1) A solid site obscuring fence or wall be constructed around the outdoor storage area, in accordance with City Code section 10-1-33(D) Outdoor Storage.**

Commissioner Tucker seconded the motion.

Commissioner Gordon paraphrased a portion of 10-1-33(D) from the City code and said it required that all outdoor storage be screened from the view of any adjacent public street or adjacent residential land use or zone district by a decorative solid wall constructed of masonry or concrete tilt up panels which are similarly finished to match or complement the main building material on site... a minimum of six feet in height and a maximum twelve feet in height. It also requires adequate grading and drainage, a setback of 20 feet from the street right of way, and buffering between the screening wall and adjacent street with improved vegetative landscaping.

Commissioners Gordon, Tucker and Garn voted in favor of the motion. Commissioners Knowlton, Kirkham, Ward and Larson voted in opposition to the motion. The vote was 4-3 against; motion failed.

Commissioner Ward moved that the Planning Commission approve the conditional use permit based on the conclusion that the storage proposed by the applicant is not deemed to be visible from any adjacent public street or adjacent residential right of way, and therefore no site obscuring wall or screening was necessary. Commissioner Larson seconded the motion.

Commissioner Gordon asked what impact this would have for property adjacent to Legacy Highway or I-215 in the future and if this set a precedent. Sherrie Llewelyn commented that no distance was set and there was no berm or topography that would screen the outdoor storage from view.

Commissioners Larson, Kirkham and Ward voted in favor of the motion. Commissioners Garn, Knowlton, Gordon and Tucker voted in opposition to the motion. The vote was 3-4 against; motion failed.

Chair Knowlton commented that the code defined the parking of company vehicles on the site as outdoor storage and the previous motion was too broad.

Commissioner Ward asked how high the fence would have to be to reduce visibility from 1-215. Scott Hirshi commented that it would need to be a very tall fence to screen the property from the interstate.

Chair Knowlton asked the height of the tallest vehicle that would be stored on site. Scott Hirshi replied that he estimated it would be around 13 feet and 6 inches tall.

Chair Knowlton suggested that a potential motion could be stated as “that for company vehicles that at rest are shorter than 13.5’ and are 100 feet away from a public right of way are not visible and therefore are approved so long as the vehicles listed in the staff report are 100 feet away from the public right of way.”

Commissioner Gordon commented that the average height of dump truck was approximately 11 feet tall.

Commissioner Kirkham moved to approve the conditional use permit for Hirshi Way Properties and Cable Com with the following finding and condition:

Finding:

- 1) Company vehicles, which at rest measure shorter than 13.5’, and are stored a minimum of 100 feet from a public right of way are not deemed visible from a public right of way.**

Condition:

- 1) Provided the outdoor storage area is greater than 100 feet from a public right of way, no sight obscuring wall or screening would be required.**

Commissioner Ward seconded the motion.

Sherrie Llewelyn clarified that the motion approved the conditional use permit and the applicant would not be required to have a sight obscuring fence as long as the equipment yard was 100 feet away from the public right of way.

Commissioners Ward, Knowlton, Larson and Kirkham voted in favor of the motion. Commissioners Tucker, Gordon and Garn voted in opposition to the motion. The vote was 4-3; motion carried.

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

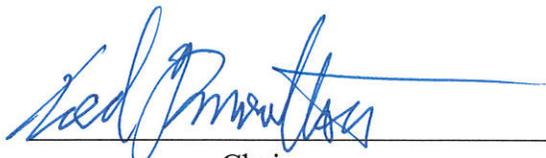
Sherrie Llewelyn reported that the City Council had not met since the last Planning Commission meeting due to the holidays. She said that during the next City Council meeting the Council would act on reappointing BreAnna Larson to the Planning Commission and would also review the Hepworth Townhomes General Development Plan.

6. APPROVAL OF MINUTES

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

7. ADJOURN

Chair Knowlton adjourned the meeting at 9:16 p.m.



Chair

Recorder



Secretary