

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
APRIL 9, 2019

**FINAL**

Commission Chair Ted Knowlton called the meeting to order at 6:31 p.m. and William Ward 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: Dee Lalliss, resident; Clinton Thomas, Clint Thomas apartments.

1. PUBLIC COMMENT

There were no public comments.

2. CONSIDERATION OF AN APPLICATION TO REZONE PROPERTY LOCATED AT 521 NORTH ORCHARD DRIVE (AKA 3511 SOUTH ORCHARD DRIVE) FROM COMMERCIAL SHOPPING (CS) TO PLANNED DISTRICT (P), CLINT THOMAS, APPLICANT

Sherrie Llewelyn reported that this was the final recommendation on the rezone for the property as the Planning Commission had previously approved the General Development Plan on February 12<sup>th</sup> with City Council approval on February 19<sup>th</sup>. The current zoning was Commercial Shopping (CS) with the applicant proposing Planned (P) District rezone. The current address of 3511 South Orchard Drive in Bountiful would be updated to 521 North Orchard Drive in North Salt Lake.

Mrs. Llewelyn showed an aerial view of the property and explained that the existing carports would be replaced with an additional building, new carports, and additional landscaping. The materials to be used for the exterior of the new building would be fiber cement board (generic

hardie board) or stucco and brick. She asked that the Commission determine whether the applicant could use stucco in place of hardie board.

Sherrie Llewelyn explained that the development agreement would include the landscaping plan, required improvements related to the existing landscaping, fencing, improvements to the existing buildings including the siding and mansard roof, repair or replacement of lighting fixtures, safety issues with outdoor carpeting and handrails, re-pavement of parking areas, and a maintenance plan. She explained the fencing improvements including the fencing on the west property line and the replacement of the existing retaining wall to be topped with a six foot site obscuring fence of composite or vinyl, repair of the fencing along the north property line, and the remaining fencing to remain and chain link.

Mrs. Llewelyn then reviewed the exhibits including the architectural standards in Exhibit E related to the architectural elevations and colors. She said the Development Review Committee (DRC) recommended approval of the P-District rezone and Site Plan. This would require two separate motions by the Planning Commission.

Commissioner Kirkham suggested a composite material for the fencing rather than vinyl and said the composite would be more durable.

Commissioner Tucker asked about the concerns/comments from the City Council. Sherrie Llewelyn replied that the Council's concerns were related to the south boundary fencing and if a gate could be added to the fence. She explained that one of the Council Members had witnessed a child that tried to climb the fence and had gotten stuck. Mrs. Llewelyn said that the LDS Church owned the fence and would not allow a gate per recent policy. She said it was most likely a liability issue.

Clint Thomas commented that he had reached out to the LDS Church and was told that it was a church wide policy to no longer allow access. He said he would commit to doing the repairs and fulfilling the requirements as specified in the development agreement.

Commissioner Kirkham asked if the proposed location for the dumpster would be a new location. Clint Thomas replied that the existing dumpster was in the same area but the new location would be placed 10-20 feet back to accommodate the new building.

Commissioner Kirkham also asked if these units would all be rentals. He also asked if Mr. Thomas would manage the snow plowing. Clint Thomas responded that they would all be two bedroom rentals. He said he would manage the snow plowing.

Commissioner Ward asked if there would be a designated area for snow storage. Clint Thomas replied that the current storage was at the east end of the property. He said he would remove the existing bushes there and snow could continue to be stored there.

Commissioner Larson asked about the starting and ending building timeframes. Clint Thomas replied that he hoped to start and finish construction this year. He said the goal was to start construction in a couple months.

Chair Knowlton asked the Planning Commission for their thoughts on the use of stucco versus hardie board. Commissioners Kirkham, Garn, and Larson responded that they did not have an issue with either material but felt that the new building should try to match the existing buildings.

Commissioner Kirkham commented that stucco had improved and the only issue he saw was cracking around the windows and doors due to the climate here. He explained that stucco was less expensive than hardie board.

Chair Knowlton asked the applicant about his preference on the finish. Clint Thomas replied that he wanted to do vinyl siding due to the cost so he would prefer stucco over hardie board. He said he was already extending additional costs for the whole property.

Chair Knowlton commented that fairness should be considered per the requirements if the Commission was asking for substantially more of the applicant. He said that there may be issues with vinyl siding.

Sherrie Llewelyn said that in the proposed development agreement that the materials used could be brick, stucco, or the fiber cement board (hardie) for the exterior of the building. Commissioner Kirkham commented that there was a product which could be used to paint/change the color of the stucco.

Chair Knowlton clarified that the development agreement did not allow for vinyl siding but did allow stucco and hardie board type materials.

The Commission then discussed fencing options particularly the pros and cons of vinyl fencing including maintenance, cost, and the appearance over time and the allowance of chain link fencing.

Sherrie Llewelyn showed the different types of existing and proposed fencing per the site plan to those present. She explained that the property line between the church and the apartments had existing chain link fencing, existing precast concrete fencing along a portion of the north side of the property, and where existing and required chain link fencing and retaining walls would be placed. Mrs. Llewelyn said that the precast wall and a site obscuring fence would be required for privacy and screening from neighboring headlights.

Clint Thomas clarified that the height of the retaining wall would vary but he would try to level some areas out.

Commissioner Tucker commented that he was happy to see new construction for moderate income housing. He felt that there should be some allowances made for this as the proposed changes were not for the residents but for aesthetics.

Commissioner Ward asked about item five in the agreement related to the “payment of fees”. Sherrie Llewelyn replied that this was part of the template and needed to be removed.

Commissioner Ward then spoke on item six related to the “Agreement to Run with the Land/Assignment” and that the sentence “The terms of this Agreement shall be deemed to expire as to any portion of the Property upon the issuance of a certificate of occupancy for a structure on the subject portion of the Property” should be removed as well as the same wording in the memorandum, as there are terms of the agreement for ongoing maintenance that shall not expire. He also noted a spelling error of the word “improvements” in item h.

**Commissioner Garn moved that the Planning Commission recommend approval to the City Council of the proposed rezone from CS to P-District and draft development agreement for the Clint Thomas Apartments located at 521 North Orchard (aka 3511 South Orchard) with the following findings and no conditions.**

- 1) The proposed P District can be substantially completed within two (2) years of the establishment of the P District.**
- 2) The development contains one phase that can existing as an independent unit capable of creating an environment of sustained desirability and stability; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.**
- 3) The proposed increased density will not generated traffic in such amounts as to overload the street network outside the P District.**
- 4) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.**
- 5) Any exception from standard ordinance requirements is warranted by the design incorporated into the final plan.**
- 6) The P District is in conformance with the city general land use plan.**
- 7) Existing or proposed utility services are adequate for the population and use densities proposed.**

**Commissioner Tucker seconded the motion.**

**Commissioner Garn amended his motion to recommend approval of the “draft development agreement as amended”. Commissioner Tucker seconded the amended motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker and Larson. Commissioner Gordon was excused.**

3. CONSIDERATION OF AN APPLICATION FOR A SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 521 NORTH ORCHARD DRIVE (AKA 3511 SOUTH ORCHARD DRIVE), CLINT THOMAS, APPLICANT

**Commissioner Kirkham moved that the Planning Commission recommend approval on the site plan for the Clint Thomas Apartments located at 521 North Orchard (aka 3511 South Orchard) with no conditions. Commissioner Garn seconded the motion.**

Commissioner Ward asked about the City Council discussion regarding the change of address. Sherrie Llewelyn replied that the new address would be 521 North Orchard and that staff would work with the applicant on that item.

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

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

Sherrie Llewelyn reported that the City Council approved the Orchard Grove general development plan with a three to two vote. She said that while there was some confusion from the public that the Council had voted for denial of the project, in fact it was a motion for approval that failed, no motion to deny had been made. After the failed motion the Council asked the applicant to bring the site plan back with revisions. Mrs. Llewelyn said the Council received public comment in which several citizens felt that the revised plan should be remanded back to the Planning Commission. She said that the Council did not feel the plan had changed enough to warrant another review by the Commission, as the only change was in the orientation of the front doors of the south building, so that they would be on the same side as the driveways.

Sherrie Llewelyn also said that an appeal was filed by some neighboring property owners stating that the City Council decision to approve the general development was in error. The nature of the appeal related to her calculation of the maximum density under the existing zoning and not the proposed P-District Zone. She explained that during the City Council meeting she had stated that the maximum density of 12.8 units could be in duplexes, tri-plexes or larger multi-family buildings. The correct max density for duplexes is 12.8, but for buildings greater than duplexes the max density would be approximately 8.9 units under the RM-7 zone. The second issue with the appeal relates to a perceived bias on the part of Councilmember Porter towards multi-family housing. She said this appeal would go before the hearing officer.

She also said that the Council approved the I-215 Parkway Subdivision Condominiums and tabled the rezone for The Ridge project due to last minute submissions and fencing concerns, but approved the preliminary plat.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of March 26, 2019 were reviewed and approved. **Commissioner Tucker moved to approve the meeting minutes for the March 26, 2019 Planning Commission meeting as written. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker and Larson. Commissioner Gordon was excused.**

6. ADJOURN

Chair Knowlton adjourned the meeting at 7:08 p.m.



Chair

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Recorder

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Secretary