

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
MAY 14, 2019

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
Commissioner Natalie Gordon

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Kate Werrett, Planning Technician.

OTHERS PRESENT: Barry Bryson, Julie Bryson, Milt Buhrman, Dee Lalliss, Mark Lee, Kelly Jones, Tenielle Humphreys, Carly Martin, Camille Thorpe, Narae Simmons, William Simmons, Dale Carli, Damon Cross, James Smart, residents; Brian Myers, Bountiful resident; Patrick Scott, Brighton Development; Parker McGarvey, Darlene Carter, Greg Day, CW Land; Brian Knowlton, Knowlton General; Chris Myer, Restore Utah; William Simmons, Gold Ridge Design.

1. PUBLIC COMMENT

Brian Myers, 448 West 3400 South in Bountiful, expressed concern about the proposed density and tandem garages for The Winnie development. He suggested that Phase 2 should have density equal to or lesser than that of Phase 1. Mr. Myers said he hoped that the Planning Commission and the City Council would consider the best interests of the citizens when reviewing this development.

Chair Knowlton clarified that the public hearing for The Winne Phase 2 was previously tabled and public comments for this item would be received later in the meeting.

Barry Bryson, 349 Odell Lane, commented that he was concerned with increased density particularly along Odell Lane. He said he was not against development but wanted something that would complement the existing housing. Mr. Bryson also said he was concerned about

adequate solar access for his solar panels due to the proposed height of the new buildings. He also requested that a turn lane be installed on Orchard Drive for cars turning onto Odell Lane.

Mark Lee, 450 East 100 North, felt that the General Plan density was misquoted and not accurately reflected in regards to the proposed Orchard Grove development. He said the City should clarify what would be allowed on the property. Mr. Lee also spoke on the modified setbacks and said that the Planning Commission should consider increasing the setback distance.

Kelly Jones, 107 Osborne Circle, also commented on the Orchard Grove development and the setback from Orchard Drive. She had several concerns including the setback distance, the need for a traffic study on Orchard Drive that would take into account the new homes and the vicinity to the school, requiring that the garages were only used for parking, inadequate guest parking, and the density of the project. Ms. Jones requested that the density be reduced to ten units overall.

2. PUBLIC HEARING-CONSIDERATION OF A PLAT AMENDMENT TO THE NORTH SALT LAKE CITY CENTER SUBDIVISION, LOT 57 LOCATED AT 45 EAST CENTER STREET, FOR THE PURPOSE OF DIVIDING THE COMMERCIAL STRUCTURE INTO INDIVIDUAL COMMERCIAL CONDOMINIUMS, BRIGHTON DEVELOPMENT UTAH, APPLICANT

Sherrie Llewelyn reported that this development was located across from City Hall and was platted with live/work units along Center Street, townhome units in the rear, and a plaza with the commercial aspect on the corner of US-89. After meeting with potential clients the developer has requested a plat amendment to “condominiumize” Lot 57 which would create separate units and allow each unit to be individually sold. She commented that creating separate condominiums would not change the exterior of the building, only the ownership within the structure. No public right of ways or easements would be affected by this change.

The Development Review Committee (DRC) recommended approval of the plat amendment to the North Salt Lake City Center PUD creating the North Salt Lake City Center Condominiums with no conditions as the plan met the minimum City requirements.

Patrick Scott, Brighton Homes, commented that a condominium association would be created to manage the commercial aspect of the project and would coordinate maintenance of the building and the landscaping with the homeowner’s association.

Chair Knowlton opened the public hearing at 6:50 p.m. There were no public comments and he closed the public hearing at 6:51 p.m.

Commissioner Kirkham moved that the Planning Commission recommend approval to the City Council of the plat amendment to NSL City Center PUD, creating the North Salt

Lake-City Center Condominiums at 45 East Center Street with no conditions. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Gordon.

3. CONSIDERATION OF AN APPLICATION TO REZONE PROPERTY LOCATED AT 378 EAST ODELL LANE FROM RESIDENTIAL-MULTIFAMILY (RM-7) TO P-DISTRICT AND DEVELOPMENT AGREEMENT FOR ORCHARD GROVE TOWNHOMES, BRIGHTON DEVELOPMENT UTAH, APPLICANT

Chair Knowlton provided background on this item and the approvals to date. He explained that the Planning Commission had recommended approval on the General Development Plan after 3 meetings with the applicant. The City Council held 2 meetings on the GDP, the item was tabled at the first meeting and then approved at the second meeting with a revision to the floor plan of the southern building. The next step is now the final recommendation on the rezone of the property from RM-7 to a P District.

Chair Knowlton explained that there was an appeal of the City Council's decision which would go before the appeal authority on May 21st. Sherrie Llewelyn said that the status of the development would then be determined by the hearing officer. The options included the plan being remanded back to the City Council or Planning Commission or the hearing officer substituting his judgment in place of the Council or Commission.

Chair Knowlton said that as the Commission did not know what the outcome of the appeal would be that they would follow the action of the City Council, which was a legislative action to rezone the property. He said if the appeal required a different course the City would respond as needed.

Sherrie Llewelyn reported that a General Development Plan was approved by the City Council on April 2, 2019 for the proposed 1.24 acre property located at 378 East Odell Lane. The site contains one existing single family home. The proposal would be to remove the existing home and rezone the property from RM-7 to a P District. The Planning Commission recommended approval of a General Development Plan to the City Council in March 2019. That plan included the Hemingway buildings on the south property line with the front doors facing south. When the City Council reviewed this plan the first motion to approve failed. The applicant then asked if the project was denied and was instructed by the City Council to work with staff to redesign that building and potentially reduce the overall density of the project. The applicant redesigned the project so that the front doors of the Hemingway units were on the same side as the garage doors and added backyard areas. Three different architecture styles were also included in the updated plan including the Wyndham, Hemmingway, and Clifton.

Mrs. Llewelyn then showed the proposed landscape plan with a tot lot and dog park area. Each townhome would have a two car side by side garage with adequate room for two car parking in the driveway. There would also be four guest parking spaces on site. She also showed the

dumpster enclosure and explained that this would address the resident's concern about having individual garbage cans for each unit placed along Odell Lane.

Sherrie Llewelyn commented that the front setback along Orchard Drive had been reduced and recommended that it be increased to ten feet. This setback would allow for a 19 foot setback from the foundation of the units facing Orchard Drive to the curb.

Chair Knowlton asked for clarification on what the RM-7 zoning would allow in relation to the number of units. Sherrie Llewelyn replied that the RM-7 zoning would allow for 12.78 duplex units and 8.89 multi-family units on the 1.24 acres with a surveyed area of 54,327 square feet w.

Commissioner Gordon asked what the maximum height of a building in the RM-7 zone would be. Sherrie Llewelyn responded that the maximum height would be 35 feet and that the proposed buildings were lower than that.

Sherrie Llewelyn then reviewed the items in the development agreement including the architecture of brick, hardie board and stucco with metal trim. The townhomes would consist of four buildings with four units in each building. Parking would consist of 4.25 spaces per unit which included four guest parking spaces. The proposed landscaping would be 15,368 square feet or approximately 30% of the site with improvements to the Odell Lane and Orchard Drive cross section, including an additional right of way dedication, park strip, sidewalk, and street trees. The landscaped area would include a tot lot as well as a fenced area for a dog park. Additional landscape improvements included sod, shrubs, and trees within the development common area. The existing fencing would be replaced with composite fencing along the perimeter of the property. Mrs. Llewelyn explained that there would be pedestrian connectivity through the site to both Orchard Drive and Odell Lane. She presented images of an example of the composite fencing, which was similar to the fencing used at Chesham Village, as well as the new residential streetlights, which would be required in all new residential developments.

Sherrie Llewelyn addressed the resident's concern from the public comment portion of the meeting in regards to storage in the garages and said a requirement that the garages only be used for parking could be included in the CC&Rs per the development agreement. She also spoke on the resident's request for a traffic study and said that the Planning Commission could require this study but the DRC and the City Engineer felt that the roads were adequate for the proposed number of units.

The DRC reviewed and recommended approval of the rezone request from RM-7 to P District for the Orchard Grove Townhomes with the condition that the CC&Rs and HOA would provide mechanisms to prevent single entities from acquiring and converting multiple townhomes to rental properties. Other proposed amendments to the development agreement included the condition that the garages be used for parking only and that the setbacks be at least 10 feet from the foundation of the units.

Patrick Scott, Brighton Development, commented on the height of the proposed buildings and said that the units along Orchard Drive would be three stories tall with two stories visible from Orchard Drive and three stories visible from the back of the units. The other two buildings would be two stories tall. Mr. Scott spoke on the garage parking restriction and asked that the language would still allow for parking in the driveways. He also said the HOA could step in and enforce these requirements.

Commissioner Garn asked if there would be enough space for the addition of a turn lane on Orchard Drive for cars turning onto Odell Lane. Sherrie Llewelyn replied that this option could be reviewed by the City Engineer and the safety committee.

Commissioner Kirkham asked if these townhomes would be for sale units. Patrick Scott confirmed that the units would be for individual sale and that no individual or entity could own more than two units per the CC&Rs. He also said that they would most likely limit the number of rental units to allow no more than 25% of the units to be rented.

Commissioner Gordon asked for clarification on what the highest point from grade would be for the three story building along Orchard Drive. Patrick Scott advised that the maximum height would be approximately 35 feet.

Chair Knowlton asked if the City was able to require that limitations be placed on the number of rental units in the project. Sherrie Llewelyn replied that the City could not place rental restrictions on single family homes but per the P District rezone and the development agreement the City could ask the developer to limit the number of sales of units to a single person. She explained that this would restrict an entity from purchasing all the units and converting them into apartments.

Commissioner Larson commented that the Planning Commission's goal was to find an equitable balance between the residents and the landowner. She felt that every effort had been made to address the concerns from residents including density, setbacks, height of the buildings, parking requirements, etc., while also providing additional housing in the City per the housing crisis.

Commissioner Kirkham asked about the status of the zoning. Chair Knowlton clarified that zoning had not yet been changed but that the Planning Commission could recommend approval of the rezone to the City Council. He said the City Council had taken action on the general development plan so the Commission could negotiate certain parameters of the zone and the development agreement.

Commissioner Ward said that he felt the actions taken by the City Council, particularly related to density, removed the Commission's ability to modify density at this time.

Chair Knowlton commented that if the P District zoning was not approved the City would not have the ability to negotiate the architectural design. He said the proposed plan with landscaping and street trees would be replaced with driveways and garages facing Odell Lane. He also said if the P District zoning was not approved the applicant would not be tied to providing for sale units or limiting the rental units to 25% overall.

Chair Knowlton said that this type of housing development was the new normal and that while this may not be the ideal place for this development there were many positive aspects including the proximity to a bus line as well as to downtown Salt Lake, employment, and schools.

The Commission discussed potential conditions for the motion including increasing the setback from Orchard Drive, that the garages be used for parking and the driveways be used for visitor parking, limiting ownership to two units in the development, and the potential to add a turn lane on Orchard Drive.

Commissioner Gordon moved that the Planning Commission recommend to the City Council rezone approval from RM-7 to P District for Orchard Grove Townhomes located at approximately 378 East Odell Lane, along with the proposed development agreement with the following findings and conditions:

Findings:

- 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 exist 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 generate 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.**

Conditions:

- 1) The CC&Rs and HOA will provide mechanisms to prevent single entities from acquiring and converting multiple townhomes to rental properties;**
- 2) That the setback from Orchard Drive sidewalk would be 10 feet to foundation;**

- 3) The garages are primarily used for parking and the driveways are primarily used for visitor parking.**

Commissioner Larson seconded the motion.

The Commission discussed clarifying the condition for rental units to limit ownership to two units within the development as part of the development agreement.

Conditions:

- 1) The Development Agreement will provide mechanisms to prevent single entities from acquiring and converting multiple townhomes to rental properties, state that no owner can own more than two units in the subdivision, and will require that the garage is primarily for parking and the driveways are primarily for guest parking;**
- 2) That the setback from Orchard Drive sidewalk would be 10 feet to foundation.**

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

4. CONSIDERATION OF A SUBDIVISION PRELIMINARY PLAN APPROVAL FOR ORCHARD GROVE TOWNHOMES LOCATED AT 378 EAST ODELL LANE, BRIGHTON DEVELOPMENT UTAH, APPLICANT

Sherrie Llewelyn reported that this was the second step of the subdivision process and was a review of the technical aspects of the actual preliminary plan. Once the final zone change was granted by the City Council and the development agreement was signed, the applicant could then return with a final plat for review. She suggested that a condition requiring the ten foot setback be added to the motion.

Commissioner Garn moved that the Planning Commission recommend to the City Council the approval of the proposed preliminary plan for Orchard Grove PUD located at 378 East Odell Lane subject to the following:

- 1) Approval of the P District Rezone and Development Agreement by the City Council;**
- 2) The resolution of the appeal hearing upholding the approval of the General Development Plan by the City Council;**
- 3) A ten foot setback from the sidewalk on Orchard Drive.**

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

5. CONSIDERATION OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR PINE TERRACE APARTMENTS FOR THE CONVERSION OF AN

ACCESSORY STRUCTURE INTO A DWELLING UNIT, LOCATED AT 4247
SOUTH HIGHWAY 89, RESTORE UTAH, APPLICANT

Kate Werrett reported on the request from Restore Utah to amend a conditional use permit to allow Pine Terrace Apartments to convert a detached garage, located at 4247 and 4289 South Highway 89, into a dwelling unit. The existing structure is 768 square feet and ten feet seven inches (10'7") in height. The garage would be converted into a two bedroom unit with one bathroom. The property, located in the Highway Commercial Zone, was previously used for maintenance and storage. Staff identified several possible conditions including that the location of the structure at two feet four inches (2'4") from the southern property line and five feet two inches (5'2") from the western lot line which would require installation of a firewall on the closer wall. The walls of accessory structures that are closer than five feet to a property line require a minimum of a one hour fire wall (no windows, two layers of 5/8" sheetrock, etc.)

The applicant proposed that parking would be provided for the new unit and staff recommended confirmation of the parking for the unit be provided as well as clarification that no existing parking would be lost. The garage currently has a one single car wide and two car length long drive that would be utilized for the new unit. City code requires that a minimum of two spaces be provided per unit and that one space be covered. Therefore, a carport over at least one of the two spaces would need to be provided.

The DRC recommended approval of the amendment to the conditional use permit for the Pine Terrace Townhome Apartments with the conditions that exterior walls within five feet of the property line must have a one hour fire wall, the impact fees to be paid for the new unit, submission of a letter from South Davis Water confirming approval for connection to the water and sewer systems, confirmation of two parking spaces for the new unit with one covered space, the existing fencing to be repaired or restored, and the landscaping to be cleaned up around the entire building and to have ongoing maintenance.

Commissioner Tucker asked what the interior of the proposed dwelling unit would look like. Kate Werrett presented a floorplan to those present and explained that it would be a two bedroom and one bathroom unit with a kitchen, living room, etc.

Sherrie Llewelyn replied that the existing garage door would be removed from the building and a full interior remodel would be completed.

Commissioner Larson asked the applicant for clarification on where the parking would be located on the site. Staff presented the site plan for those present showing the location of the proposed parking.

Chris Myer, Restore Utah, explained that the parking would be located on the existing driveway which was on the northeast corner of the property. He said that a carport would be constructed there as well.

Commissioner Gordon asked which wall was windowless. Sherrie Llewelyn replied that it was the wall along the south property line.

Commissioner Tucker moved that the Planning Commission approve the amendment to the conditional use permit for the Pine Terrace Townhome Apartments to allow a garage conversion located at 4247 and 4289 South Highway 89 with the following conditions:

- 1) Exterior walls within five feet of the property line must have a one hour fire wall.**
- 2) Impact fees to be paid for the new unit.**
- 3) Submission of a letter from South Davis Water confirming approval for connection to the water system.**
- 4) Submission of a letter for South Davis Sewer District confirming approval for connection to the sewer system.**
- 5) Confirmation of two parking spaces for the new unit, with one covered space.**
- 6) The existing fencing will be repaired/restored.**
- 7) Landscaping to be cleaned up around the entire building and have ongoing maintenance.**

Commissioner Garn seconded the motion.

Commissioner Gordon commented that while she hated tandem parking she felt the market would take care of the problem with this unit and would vote in approval of this item.

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

6. CONSIDERATION OF AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR GOLD RIDGE DESIGN AN AUTO, RV, AND MARINE UPHOLSTERY SHOP, WILLIAM SIMMONS, APPLICANT

Kate Werrett reported that the DRC reviewed and recommended approval of the conditional use permit for Gold Ridge Design with no conditions. Gold Ridge Design was proposing to locate an upholstery shop, specializing in boats, cars, RVs, and airplanes, at 903 West Center Street unit B in the General Commercial Zone. There would be one fulltime employee working onsite and services would include building and repairing furniture as well as upholstery for airplanes, boats, and passenger and recreational vehicles. The majority of the work would occur within the building; however, occasional work on the boats and recreational vehicles would occur in the yard area. Onsite equipment would include sewing machines, staple guns, woodworking tools, and automotive mechanical tools.

Commissioner Kirkham asked about parking in regards to the number of boats on site. William Simmons, Gold Ridge Design, replied that they did not want the boats to be stored on site long term due to liability issues and said that there was space for one large boat and RV.

Commissioner Gordon moved that the Planning Commission approve the conditional use permit for Gold Ridge Design located at 903 West Center Street, unit B with no conditions. Commissioner Ward seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Gordon.

The Planning Commission discussed whether conditional use permits like this needed to come before the Commission or if staff could approve these types of items.

Chair Knowlton asked if the code be updated to allow similar items to be reviewed and approved by staff. Mrs. Llewelyn replied that the code could be updated to remove all conditional uses. She clarified what conditional uses were and that they were a permitted use with conditions if there were effects that needed to be mitigated.

The Commission took a brief recess from 8:07 p.m. to 8:12 p.m.

7. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR THE WINNIE, PHASE 2, LOCATED AT APPROXIMATELY 650 NORTH ORCHARD DRIVE, CW LAND, APPLICANT

Chair Knowlton commented that there would be a continuation of the public hearing, which was opened on March 26th, after staff and the applicant had presented.

Sherrie Llewelyn reported that the proposed site was lot 54 in the Winnie PUD development. The applicant was proposing a zone change from Commercial Shopping (C-S) to a P District per

the requirement that any additional residential would require a P District rezone. The 0.83 acre lot would be Phase 2 of the development with a proposed 20 townhomes. The 12 units that front Orchard Drive would have rear entry two car side by side garages and a front setback of 20 feet. The remaining eight units would front a common green space and have two car tandem garages. The townhomes would be three stories and 28 feet in height. All 20 units are proposed to be rental units.

Darlene Carter, CW Land, commented that they applied the feedback from prior meetings including updated architecture with brick and hardie board found in existing adjacent properties, varied parapet heights, recessed areas to add depth, changes to the green space, and four live/work units. Ms. Carter spoke on the commercial aspect and said that the four mixed use units would front Orchard Drive. She explained that the other units fronting Orchard Drive would have a similar feel with flex space on the main floor. Other details for the project included that the floor plans would range from 1,300 square feet to 1,462 square feet, Phase 2 would be for rent units, eight of the units would have tandem garages, six guest parking stalls, and the parking ratio would be 2.3 stalls per unit for Phase 2.

Chair Knowlton asked in regards to the additional parking stalls shown on the parking exhibit and why they were not calculated as part of the parking ratio. Greg Day, CW Land, commented on the parking plan for the entire project and said that guest parking would be located in a central location. He also explained that 13 of the guest parking stalls on the on-site cross access easement were not included in the calculations for Phase 1 as it was over the minimum requirement but that they were available for use by the entire development.

Darlene Carter commented that the additional stalls were shown on the parking exhibit in response to the concern from the previous meeting regarding potentially limited parking. Ms. Carter then spoke on other improvements including the sidewalks and building placement, which had been modified to improve access and view corridors, the addition of an amenity to the green space east of the buildings, and the addition of large trees along the walkways of the property.

Sherrie Llewelyn spoke on the future bus stop in the area and said there were plans for a covered shelter, which would not fit due to the underground detention. She suggested relocating the future bus shelter south of the driveway. Darlene Carter replied that it would not be a problem to move the location of the bus shelter.

Commissioner Larson asked why the density for Phase 2 had only been reduced by two units to 20 instead of the 16 that that the Planning Commission had requested. Darlene Carter replied that they felt it was a density suggestion and that the actual request was for a better overall plan. She said that the economics of the project would be lost with fewer units.

Commissioner Gordon commented that if two units were removed that this would allow for the elimination of the tandem garages. Greg Day responded that the original plan was for a five story

apartment complex and at that time residents asked for something different. The City Council then asked for a higher density project, which led to the 53 townhome plan. He said that the P District requirement was then added to the C-S Zone which led to the proposed project.

Sherrie Llewelyn commented that originally Phase 2 was one acre but was reduced to .83 to allow for more greenspace in Phase 1. She said that the understanding was for 22 units with mixed use and the density in Phase 1 at about 22 units per acre.

Darlene Carter commented that she was in favor of tandem garages and how individuals would self-select the parking situations that would suit their lifestyle. Commissioner Gordon replied that the concern with tandem parking is that there was not enough parking for guests and there was an expectation that residents would only use one of the tandem spaces for parking and would park their second car elsewhere on the site. She also said she would only vote yes for 18 units and no tandem parking.

Sherrie Llewelyn reported that Phase 1 and 2 combined was 3.6 acres, which allowed for 21.6 units per acre on Phase 1 and 22 units per acre on Phase 2. The 22 units would only be allowed on one acre but Phase 2 was reduced to .83 acres to allow for the greenspace.

Chair Knowlton spoke on parking and the comment that Commissioner Gordon had previously made about not including the excess parking spaces from Phase 1 into the parking ratio for Phase 2. He asked what the overall parking ratio for Phase 1 would be overall. Sherrie Llewelyn replied that there was a total of 11 excess parking spaces.

At 8:47 p.m. Chair Knowlton continued the public hearing from the March 26th Planning Commission meeting.

James Smart, 3248 Plum Tree, commented that the City was not Salt Lake City and did not need large apartment buildings here. He said the HOA would not control the problems as it was made of volunteers. Mr. Smart also said that retail was dead and the flex space was useless, parking should be limited, there should be a larger amenity, and that the density should be limited to 20 units.

Barry Bryson said that he appreciated the architectural changes but felt that the tandem garages would force residents to park on the street. He also said that his concern with the proposed density would set a precedence for high density in the future.

Chair Knowlton closed the public hearing at 8:53 p.m.

Chair Knowlton asked for the Commissioner's feedback on the number of units.

Commissioner Ward commented on the lack of driveways and how reducing the number of units would provide for more parking. Commissioner Kirkham agreed with the need for more parking.

Chair Knowlton said that the market would handle parking scarcity and that this development was on a bus line. He asked if the Commissioners would prefer to see fewer units and more parking or if the issue was with tandem parking. Commissioner Larson asked where customers and visitors would park.

Sherrie Llewelyn commented that parking was not prohibited on Orchard Drive in this area and did not see a reason why the City Engineer would suggest that the area be marked as “no parking” at this time.

Commissioners Gordon and Larson expressed concern with the tandem garages. Commissioner Garn said he did not have an issue with the tandem garages but wanted more overall parking for the development. Commissioner Tucker did not have a concern with the tandem garages but asked who would be responsible for providing parking for the bus stop.

Commissioner Gordon commented that if there were 2.5 parking spaces per unit versus the proposed 2.3 that it would likely alleviate the parking concern even with the tandem garages. Commissioner Tucker said that he was amenable to 20 units in conjunction with Phase 1.

Sherrie Llewelyn commented that if you viewed the entire property at 3.5 acres with 73 townhomes the density would be 21.22 units per acre. The parking in Phase 1 was 2.51 spaces per unit and 2.3 spaces per unit for Phase 2 with an average of 2.45 per unit for both phases. She said that if a few more spaces were added it would be 2.5 parking spaces per unit for the entire property, which would not be difficult to do. Greg Day acknowledged the parking concerns and said they would be willing to add up to three more surface spaces if they could keep the tandem parking.

Darlene Carter commented that they would not want to add more than three parking spaces as this would eat into the greenspace.

Commissioner Larson asked if there was an amenity in Phase 1. Darlene Carter replied that there was not an amenity in Phase 1. She then said these units would be for rent and would be professionally managed.

Sherrie Llewelyn clarified that Phase 1 consisted of for sale units and Phase 2 would be for rent units.

Chair Knowlton summarized the potential changes including the addition of three parking spaces. The Commission agreed that the updated proposed architecture was better than the prior plan.

Commissioner Ward moved that the Planning Commission recommends approval to the City Council the proposed General Development Plan for The Winnie, Phase 2, located at 650 North Orchard Drive with the following conditions to be incorporated within the final zone change and development agreement approval:

- 1) The total unit count of the project allowed will be 20 units**
- 2) The required parking density for Phase 2 shall be 2.45 spaces per unit by adding three additional guest spaces raising the total guest spaces to 9**

Commissioner Garn seconded the motion.

Commissioner Larson commented on the lack of an amenity. She suggested that the condition requiring an amenity be added to the motion.

Darlene Carter commented that they did not want to commit to an amenity based on price. She said that the three additional parking spaces would take some of the greenspace so the amenity would require some thought.

Sherrie Llewelyn stated that this was the time for the Commission to request an amenity.

Commissioner Gordon proposed that the motion should include a unit count of 18 with 2.5 parking spaces per unit and the requirement for an amenity.

Commissioner Ward amended his motion to add a third condition to require a residential amenity. Commissioner Kirkham seconded the amended motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker and Larson. Commissioner Gordon voted in opposition to the motion.

Commissioner Gordon commented that after speaking with the Winegar family that they suggested a name change of the project to the "Vilete" in honor of their grandmother.

Chair Knowlton commented that as he would be recusing himself for the agenda items related to Knowlton General that the agenda would be reordered with the approval of minutes as the next item to be reviewed.

8. APPROVAL OF MINUTES

The Planning Commission meeting minutes of April 9, 2019 were reviewed and approved. **Commissioner Larson moved to approve the minutes from April 9th. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Kirkham, Ward, Tucker and Larson. Commissioner Gordon abstained from voting.**

Chair Knowlton was excused at 9:27 p.m. Chair Pro Tem Garn then introduced the next agenda item.

9. CONSIDERATION OF AN APPLICATION TO REZONE PROPERTY LOCATED AT 24 WEST 150 NORTH FROM RESIDENTIAL-MULTIFAMILY (R1-7) TO P-DISTRICT AND DEVELOPMENT AGREEMENT FOR HEPWORTH TOWNHOMES, KNOWLTON GENERAL, APPLICANT

Sherrie Llewelyn reported on the Hepworth Townhomes and said the property was currently zoned R1-7. The City Council approved the General Development Plan on March 5, 2019 and the Planning Commission held a public hearing regarding the requested zone change to a P District on January 8, 2019. The General Development Plan was approved in March with eight townhomes and a rear one-way alley. Each townhome has two parking spaces with six additional guest parking spaces. Originally, the plan included a separate and single carport per unit but the updated plan includes a continuous carport, which would allow for two covered spaces per unit.

The architecture included brick, stucco, and metal details as well as a front stoop with raised planters. The units also have a rear patio and an outdoor storage area. Each unit would have two bedrooms and 2.5 bathrooms. These units would be a for rent product and would meet the 80% adjusted moderate income requirements. Due to the elevation changes, the roof heights will step down which will add variety to the property. The revised landscaping plan was reviewed and approved by the City Public Works Forester. The DRC recommended approval of the P District rezone for Hepworth Townhome Apartments.

Commissioner Gordon commented that the site plan showed six guest parking spaces but the landscaping plan did not show six. Brian Knowlton, Knowlton General, commented that there would be six guest parking spaces.

Brian Knowlton commented on the landscaping plan and said it looked like there was an overage of street trees shown on the plan. He asked that staff review the plan to make sure the required count was correct. Mr. Knowlton commended Sherrie Llewelyn and also said that affordability was the goal of this project.

Commissioner Gordon asked what the rent would be for these units. Brian Knowlton replied that it would be approximately \$1,350.

Commissioner Ward asked about the previous access issues with the adjacent neighbors. Brian Knowlton replied that it did not appear that the access through the project would be continued.

Commissioner Larson moved that the Planning Commission recommends approval to the City Council the proposed rezone from R1-7 to P District for the Hepworth Townhouse

Apartments located at 24 West 150 North (aka 155 North Main) with the following findings and no conditions:

Findings:

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

10. CONSIDERATION OF AN APPLICATION FOR A SITE PLAN APPROVAL FOR HEPWORTH TOWNHOMES LOCATED AT 24 WEST 150 NORTH, KNOWLTON GENERAL, APPLICANT

Commissioner Gordon moved that the Planning Commission recommends approval to the City Council of the proposed site plan for Hepworth 8-Plex located at 24 West 150 North subject to the following:

- 1) Approval of the P-District Rezone and Development Agreement by the City Council.**
- 2) Adjacent sidewalk along 150 North and Main Street to be replaced by the developer as part of the project.**

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

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

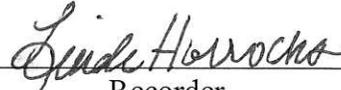
Sherrie Llewelyn reported that the City Council approved the Clint Thomas Apartments rezone and development agreement. The Council also had a discussion on the Foxboro Marketplace Apartments and asked the developer to hold an open house. The developer held one open house and would hold a second open house on May 30th at Spectrum Academy.

12. ADJOURN

Chair Knowlton adjourned the meeting at 9:40 p.m.



Chair Pro-Tem



Recorder

Secretary