

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
SEPTEMBER 24, 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
Commissioner Natalie Gordon

STAFF PRESENT: Kate Werrett, Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Dee Lalliss, Stan Porter, resident; Wilford Cannon, Shandell Smoot, Eaglewood Development; Kyle Davis, Ryan Davis, Mike Alvord, TAG SLC; Paul Poteet, Summa Terra Ventures; Christopher Robinson, Foxboro Marketplace LLC.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A REQUEST FOR AN ADDITIONAL TWELVE MONTH
EXTENSION OF APPROVAL FOR EAGLEWOOD COVE PH. 13-15, WILFORD
CANNON, APPLICANT

Kate Werrett reported that the concept plan for Eaglewood Cove phases 13 through 15 was previously recommended for approval by the Planning Commission on July 12, 2016 and was approved by the City Council on August 2, 2016. Concept plan approvals are valid for one year and the City Code provides for an extension to be granted by the Planning Commission in twelve (12) month intervals, for up to three years, provided the applicant request the extension prior to expiration. The applicant received the first extension on August 8, 2017 and the second extension was granted on September 25, 2018.

The developer has hired a new geotechnical consultant and required additional time to complete their evaluation of the property. The progress on the project has been delayed due to conflicting opinions on the geotechnical investigation between the city consultant and the developer

consultant. An independent third party is wrapping up a review and the final reports and conclusions should be available within the next few weeks.

Kate Werrett said no changes to layout, design, or number of proposed lots have been made to the project. She showed the concept plan and location of the development with the explanation that the geotechnical study was important due to slope of area.

Commissioner Kirkham asked who would be paying for the independent third party review. Wilford Cannon, Eaglewood Development, replied that they would be paying for the review.

Commissioner Knowlton and Ward agreed that this request was fairly straightforward and the extension was necessary to properly resolve any concerns with the geotechnical investigation.

Commissioner Garn moved that the Planning Commission approve a third twelve (12) month extension for the concept plan approval of Eaglewood Cove, ph. 13-15, subject to all previous conditions of approval. Commissioner Ward seconded the motion.

Commissioner Gordon clarified that the memorandum was incorrect as this would be the third, and not the second, twelve month extension for the concept plan approval of Eaglewood Cove phases 13-15. Commissioner Garn corrected this in his motion.

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

3. CONSIDERATION OF AN AMENDED APPLICATION FOR A CONCEPT PLAN FOR ARROWHEAD TWINHOMES (PREVIOUSLY A GENERAL DEVELOPMENT PLAN APPLICATION) AT 150 EAST 350 NORTH, PAUL POTEET, APPLICANT

Kate Werrett reported that in July of 2018 the developer had requested to rezone the property to a Planned (P) District to construct 27 multifamily residential units in one building. The Planning Commission recommended disapproval to the City Council of the original plans, and ultimately, the request was withdrawn from the City Council agenda. Liberation Development revised their concept plan for the Arrowhead project based on the feedback they received from members of the Planning Commission and City Council on their original July 2018 plans.

Per the advice of the City Attorney, as the developer submitted an application prior to the moratorium, which was under review and not completed, and as he had approached the Planning Commission and City Council members informally for input on a revised concept plan, they have a vested right to have associated applications reviewed under the existing City Code and are not required to wait until the moratorium expires to undergo development review.

The proposed concept plan consists of ten units (five twin homes/duplexes) on a 1.03 acre project area located at approximately 150 East 350 North. The twin homes will be platted for

individual sale with common areas for landscaping and driveways. The zoning on the property is R1-7, which allows for duplex/twin home planned unit development subdivisions as a conditional use.

Kate Werrett spoke on the two applicable sections of the City Code, 10-7-7: Subdivisions and 10-7-4: Planned Unit Developments; Special Requirements. She explained that no conditional use permit for planned unit development shall be granted unless such development will meet the use limitations of the zoning district in which it is to be located including planned unit developments in planned districts, and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this chapter or by district regulations. This would also require that the conditions of the zone such as area, arrangement of structures, open space, height, building intensity, etc. be met.

Subdivisions under city code and state statute are administrative actions. State code and case law require that if the proposed subdivision meets the minimum standards required by code, the application must be approved. Subdivisions in general and PUD's more specifically are conditional uses in the City Code. State code and case law state that conditional uses are permitted uses with conditions. Therefore, if the development meets the minimum standards and reasonable conditions can be used to mitigate impacts of the development on the community, it also must be approved. The steps for approving a PUD development are recommendation to the City Council in three steps, which include Concept Plan, Preliminary Plan, and Final Plat.

Kate Werrett said the Planning Commission would need to address several factors for a conditional use development including density, layout for the ten "for sale" units in a PUD with a shared private road and common area, setbacks of 25 feet in the front, 8 feet on the sides for total of 20 feet, and 25 feet for the rear, height and stories with a maximum of 35 feet, lot size, coverage with a maximum of 35% coverage by buildings, landscaping with a proposal of 47.42% of the site, parking, amenities which are not required, and infrastructure. She provided more detail on the parking and said the required parking would be two parking spaces, with one covered stall, for each unit. Each of the proposed twin homes would have two car wide garages providing 20 parking spaces. Additionally each unit has one guest parking space adjacent to the unit. Units 5 through 8 have driveways capable of parking two cars each for another eight parking spaces and units 9 and 10 have driveways that allow for one additional car. The total parking spaces in the development are 30 stalls, which exceeds the minimum parking requirement. The proximity of the guest parking to the units has been moderately dispersed throughout the site.

Ms. Werrett also spoke on the infrastructure and said the installation of underground infrastructure into 350 North Street was subject to the expiration of the three year road cut moratorium. Reconstructed roads were not permitted to be cut for three years after construction with an estimated expiration for this area in summer of 2020.

Chair Knowlton asked for clarification on the setbacks and if a variation would need to be granted. Kate Werrett explained that under a PUD subdivision that the Planning Commission would determine the required setback, which may be varied from the standard. The proposed layout has a front setback from 350 North of 25 feet from the property line with a four foot sidewalk that exists outside of the property line. The proposed side yard setback would be 10.3 feet at its smallest distance. She said the layout meets the minimum setbacks.

Kate Werrett reported that the buildings would be two stories and most likely under the 35 foot height maximum. She then said an environmental notice was sent out to asking for information or concerns related to erosion, dust, grades, slope stability, geologic hazards, groundwater, flood hazards, vegetative types, wildlife/habitat, essential urban services, fire potential, accumulation of solid/liquid waste, and potential economic impact of the development. Staff did not receive any comments as of September 19th and a public hearing was not required for concept plan approval.

Commissioner Gordon commented on the additional parking stalls shown next to units 1-4 on the site plan and asked if there would be additional parking spots placed near units 5-10.

Paul Poteet, Summa Terra Ventures, addressed the setback question and said they were in compliance with City code.

The Commission asked about the 10 foot setback shown between units 6 and 7, which were in separate buildings. Kate Werrett replied that the setbacks were related to properties outside of the parcel and not within the project itself.

Paul Poteet then commented on the parking and said there would not be any additional guest parking stalls for units 5-10 due to the additional driveway space for those units that would accommodate guests.

Commissioner Tucker asked about the moratorium on road cuts for 350 North and how this may affect construction of the project. Paul Poteet replied that they did not have a construction schedule as blueprints had not been drawn yet. He said they could begin construction at that point and leave the street connection until the end.

Commissioner Gordon spoke on the previous plan for this parcel and concerns about the height of any proposed building and the existing homes. Kate Werrett replied that the original plan was for a three story building and said the applicant was now proposing two story buildings.

Commissioner Gordon asked what the estimated height of the buildings would be. Paul Poteet replied that they would be 25 to 30 feet at the highest.

Chair Knowlton commented that as future development occurred around this site it may be useful to look at pedestrian connections. He suggested easements, which would enable future

connections, at the two stubs off Tidwell Drive. Paul Poteet responded that they were not opposed to creating a future cross access easement as long as they were able to address several issues such as how it would be used and the maintenance.

Commissioner Gordon moved that the Planning Commission recommends to the City Council approval of the concept plan for Arrowhead Twin Homes, located at approximately 150 East 350 North with the following findings:

Findings:

- 1) The proposed development meets the minimum standards for a PUD Subdivision in the R1-7 Zone, including lot size, density, 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**
- 3) Underground infrastructure will not be allowed to be installed in 350 North Street until the 3 year moratorium on new road construction period has expired.**

Condition:

- 1) An pedestrian and vehicular easement would be required at the end of the stub streets along Tidwell Drive for vehicular and pedestrian traffic.**

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

- 4. CONSIDERATION OF A SITE PLAN APPROVAL FOR MIRELLA AT FOXBORO APARTMENTS AT 760 NORTH CUTLER DRIVE, BRYCE THURGOOD, APPLICANT**

Kate Werrett reported that the proposed site plan would be the residential component of the Foxboro Marketplace General Development Plan located at approximately 790 North Cutler Drive. The residential lot is a total of 5.124 acres with a proposed six multi-family structures with a total of 120 apartments per the amended development agreement. The three story apartment buildings have been reconfigured around the clubhouse and pool area with the main entrance on the north of Cutler Drive. A secondary entrance will be provided from within the Foxboro Marketplace shopping center.

The proposed architecture is a traditional walk-up apartment style with high quality materials including brick, hardie board, and stucco. The architecture is consistent with the existing apartments in the vicinity and the approved development plan. The buildings have tuck under garages and carport structures will cover spaces on the east property line adjacent to Redwood

Road, along the north property line and a portion of the spaces abutting the commercial center to the south. The height of the three story buildings are 45 feet. The club house and garages match the architectural design of the main apartment buildings.

The amended development agreement required 270 parking stalls, which is equivalent to 2.25 parking stalls per unit. There is a minimum of one covered stall per unit provided with 71 garage spaces and 60 carport stalls. The required seven ADA spaces have been provided. The landscaping on site, including the park strips, meets the required 30% of the site or 67, 081 square feet. The landscaping along Redwood Road will be improved to a minimum distance of 24 feet behind the curb with an 8 foot asphalt trail, landscaping, berm, and street trees. A park strip and street trees will be added to Cutler Drive. There is a landscape buffer on the north and south property lines with additional trees. The site will be fenced along Redwood Road with a six foot ornamental metal fence. Fencing along the property line between the shopping center and along Cutler Drive will be split rail vinyl fencing. Pedestrian access will be added along Cutler Drive. The site currently does not show a pedestrian access to the Redwood Road trail as required in the development agreement. A lighting plan has been submitted; however, additional information is required related to the parking lot lights to ensure the fixture style meets the standard within the development agreement.

The proposed site plan has been evaluated based upon compliance with the amended development agreement as well as approval of the site and landscape plans per the General Development Plan. The site plan complies with requirements for parking, circulation, & traffic, as well as health, safety & noise. Landscaping and lighting submitted reflect the approved general development landscape plan. Due to the size of the project the site plan will need final approval from the City Council and the Planning Commission will be making a recommendation to the City Council on the application.

Chris Robinson, Foxboro Marketplace LLC, said the previous Planning Commission approval was for 124 units with “king-let” or four story penthouse units. He said that the City Council recommended holding public open houses and several changes were made due to the public feedback including the removal of the penthouse units and moving the front entrance to better accommodate traffic from the charter school.

Commissioner Garn asked if the proposed one car garages were for one car or actually tandem parking. Chris Robinson replied that the tuck under garages were one car deep with one car parking in the driveway as well.

Commissioner Kirkham commented that he appreciated the changes especially the relocation of the main entrance. Chris Robinson said the open houses provided good feedback including a nice courtyard area with southern exposure for the clubhouse.

Commissioner Gordon asked if there was a sidewalk along Cutler Drive. Chris Robinson replied that there would be a sidewalk.

Commissioner Gordon asked what the required open space/landscaping percentage would be. Kate Werrett replied that it was around 30% and that they had met or exceed the requirement.

Chris Robinson also commented that they were also able to add a few more parking stalls due to the re-design.

Chair Knowlton asked for clarification if there was pedestrian access to Redwood Road on the northeast and southeast corners. Kate Werrett replied that this was a condition for approval.

Chris Robinson commented that this would be required redline correction to add a connection to the trail along Redwood.

The Commission determined that there would need to be two pedestrian connections added to the north and south property along Redwood Road.

Commissioner Gordon moved that the Planning Commission recommends to the City Council the approval of the requested site plan for Mirella at Foxboro, Lot 7 of Foxboro Marketplace, at 790 North Cutler Drive with the following conditions:

- 1) The trail along Redwood Road be no closer than 8 feet from the curb at any point;**
- 2) Two pedestrian accesses to the trail along Redwood Road are provided from the property one from the north and one from the south;**
- 3) Verification of parking lot light poles in conformance to development agreement of themed lighting;**
- 4) Submittal of irrigation plan for landscaping, including the sizes and locations of all secondary water connections;**
- 5) Correction of minor redlines (engineering).**

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

5. CONSIDERATION OF A PRELIMINARY PLAN AND FINAL PLAT FOR ORCHARD TOWNHOMES AT 142 SOUTH ORCHARD DRIVE, TAG SLC, APPLICANT

Kate Werrett reported that this development was previously known as Tag Orchard. The Development Review Committee (DRC) recommends approval with the findings that the development meets the minimum standards of a PUD and that the Planning Commission has the authority to authorize standards and requirements including lot area, width, height, etc. as well as one condition that minor engineering redlines, including the address table, are made.

The proposed preliminary plan and final plat consists of 26 townhome lots; the initial application was for 27 units but due to land dedication to the City the number was reduced. These units will

be platted for individual sale with common areas for landscaping and driveways. The zoning on the property is RM-20, which allows multi-family dwellings as a conditional use. The previously approved concept plan approved a reduced front setback of 15 feet and a reduced side yard setback of 6 feet. The density of 26 units is based upon the RM-20 zone, which allows multi-family dwellings with a minimum acreage of 7,000 square feet for the first unit and 1,900 square feet for each additional unit.

Subdivisions are an administrative action under the City Code and State statutes, which requires that if the proposed subdivision meets the minimum standards required by code then the application must be approved. Preliminary plan and final plat are being reviewed concurrently, as the plans are complete. The final plat and construction drawings have been reviewed for compliance with the City Code and are in compliance. A minor correction needed is for the plat to be amended is to the addressing table as the lot numbers have changed and street names have not been chosen. No changes to layout, design, density, landscaping, parking, or any other feature of the plan from the concept plan approval.

Commissioner Gordon asked if additional visitor parking could be added as one unit had been removed. Kate Werrett replied that they did make some changes to the site including the addition of several parking stalls on the eastern portion of the project.

Commissioner Larson asked about a potential pedestrian easement on the rear of the property to access Highway 89 and the bus stop. She suggested it could go through the parking lot of the Utah Local Governments Trust property and connect to Highway 89. Kyle Davis, TAG SLC, said that the change in elevation from the parking lot and the proposed lots would be approximately 15 feet. He said that the majority of the stairs could be installed on the Utah Local Governments Trust property if they were in agreeance.

Chair Knowlton said that while he loved the idea it may not be a short term utilization as the improvement would have to be agreed upon by the Utah Local Governments Trust.

Commissioner Garn moved that the Planning Commission recommends to the City Council approval of the preliminary plan and final plat for Orchard Drive Townhomes PUD, located at approximately 142 South Orchard Drive with the following findings and conditions:

Findings:

- 1) The proposed development meets the minimum standards for a PUD Subdivision in the RM20 Zone, including lot size, density, 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) **Completion of minor engineering redlines, namely correction to the address table.**
- 2) **Pedestrian access easement along the southern portion of Point Drive to the Utah Local Governments Trust property.**

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

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

Kate Werrett said that the joint meeting with the City Council would be held October 8th and would include a presentation from WFRC on the form based code.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of August 27, 2019 were reviewed and approved. **Commissioner Tucker moved to approve the meeting minutes as written for the Planning Commission meeting on August 27, 2019. Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Gordon.**

8. ADJOURN

Chair Knowlton adjourned the meeting at 7:38 p.m.

Handwritten signature of Carl Knowlton in blue ink, written over a horizontal line.

Chair

Handwritten signature of Linda Hopkins in blue ink, written over a horizontal line.

Recorder

Handwritten signature of A Bradford in black ink, written over a horizontal line.

Secretary