

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
OCTOBER 22, 2019

**FINAL**

Commission Chair Ted Knowlton called the meeting to order at 6:32 p.m. and Kent Kirkham led those present in the Pledge of Allegiance.

PRESENT: Commission Chair Ted Knowlton  
Commissioner Kent Kirkham  
Commissioner William Ward  
Commissioner BreAnna Larson  
Commissioner Natalie Gordon

EXCUSED: Commissioner Stephen Garn  
Commissioner Brandon Tucker

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Kate Werrett, Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Alisa Van Langveld, Dee Lalliss, residents.

1. PUBLIC COMMENTS

There were no public comments.

2. WORK SESSION-FORM BASED CODE DRAFT REVIEW

The Planning Commission reviewed chapters one, three, and four of the proposed Form Based Code and made typographical, grammatical and other changes and suggestions.

Changes to chapter one included correcting the word “including” in section 1.1 under “Vision”, adding an “Intent statement” at the beginning of section 1 and reordering the numbering accordingly so the intent statement was 1.1, Vision was 2, etc. and providing a definition for the “Design Review Committee”.

Commissioner Gordon also spoke on the Mayor’s comment to potentially add additional areas, such as 2600 South and the gravel pit area, to the Town Center Zone and said that the word “contiguous” in the introduction may need to be removed if additional areas were added.

Chair Knowlton asked in regards to the 50% standard under renovated structures in the Scope of Regulations section. Sherrie Llewelyn explained that this was to clarify when a renovation would

qualify a building to be required to be brought up to the standards in the Form Based Code. She gave the example of the installation of a new roof versus renovating more than 50% of the building and said that there needed to be a balance so as not to force a company out of business but rather to incentivize renovation. The Planning Commission discussed that the 50% renovation should be cumulative after the code was adopted.

Commissioner Gordon spoke on how a business could obtain the benefits of the form based code for uses that were currently not allowed prior to the adoption of the code. Sherrie Llewelyn replied that any change of use would not be grandfathered in. She gave the example of a gas station which was not allowed under the form based code and said that if an existing gas station went out of use for longer than twelve months that they would no longer be grandfathered in.

Commissioner Gordon asked about a change in use from an existing use that would not be allowed under the new code to an approved use and requiring them to meet the regulations in the new code. Sherrie Llewelyn said that a change in use from a tattoo parlor to a hair salon with the requirement for the new user to bring the building façade up to the new regulations could put them out of business or cause property right issues. She commented that she would discuss the 50% renovation determination with the building inspector to determine better language suggestions.

Commissioner Ward asked about extensions and commencement of construction under the in-process development subsection in the Scope of Regulations section. Sherrie Llewelyn replied that it would depend on the development agreement for each in-process project.

**The Commission took a short recess at 6:50 p.m.**

**At 6:56 p.m. the meeting reconvened and a new recording was then started due to issues with the recording system.**

Commissioner Ward spoke on several areas related to amending the code in that the Planning Commission could make changes to property subdistricts but that the City Council rezones to the property. He said that there seemed to be contradictory statements in sections 1.2 and 3.2 as detailed below:

Under section 1.2 subsection 5b Scope of Regulations which states “Subdistrict Amendments. Subdistrict amendments will be processed the same way as zoning district amendments.”

In section 3.2.2 Map Amendment it states “The TC Zone and subdistrict boundaries may be amended by the Planning Commission.”

Commissioner Ward suggested that the Planning Commission could discuss the amendment process and then clarify the language in the code.

Chair Knowlton said a change in subdistrict would be a change in policy and should be a City Council decision. Sherrie Llewelyn commented that it should read that it would be a recommendation from Planning Commission to the City Council. She said under State law that as it would be a City code only the City Council could change the code.

Chair Knowlton suggested that staff make the changes necessary for this language to be consistent in the code.

Commissioner Ward clarified that currently if the Planning Commission recommended disapproval of a rezone, the City Council would require a super majority to approve the rezone.

Chair Knowlton asked about section 3.2C which stated that the minimum width for active transportation corridors rights-of-way or easements is 20 feet. Sherrie Llewelyn replied that an active transportation corridor was not for vehicles but for trails or pedestrian corridors. This corridor would include an eight foot trail and landscaping, etc.

Commissioner Kirkham mentioned that there was a spelling error (approximately) in section 1.4.2(1) under Definitions.

The Commission then reviewed chapter three and discussed edits including a word change to “Bamberger Trail”, the removal of (1). from the title of Figure 3.1 the North Salt Lake Town Center Subdistrict Map. They also discussed adding the gravel pit area (Eaglewood Village), the existing adjacent apartments, and the existing office building at the bottom of Eagleridge Drive to the Boulevard subdistrict.

Sherrie Llewelyn commented that she would like to see the vacant parcels near the gravel pit added to the Town Center form based code map. She also said when the sixth amendment to the development agreement with Brighton Homes was done, she incorporated the building/design standards from the form based code into the new agreement.

The Commission discussed other areas on the map related to future redevelopment or uses as well as areas that were either unspecified or did not quite match the adjacent designations such as two parcels next to each other on North Town Lane that were in different districts. Chair Knowlton suggested that these areas and boundaries could be reviewed when the Commission had a better understanding of the subdistricts.

The Planning Commission then reviewed chapter 4 and discussed the “Uses” table including permitted and prohibited uses in certain subdistricts particularly outdoor sales lots and outdoor display of goods, craftsman industrial, parking structures, assembly, and that drive-thru retail should be permitted in the North 89 District and not in the Edge District as was shown.

Commissioner Gordon asked if the area shown as the Arts & Park subdistrict, between Center Street and 150 North, would eventually become part of Hatch Park in the future. Especially as only the Edge district would allow for single family housing. Sherrie Llewelyn clarified that there were other permitted uses in the Arts & Parks District other than multi-family such as art museums, civic use, etc. She said the intent was to extend the trail there as per the current master plan.

A clarification was also made to section 4.2.1 (1a) Residential to state “Multi-family. Attached unit residential developments stacked units shall be five units total and each building shall have at least three units, except within the Edge subdistrict. Sherrie Llewelyn clarified that this meant horizontal attached would be townhomes while stacked flats would be multi-story (apartments or condos).

Commissioner Larson asked if the change was made to incorporate the existing Eaglewood Village area into the Boulevard subdistrict if this would cause problems for the Quick Quack carwash that was to be built there as drive-through retail was not allowed in that subdistrict. Sherrie Llewelyn replied that the Quick Quack building permit had already been issued.

Commissioner Ward asked about prohibited uses and what non-store retailers would entail. Sherrie Llewelyn responded that non-store retail would be online only retail as this would not generate vibrancy in the town center area.

Commissioner Gordon asked if vaping stores were included in or defined as tobacco stores. Sherrie Llewelyn confirmed that vaping was included in that use and would be prohibited.

### 3. DISCUSSION OF MEETING SCHEDULE FOR CODE REVISIONS

Sherrie Llewelyn said that the Planning Commission would review chapters two, five, and six at the November 12<sup>th</sup> meeting as well as several other agenda items. She said chapters seven, eight, and other code amendments would be reviewed at the following Commission meeting.

Sherrie Llewelyn clarified that all the changes would be submitted at the same time to the consultants for revision. This meant that the Planning Commission would continue to work from the draft version of the code that they were viewing at this meeting.

**Commissioner Gordon was excused at 7:53 p.m.**

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

### 5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of September 24, 2019 were reviewed and approved. **Commissioner Ward moved to approve the September 24, 2019 Planning Commission minutes as drafted. Commissioner Larson seconded the motion. The motion was approved by Commissioners Knowlton, Kirkham, Ward and Larson. Commissioners Garn, Tucker and Gordon were excused.**

The Planning Commission and City Council joint meeting minutes of October 8, 2019 were reviewed and approved. **Commissioner Ward moved to approve the October 8, 2019 Planning Commission and City Council joint minutes as drafted. Commissioner Larson seconded the motion. The motion was approved by Commissioners Knowlton, Kirkham, Ward and Larson. Commissioners Garn, Tucker and Gordon were excused.**

Sherrie Llewelyn reminded the Planning Commissioners to vote on November 5<sup>th</sup>.

6. ADJOURN

Chair Knowlton adjourned the meeting at 7:56 p.m.



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Chair



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Recorder

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Secretary