

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
MARCH 23, 2021

FINAL

This meeting was held electronically via Zoom.

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and BreAnna Larson led those present in the Pledge of Allegiance.

PRESENT: Commission Chair Ted Knowlton
Commissioner Ron Jorgensen
Commissioner BreAnna Larson
Commissioner Katherine Maus
Commissioner Brandon Tucker
Commissioner Alisa Van Langeveld
Commissioner William Ward

STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Bennett, Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Carl Rupp, Estella Rupp, Rupp PUD; Zack Olson, Havenwood Homes; Duaine Rasmussen, Hayley Pratt, Castlewood Development; Eric Beard, Beard Construction; Shandell Smoot, Wilford Cannon, W. Scott Kjar, Eaglewood Cove PUD; Dee Lalliss, resident; Brad Holgate, Kyle J.

1. PROCLAMATION BY PLANNING COMMISSION CHAIR REGARDING
ELECTRONIC MEETING

Chair Knowlton read the following proclamation “Whereas, the Planning Commission Chair has determined that conducting public meetings of the Planning Commission with an anchor location where the public could attend in person, presents a substantial risk to the health and safety of those who may be present at that location based upon the current Covid-19 pandemic and the limited staff support to properly ensure physical distancing and sufficient disinfection for attendees and staff. Now, therefore, be it resolved, that the Planning Commission shall hold meetings for the month of March 2021 by electronic means only, and will not include an anchor location where the public could attend in person.”

2. PUBLIC COMMENTS

There were no public comments.

The agenda was reordered due to technical issues.

3. APPROVAL OF MINUTES

The Planning Commission meeting minutes of March 9, 2021 were reviewed and approved.

Commissioner Larson moved that the Planning Commission approve the meeting minutes from March 9, 2021 as written. Commissioner Maus seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

4. PUBLIC HEARING - CONSIDERATION OF A PLAT AMENDMENT FOR EAGLEPOINTE ESTATES LOT 1021R AND 1020R, ZACK OLSON, APPLICANT

Mackenzie Bennett reported that the proposed plat amendment would combine lots 1021R and 1020R of Eaglepointe Estates Phase 10. These properties are in the R1-10 zone. The property owner would like to combine the lots to add a pool house to the existing single family home. The preliminary plan of the addition would include a sky bridge to connect the home to the pool house. The pool house would also contain a media room and three car garage. Lot 1021R is 0.35 acres with a single family dwelling on it. Lot 1020R is 0.31 acres and is vacant. The proposed lot would be approximately 0.66 acres in size. There are no public utility easements that must be vacated in order to combine the lots or build across the dividing lot line. She said as the City's engineering department has approved the plat, the one condition listed in the staff report for approval could be disregarded. The Development Review Committee (DRC) recommended approval of the plat amendment.

Chair Knowlton opened the public hearing at 6:38 p.m. There were no public comments and he closed the public hearing at 6:39 p.m.

Zack Olson, applicant, commented that they would submit building plans to the City within the next week.

Commissioner Jorgensen moved that the Planning Commission recommend approval to the City Council of the plat amendment that combines lots 1021R and 1020R of the Eaglepointe Estates Phase 10 Subdivision at 653 and 665 East Country Court with no conditions. Commissioner Ward seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

Commissioner Tucker asked if there are additional setback requirements for homes adjacent to the golf course. Sherrie Pace replied that it was the same setback requirement of 25 feet for the R1-10 zone. She said there was an easement on most of the subdivisions adjacent to the course for golf ball hazards.

5. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE STRATFORD
POOL HOUSE AT 659 SOUTH CORDOVA COURT, ERIC BEARD, APPLICANT

Mackenzie Bennett reported that the applicant, Eric Beard of Beard Construction, was requesting a conditional use permit to construct a detached accessory dwelling unit (ADU) for the Stratford family located at 659 and 671 South Cordova Court. The Stratford family owns both parcels, which are lots 1036R and 1035R of the Eaglepointe Estates Phase 10 subdivision. The applicant and property owner are in the process of combining the lots with Davis County for tax purposes only, which does not require a formal lot line adjustment or plat amendment. Lot 1036R (659 South Cordova Court), approximately 0.5 acres, has the existing primary dwelling unit on it and Lot 1035R (671 South Cordova Court), approximately 0.34 acres, is currently vacant. The plan would be to construct an ADU, swimming pool, retaining walls and a sport court on lot 1035R to complement the existing home on lot 1036R.

Ms. Bennett explained that the reason this application was before the Planning Commission as a conditional use permit was because of the ADU's size and height. City code states that the setbacks, size, and parking of an ADU can be modified by the Commission by way of conditional use permit. According to City code 10-1-44 and 10-1-28, the maximum size of an ADU is be 1,200 square feet with the maximum height of 14 feet to the top of the wall plate and no higher than 20 feet to the highest point of the building roof or coping, nor be taller than the primary structure. The applicant was requesting a size of approximately 2,150 square feet and a height of 23 feet to be able to provide a complimentary style for the ADU with the existing dwelling per code.

The DRC found no potential negative impacts this ADU would have on the surrounding area due to its size and height. The DRC recommends approval of the conditional use permit with two conditions including the installation of a six foot fence or barrier to provide complete perimeter security of the pool (per City code) and any engineering redlines.

Sherrie Pace explained that when the City recently adopted the ADU ordinance that there was a discussion about the size of the units and the maximum size of 1,200 square feet. The reason for the conditional use for anything over 1,200 square feet was to provide an option for larger estate lots.

Commissioner Van Langeveld asked if once these lots were combined that in the future it would not be possible for the lot containing the proposed pool house to be sold separately. Mackenzie Bennett replied that if the property owner wanted to sell the pool house separate from the main building, they would have to go to Davis County and reverse the lot consolidation they are planning to complete in the near future.

Sherrie Pace commented that the City would review whether the structure met the intent of a single family home, which included a two car garage.

Commissioner Van Langeveld moved that the Planning Commission approve the conditional use permit for the Stratford Pool House, an accessory dwelling unit, at 659 South Cordova Court, including the exceptions to a maximum height of 23 feet and a maximum ADU size 2,150 square feet with the following conditions:

- 1) Installation of a 6 foot fence or barrier to provide complete perimeter security of the pool.**
- 2) Engineering redlines, if any.**

Commissioner Jorgensen seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

Chair Knowlton commented on recent legislation related to ADUs and said 25% of the residential land area in a city could be exempt from allowing ADUs but the rest must allow for ADUs. Sherrie Pace replied that her understanding of the new statute was that internal ADUs had to be a permitted use and that only 25% of residential zones could be exempt. She said all of the City's residential zones currently allowed for ADUs as a permitted use whether they were internal, attached or detached.

6. CONSIDERATION OF A PRELIMINARY AND FINAL PLAT FOR RUPP PUD, A 3 LOT SUBDIVISION AT 824 EAGLEPOINTE DR., CARL RUPP, APPLICANT

Sherrie Pace reported that this property zoned R1-10 had already received concept plan approval and has been undergoing extensive geotechnical hazards review. This property is located above the Parkway landslide area and the Rupp's have proposed to create a three lot subdivision. This property was previously known as Lake View Subdivision but due to a development with the same name it will now be known as Rupp PUD. A conditional use permit was issued for the flag lot and per code flag lots are only allowed on lots that have not been previously subdivided. Lot 3 was approximately 2.5 acres and lots 1 and 2 have frontage off Eaglewood Drive. The setbacks on this plat have been increased to 30 feet to obtain the required width of 80 feet from the setback line.

Sherrie Pace explained that the engineering redlines had been completed. She said the property had undergone extensive geotechnical hazards review with Earthtech Engineering in 2016. This report raised concerns with the global stability of the hillside given that the landslide below had not been repaired or buttressed. In 2019, Mr. Rupp purchased the property and hired IGES to conduct additional testing and modeling. An approved geotechnical report would be required prior to receiving Preliminary Plan and Final Plat approval. The City's geotech consultant is GeoStrata, who reviewed and approved the final report on December 4, 2020. This report included multiple recommendations including that all habitable structures be setback from the edge of the slope a minimum distance of 189 feet or 65.4 feet from the north property boundary. Ms. Pace showed an overhead view of the properties that included a line designating the

buildable line for slope stability. This specified that everything behind that line was unbuildable area and would remain native vegetation. She then reviewed the additional recommendations, which included notes on the plat that grading should be done by balancing the site and not adding additional structural fill to the hillside, that landscaping be done with positive drainage with no areas of ponding allowed, further intensive watering of landscaping should be avoided or minimized, minimizing the introduction of water into the subsurface with no onsite sewage or storm drain disposal, and that the final grading plan shall be prepared by IGES conforming to these recommendations and the plan should be reviewed by Geostrata.

Ms. Pace reported that the corrected flag lot met City standards with a 30 foot width and 139 foot long staff with a maximum length of 150 feet. The City Engineer has reviewed that each lot has demonstrated a minimum 5,000 sq. ft. of building envelope with an average slope of 30% or less. There are several minor engineering redlines on the construction drawings and final plat as noted in the staff recommendation. The Preliminary Plan and Final Plat have been reviewed for conformity to the Land Use Code and Subdivision Ordinance and have been found to be compliant with adopted standards and regulations. The DRC recommends approval of the requested preliminary plan and final plat for a three lot subdivision with the following conditions: all construction and use of the lots will conform to the approved Slope Stability Assessment (revision 2) dated December 4, 2020, the addition of plat note to the final plat, and the completion of engineering redlines. She said item two related to the addition of the plat note to the final plat had been completed.

Commissioner Jorgensen spoke on the restrictions on drainage and fill related to the landscaping and positive drainage and asked if this would extend to the footprint of the property including areas outside of the landscaping. Sherrie Pace replied that any ponding would already be occurring. She said provided the property owner did not introduce any fill to the unbuildable or per excavation for the buildings.

Commissioner Larson asked how this information on the plat related to the building envelope and landscaping would be transferred to subsequent owners. Sherrie Pace responded that it would be the potential property owner's responsibility to read the plat notes. She said the City reviewed aerial photos from year to year and was sometimes able to catch changes this way.

Commissioner Larson said that the only way a property owner would know that a portion of this property was unbuildable was if they reviewed the plat. Sherrie Pace said in the sales documents there should be a copy of the plat with all of the notes and restrictions. She explained that the City was not notified when a property was sold. Ms. Pace clarified that the building envelope was quite large and lot 3 was 2.5 acres with the building envelope at approximately one acre in size.

Carl Rupp commented that there was a lot of property from the buildable line to the edge of the slope. He said there was a seller's disclosure when a property was sold and he would personally

disclose information about the property including that the landscaping be done with positive drainage with no areas of ponding allowed and that the unbuildable area be left native. Commissioner Van Langeveld spoke on the recommendation from the Geotech report, which stated that any habitable structure be setback from the edge of the slope and asked about uninhabitable structures such as a garage or swimming pool. Sherrie Pace replied that the City specified that anything outside of the 189 feet was critical slope and would not be built on including accessory structures.

Commissioner Van Langeveld spoke on the landslide and the houses that were affected at that time. She asked what was different about this report compared to the report for that development. Sherrie Pace responded that prior to the Parkway and Springhill landslides, the City code had very limited geotechnical review requirements. In 2015, she wrote the geotechnical hazard ordinance, title 10 chapter 12, with approximately 80 pages of regulations. She explained that the Rupps started working on their geotechnical report over a year ago and that the City had much more robust requirements and regulations since the landslides. Ms. Pace stated that the geotechnical report for the Eaglewood Cove PUD, which was also on the meeting's agenda, had taken five years to complete.

Commissioner Van Langeveld asked for clarification that the level of review and analysis that went into the report for this development was not in place prior to the developments that were involved in the landslides. Sherrie Pace replied that this was correct.

Carl Rupp said that it had been a long process and included deep drilling into the property in which bedrock was found. He said the bedrock sloped into the hill, which was comforting to him.

Commissioner Van Langeveld stated that she felt there were pieces of land that should not be built on. She asked what would happen in a scenario with a developer and property where the experts stated that the land should not be built on. She questioned whether this would trigger a negotiation process. Sherrie Pace responded that she did not feel this would trigger a negotiation but an appeal process. She said if the City's geotechnical expert felt that the property should not be built upon and the developer's expert said otherwise then it would go through the appeal process with three separate experts.

Chair Knowlton said hypothetically the answer might be nothing could be built on a property based on the geotechnical process. Sherrie Pace explained that it could go even further with the property owner appealing in court. She said a process was in place to ensure everyone was comfortable with what area was safe to build.

Commissioner Van Langeveld commented that it was reassuring to her that sometimes the experts said no instead of just approving every proposal. She said that by the time a development reached the Planning Commission it was the culmination of years of working through the details.

Carl Rupp said when they purchased the property they had to hire professionals and it took two years of studies and drilling to prove the property was appropriate to build on.

Commissioner Ward moved that the Planning Commission recommend approval to the City Council of the Preliminary Plan and Final Plat Rupp PUD Subdivision (previously Lake View Subdivision), a three lot subdivision at 824 Eaglepointe Drive subject to the following conditions:

- 1) All construction and use of the lots will conform to the approved Slope Stability Assessment (revision 2) dated December 4, 2020;**
- 2) Completion of Engineering Redlines.**

Commissioner Van Langeveld seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

7. CONSIDERATION OF A PROPOSED AMENDMENT TO THE GENERAL DEVELOPMENT PLAN & CONCEPT PLAN FOR WILLIAMSBURG LUXURY APARTMENTS AT 256 SOUTH HWY 89, DUAIN RASMUSSEN, APPLICANT

Sherrie Pace reported that the City Council approved the general development plan for Williamsburg Luxury Apartments on October 2, 2018. The plan was amended in January 2019 with a change of architecture. Since that time, Castlewood Development has entered into a purchase agreement with the current owners for the project. The new owners were responsible for the demolition and removal of the dilapidated structures on the property as part of their purchase agreement. Originally, the General Development Plan was approved for a total of 214 units in 4 buildings that were four stories high with one building that was mixed use containing 10,444 square feet of retail. The developer would like to amend the plan to three apartment buildings with one 5 story building and two 4 story buildings each with pedestal level parking, and one commercial/retail use in a standalone structure.

Sherrie Pace explained that Castlewood Development had requested the following changes to the plan and the development agreement including increasing the number of dwelling units from 214 to 246 for an increase of 32 units, un-mix the residential and commercial land uses, increase the maximum height for Building A to 5 stories plus pedestal parking, reduce the front setback for Building B from 27 feet to 25 feet from new curb, and reduce the parking ratio from 1.94 spaces per unit to 1.81 spaces per unit.

The developer has requested an increase in unit count from 214 to 246. The approved density on the 5.91 acre parcel is 36.2 units per acre. The requested density is 41.6 units per acre. The biggest concern raised by the increase of units is parking. The DRC has required that each unit be provided one covered space assigned to it and that this parking is not unbundled from the

tenant leases. Unbundling all parking creates a situation similar to Eaglewood Lofts where residents did not want to pay extra to have an assigned space, and instead choose to park on Orchard Drive. The Planning Commission and City Council will need to make a determination on the increased density and decreased parking ratio as requested. The previous approval set the parking rate at 1.5 spaces per one bedroom unit and 2 spaces per two to three bedroom unit. The developer has proposed that the 1.5 spaces per unit be applied to all 246 proposed units for a total of 445 spaces. She compared the parking requirement from the 2018 approval of 441 required with 415 provided to the 2021 requested amendment of 431 required and 445 provided. Ms. Pace spoke on the retail building with parking based off the existing restaurant, Chile Amor, and how many parking spaces would be necessary based off the number of tables. Her calculations resulted in 31 spaces for the restaurant and 12 spaces for the office space on the second floor. The developer was proposing a parking ratio of 1.5 spaces per unit and 30 spaces for the retail/office. Ms. Pace advised the Planning Commission to determine if this requested change was appropriate.

Previously the development agreement required a fence along the front property line. The DRC has discussed recommending a change that would eliminate the fence along the front property line and instead would extend the public sidewalk and park strip to the intersection with Eaglegate Drive. City staff and the developer will approach UDOT regarding the second access and hope to have this resolved prior to final site plan approval. A condition of approval will require the submission of a full site plan review including all infrastructure improvements.

Sherrie Pace showed renderings of the building elevations, including the clubhouse and commercial buildings, and said the proposed architecture was similar in design and colors as the previous design. The DRC has no objection to the proposed architecture. The DRC does recommend that Building A have a more prominent pedestrian entry near the new bus shelter. The remainder of the site is similar in layout and use as the previous approval. The elevations for the commercial building show signage for Chile Amor, to that end the developer is working with the owners of the restaurant regarding relocating but have not yet reached an agreement. The DRC recommended approval with three conditions. She explained that this was just an amendment to the concept plan. A full site plan evaluation with engineering and civil drawings would be reviewed by the Planning Commission if the concept plan was approved by the City Council.

Duaine Rasmussen, Castlewood Development, commented on the demolition of the existing buildings and said this was not originally part of the purchase contract. He said Sherrie Pace observed that the buildings needed to be removed and they were happy to oblige. Mr. Rasmussen spoke on the mixed use concept and said that it would create issues for the apartment owner and retailer. He felt that the requirement for one parking space per unit would be adequate especially with the guest parking and the 30 spaces for retail that would be vacant at night.

Commissioner Maus asked for clarification on the parking. She asked if the 30 spaces for retail would be shared with the residents plus 14 additional spaces. Sherrie Pace clarified that the guest parking and the retail parking could be shared, and the Planning Commission could make the determination if just 30 spaces were shared and 15 were dedicated for guest parking or the restaurant or if all 45 were shared.

Chair Knowlton asked for clarification on the height increases. Sherrie Pace replied that originally the limit was 55 feet so Building A would need to be 75 feet to accommodate the additional story.

Commissioner Van Langeveld asked about this development in comparison to the development across the street and if there was a different standard for the commercial and the parking ratio. Sherrie Pace clarified that Village Station never requested to unbundle the parking. She said one building in that development had commercial office space but was abutting the street so the main floor would have a street presence.

Commissioner Van Langeveld said she would be interested to see the parking ratios that were approved for the Village Station development as well as the Town Center. She spoke on setting a standard or precedent for parking in this area.

Chair Knowlton spoke on setting a precedent and that Commissioner Ward had expressed an opinion about this in the past. Commissioner Ward said that precedent was not that important in a P District where there was flexibility or in the Town Center. He said the fundamental question for this development was whether to let the market dictate or if the City should step in to help avoid a parking disaster. He explained that there was no overflow parking which may be problematic if the restaurant was popular, or the residents had multiple cars.

Commissioner Jorgensen commented on managing parking over time. Duaine Rasmussen replied that they had significant experience with apartment management and development. He said the number one issue was parking but felt that they had adequately addressed it by assigning parking and understanding the market.

Chair Knowlton said parking was not an issue to him as there was a variation of parking needs as some tenants needed less parking, residents who needed the average or more than the average parking stalls would not choose to live here, and this was a location with high transit access. He also spoke on affordability and said it was easier for the developer to have lower price points if they did not have to provide as much parking.

Sherrie Pace commented on the Village Station parking and said it was done by unit with studio units at 1.25 spaces, one bedroom at 1.5, two bedrooms at 1.75, and three bedrooms at 2 spaces per unit. These numbers combined with the known uses for the commercial equaled 1.63 spaces

per unit for that development which was a smaller ratio than what was being asked for with the proposed development.

Duaine Rasmussen commented that they had a development near a transit station in South Salt Lake and the parking ratio there was 1.1 spaces per unit. He said that they never had issues at that complex.

Commissioner Van Langeveld asked about the proposed green space including a tot lot, dog park and along the street front. Duaine Rasmussen replied that they tried to meet the requirements and said there was also a clubhouse and pool area along with trail connections.

Chair Knowlton asked about the building heights of adjacent developments. Sherrie Pace said the development agreement for Eaglewood Village specified that the maximum height for a residential structure over retail was 100 feet and could be six stories above the retail. The maximum height for all buildings was 120 feet and seven stories. The Eaglewood Plaza building was 60 feet tall.

Commissioner Ward commented that he was in favor of taller buildings for this development as it provided screening of the refinery and the highway. The Commission was in agreement.

Chair Knowlton spoke on visible height and that the slope falls away from the street. He said he was unsure of the grade difference was from Highway 89 lot line versus the back lot line. Hayley Pratt, Castlewood, replied that after reviewing the contour elevations that the elevation at the street was 4350 and 4326 at the entrance to Building A so there was more than a 20 foot drop.

Sherrie Pace commented on the trail connections and said that the City's Edge development would put in a portion of the trail along Highway 89 and the City applied for a grant to install a trail along the North Point Apartments over to Hatch Park. This would be a connection from Highway 89 to the trail.

Commissioner Van Langeveld noted that this location was isolated from other green space, so she felt access to Hatch Park was great for the residents of this development.

Commissioner Tucker said his concern was the horizontal layout versus the vertical layout and while he did not like the setback, he felt this site plan was better laid out than the previous iteration.

Commissioner Van Langeveld asked if the concern about the building being so close to the street was an aesthetic or a safety concern. Commissioner Tucker replied that it was more of an aesthetic concern. He said UDOT would prove the sight distance from the intersection so it should not be a safety concern.

Commissioner Van Langeveld said she had some safety concerns with removing the fence. Sherrie Pace responded that the sidewalk would be outside of the fence in the right of way. She said the fence would have been placed along the property line and a sidewalk would not be installed but now that the traffic signal was possible the City wanted to install sidewalk there. She said there would be an eight foot park strip.

Chair Knowlton asked about setbacks. Sherrie Pace replied that the front setback for the retail building was two feet from the sidewalk and would be 17 feet from the curb.

Chair Knowlton commented that this was a different setting than downtown Salt Lake City and that it was semi-urban. Duaine Rasmussen said that it was a matter of having enough square footage for the retail building and fitting it all in the available space without sacrificing parking.

Commissioner Jorgensen asked about the gated emergency vehicle access on the site plan. Sherrie Pace replied that it was a crash gate for fire department access. She said anything with an access of less than 150 feet required a turnaround or a second egress by the fire district; however, UDOT was eliminating access on State highways and would not allow a secondary driveway for this development but would allow an emergency access.

Sherrie Pace commented on the setback issue and said the right of way dedication by the retail building was greater than the right of way in front of the apartment buildings and made a difference in the setback. This was due to the UDOT right of way.

Chair Knowlton asked if there was an opportunity for the City to push back on UDOT for a deceleration lane. Sherrie Pace replied that it would probably be incorporated into the Bus Rapid Transit. She said that the City would rather focus their efforts on obtaining a traffic signal there.

Commissioner Van Langeveld moved that the Planning Commission recommend approval to the City Council of the General Development Plan for Williamsburg Luxury Apartments subject to the following conditions:

- 1) The sidewalk and park strip on Highway 89 be continued to the future intersection at Eagle Gate Drive;**
- 2) A full site plan which meets the layout and setbacks as presented is submitted for approval;**
- 3) The development agreement be amended and approved by the City Council to increase the total unit count to 246, a minimum parking ratio of 1.8 spaces per unit and a requirement that 1 parking space per unit be provided for each unit, which space may not be unbundled and rented separately.**

Commissioner Ward seconded the motion.

Chair Knowlton commented that he was unsure why the City would preclude the property owner from unbundling. He asked why the property owner would not be given the flexibility to manage the parking. Sherrie Pace replied that this was her recommendation to try and ensure residents were not parking on the street or at Eaglewood Plaza.

Duaine Rasmussen said that this would not preclude them from assigning parking stalls to units but would preclude them from separating the apartment from the parking.

The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

8. CONSIDERATION OF FINAL PLAT APPROVAL FOR SILVER SKY PUD AT 212 NORTH HIGHWAY 89, BEN OLSEN, APPLICANT

Sherrie Pace reported that this development consisting of 13 townhome units was located at 212 North Highway 89. Since Preliminary Plan review, the DRC has received information from UTA that additional right of way will be needed for future Bus Rapid Transit (BRT). An additional 10 feet has been requested and the buildings have all been moved 10 feet to the east. This change allows the units in the first building to meet the minimum 18' driveway length. Staff has also been notified that the bus stop needs to be improved with a concrete pad in the park strip. The concrete must be poured at a slope no greater than 2% in order for the bus wheelchair ramp to deploy correctly and safely.

The property is a total of approximately 1.05 acres currently zoned CH with an approved P-District. The general development plan for the property, previously known as Sunview Village, was recommended for approval by the Planning Commission on August 28, 2018 and approved by the City Council on September 4, 2018. The final plat has been reviewed by the DRC and has been recommended for final plat approval. The only outstanding issues are the concrete pad for the bus stop and any engineering redlines. The plat has not been reviewed by the City Engineer to determine if all redlines have been corrected.

Ben Olsen commented that they had worked around the requirement for the additional 10 feet to accommodate future BRT.

Chair Knowlton said it seemed like there were many advantages to the ten feet and asked if there was a downside. Sherrie Pace replied that it took ten feet from the common open area on the north east corner. She said that the developer would come back for phase 2 and this could potentially be remedied by matching the open space for the two phases.

Commissioner Jorgensen moved that the Planning Commission recommend to the City Council approval of the requested final plat with the following conditions:

- 1) **Addition of a 6x8 concrete pad (2% slope or less) in the park strip at the bus stop location to meet ADA access requirements;**
- 2) **Any outstanding engineering redlines (if any) be addressed, prior to final plat recordation.**

Commissioner Maus seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

9. CONSIDERATION OF FINAL PLAT APPROVAL FOR EAGLEWOOD COVE PUD PH. 13, WILFORD CANNON, APPLICANT

Sherrie Pace reported that the previously approved plan for Eaglewood Cove Phases 13-15 consisted of 75 lots east of the existing phases of the Eaglewood Cove development. The concept plan was approved by the City Council on July 19, 2016. Since that approval the developer has been conducting an extensive Geological Hazards Investigation of the property leading to numerous changes in layout design and a reduction from 75 lots to 72 lots. The proposed development is divided into three phases, 13, 14, and 15. Preliminary Plan approval was granted on November 10, 2020 with a condition that sidewalks be added to one side of each street. That correction has been made. The subdivision will also be a planned unit development (PUD) subdivision to provide for common ownership of the private street, the HOA maintained storm water detention facilities, and for architectural review prior to building permits.

The developer of this project has been working with the City geologic consultants to address the requirements of the 2016 geologic hazards ordinance. Under the ordinance, geotechnical reports are to be submitted prior Preliminary Plan. The full geologic hazard study has been completed and reviewed and has been approved by the city geotech consultant. Conditions specific to each lot regarding requirements of construction have been noted on the plat and are listed in the approved report. A conditional use permit was approved by the Planning Commission for the proposed flag lots in the development on July 12, 2016.

Wilford Cannon clarified that there was now only one flag lot in phase 13 and two flag lots in phase 14.

Sherrie Pace said that the flag lot was approved in 2016 and the exception to cul-de-sac length was approved as part of the concept plan approval. Previously the fire district had required that the homes on the loop road be fire sprinkled or the road widened, since that time the number of lots on the loop road has been reduced to less than 30 they are now requesting that as the slope of the road is greater than 10% that for lots 1301-1303 and 1336 that these homes must have fire sprinkling systems.

The development is divided into 3 plats, plat 13 is 52.7 acres and contains 39 lots with lot sizes varying from 0.60 acres to 6.34 acres. The final plat has been reviewed by the DRC and have

been recommended for final plat approval. The only outstanding issue relates to the completed design of the water tank and pump house. The designs are 80% complete and the developers engineer is working with the engineering staff to complete the design. The DRC has reviewed the Final Plat and finds that it meets the minimum standards for preliminary plan approval with the following condition that any remaining engineering redline corrections, specifically the water tank and pump house construction drawings, be completed prior to recordation of final plat.

Commissioner Jorgensen asked for clarification on parcels A, B, C for storm water detention. Sherrie Pace replied that Parcel A of Phase 13 was owned by the City and contained to water tanks. She said additional property was being added to accommodate a pump house and new access to the water tanks. Parcel B and C would be detention basin with access built in including sewer easements and owned by the HOA.

Commissioner Jorgensen then asked about the Kern River right of way for high pressure pipelines. He said it looked like the buildings were restricted from encroaching on that right of way but asked about any other encumbrances on landscaping. Sherrie Pace replied that structures were not allowed but in some instances they would allow sod and concrete driveways but that Kern River would have to grant approval.

Wilford Cannon commented that this section was steep on both sides and would have to determine what would be permissible. He said the uses would need to be inexpensive as per the encroachment agreement Kern River would not replace what was removed if they had to access the line there.

Commissioner Jorgensen asked about the scope of the geotechnical report. Sherrie Pace replied that all known or suspected geological hazards were addressed. She said the geotechnical consultant worked closely with Utah Geologic Survey (UGS) on all the studies and clarifying data.

Commissioner Van Langeveld moved that the Planning Commission recommend to the City Council the approval of the proposed final plat for Eaglewood Cove Subdivision, phase 13 located at approximately 600 South Tanglewood Loop, subject to the following findings and conditions:

Findings:

- 1) The proposed final plat meets the minimum standards of the land use code for final plat approval;**
- 2) The proposed layout minimizes the necessary cuts and fills and provides and efficient design;**
- 3) The exception to maximum length of a cul-de-sac is warranted based upon the following:**

- i. Physical conditions exist which preclude the ability to establish any other means of access, namely topography.**
- ii. Construction of a through street will result in undesired cuts and fills, affecting natural drainage patterns and existing vegetation**
- iii. The exception has received favorable recommendation from the Fire District and Development Review Committee**
- 4) The geotechnical report has been approved by the city consultant and the plat has been designed to meet the specific standards and recommendations contained therein;**
- 5) The plat contains the appropriate notes regarding the individual lots and requirements of the geotechnical report.**

Condition:

- 1) Any remaining engineering redline corrections, specifically the water tank and pump house construction drawings, be completed prior to recordation of final plat.**

Commissioner Ward seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

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

Sherrie Pace reported that at the last City Council meeting Altyn Vista PUD was approved with the conditions recommended by the Commission. She said the City Council did not like the CH zone code changes proposed by Mark Pantelakis but did like the proposal to add Artisan and Craftsman Industry to the CH zone. Ms. Pace said that the Council did not approve of the ammunition manufacturing, tabled the item, and requested that staff refine the language.

Sherrie Pace said that the new City attorney was Todd Godfrey as the previous City attorney had retired. She then spoke on a grant to complete the sidewalk at 1100 North and Redwood Road and said the City had acquired the right with construction to start soon.

11. ADJOURN

Chair Knowlton adjourned the meeting at 9:02 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday April 13, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder