

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
JULY 12, 2022

FINAL

Commission Chair BreAnna Larson called the meeting to order at 6:30 p.m.

PRESENT: Commission Chair BreAnna Larson
Commissioner Ryan Holbrook
Commissioner Ron Jorgensen
Commissioner Katherine Maus
Commissioner Brandon Tucker via Zoom
Commissioner William Ward

EXCUSED: Commissioner Irene Stone

STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Johnson, Planner.

OTHERS PRESENT: In person: Taylor Spendlove, Brighton Homes Utah LLC; Dee Lalliss, resident; Dale VanWagoner, Wright Development Group; Scott Babcock; Christian Michaelson, Galloway & Company; Kathy Caloleuy; Brad Nelson, Spectrum Academy; Jesse Curtis, JCI Inc.; Russell Platt, Russell Platt Architecture; Via Zoom: Mike Butler, Bird Rides Inc.; Alisa Van Langeveld, resident.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR BIRD SCOOTERS,
MIKE BUTLER, BIRD RIDES INC, APPLICANT

Sherrie Pace reported that City staff was approached by Bird Rides, Inc., the operators of Bird Scooters, with a proposal for a one year stand-up electric scooter sharing pilot program in the City. The location of the scooters would be rotated to determine the best potential sites. The proposed land use, micro-mobility, would most closely align with the use “all other transit and ground passenger transportation” and would be a conditional use in all commercial zones. Micro-mobility refers to small, lightweight human-powered or electric bicycles and electric kick-style scooters operating at speeds below 20 miles per hour that are ideal for short trips.

The applicant has submitted an operational plan with the following specifics: hiring a local Fleet Manager and finding a location for nightly storage and charging of the scooters, maintenance issues monitored remotely via programming that notified the Fleet Manager of any operational issues, conducting field inspections on the scooters for issues that could not be monitored remotely, 24/7 customer service contact methods for any scooter issues, and deployment locations to be coordinated with the City. The Fleet Manager would also monitor and relocate scooters during the day from 8 a.m. to 6 p.m. to make sure they were neatly parked in locations based on demand.

Ms. Pace said that while some cities allowed this as a home based business that the City would require a commercial or industrial location for the scooters to be stored and charged. She explained that after the Planning Commission approved the conditional use permit and the City Council approved the Pilot Operating Agreement that Bird Rides, Inc. would then hire a Fleet Manager and secure a location for the scooter storage.

Electric scooters are regulated the same as a bicycle within Utah State code. The City has adequate enforcement capability under the existing bicycle motor law to regulate electric scooter use. The proposed pilot program would give the City time to evaluate the use and determine what regulations should be enacted to regulate e-scooters. The issues of consideration for this conditional use permit and future regulations included: acceptable/designated parking locations for electric scooters, limited speeds on and off sidewalks, if they would be allowed on sidewalks, and limited areas where scooters would be operational such as business districts and transit accessible areas.

The Development Review Committee (DRC) recommended approval of the conditional use permit with the following conditions: The conditional use permit be subject to the City Council approval of the Pilot Operating Agreement, the applicant will operate in conformity with the Agreement and Operations plan including coordination with City staff on appropriate deployment locations, and a suitable and properly zoned commercial or industrial location was found for the overnight storage and charging of the scooters.

Chair Larson asked if there was an age limit on the use of the scooters. Sherrie Pace replied that the rider would need to be eighteen years old.

Chair Larson spoke on the challenge of ensuring the scooters did not block pedestrian paths or street travel lanes. She asked about the expectation of where the scooters would be parked. Sherrie Pace responded that the scooters could be parked at the curb in a shoulder but not in a travel lane, on private property behind the sidewalk, or in paved park strips.

Chair Larson asked if the app would provide instructions on where the scooter could be parked. Sherrie Pace explained that the app requires the rider to take a picture of where they parked the scooter.

Commissioner Maus asked about the length of the pilot program and if the applicant would then return to the Planning Commission or City Council to evaluate. Sherrie Pace responded that it would be a one year program with the option to renew for an additional year provided there were no problems. She said that the City or Bird Scooter could terminate the program with a 30 day notice.

Commissioner Holbrook commented that the 30 day termination notice was not in the proposed agreement. Mike Butler, Bird Rides Inc., said that if the 30 day notice was not in the agreement it could be added and specified as such in the motion.

Commissioner Maus asked for clarification that bicycles and scooters were conditional uses in specified zones. Sherrie Pace explained that the closest use category was “other transit and ground passenger transportation”. She said that it was an accessory to formal transit service and was considered a micro-mobility.

Commissioner Jorgensen asked if the City obtained input from communities that had implemented the pilot program, particularly regarding insurance levels, claims, indemnification against negligence, etc. Sherrie Pace replied that the City Attorney would review the proposal prior to City Council approval. She said the operator would be liable and required to indemnify the City.

Commissioner Jorgensen spoke on the associated risk including helmet requirements and compatibility with higher speed areas like Highway 89. He asked if there were higher speed corridors where these scooters had been used. Sherrie Pace responded that the scooters could not be regulated any more than a bicycle and there was not a requirement for adults to wear a helmet on a bicycle.

Commissioner Jorgensen asked for a summary of accident claims or fatalities in Utah. Mike Butler said that he did not have that information for Utah. He said the risk was similar to riding a bike or even driving a car. Mr. Butler said the City was not introducing more risk by approving this and Bird Rides would indemnify the City. He estimated approximately a dozen fatalities a year across a million rides and multiple scooter operators.

Commissioner Jorgensen asked for something to be submitted showing accident and fatality rates. Mike Butler replied that he could share information he had found.

Sherrie Pace commented that staff could obtain information from the National Highway Traffic Safety Administration (NHTSA).

Commissioner Maus said she appreciated the safety concern and the addition of another distraction. She asked if other cities had implemented zone practices related to speed limits and

suggested that this, as well as public feedback, was something that could be discussed at the end of the pilot program.

Commissioner Holbrook mentioned the agreement as written and that this could not be more restrictive than the City's regulation on bicycles. Sherrie Pace said that this was per State regulation and the City could not regulate any stricter than State law.

Chair Larson asked about the timeframe for when the scooters would be on the road. Mike Butler replied that it would take four to five weeks to find the Fleet Manager and to work with the City.

Chair Larson asked if the scooters were collected each night and stored somewhere. Mike Butler responded that the scooters would be rebalanced to the locations as needed. He said the Fleet Manager would collect to service, clean, and rebalance. He said the program was structured to benefit and incentivize the Fleet Manager to move the scooters to areas with higher use because they made money off ride revenue.

Sherrie Pace commented that the operating plan specified that it would be between operating hours and up to four hours afterhours to respond to scooters parked incorrectly or for operational issues.

Chair Larson asked about the mileage range for the scooters on one charge. Mike Butler responded that the scooters would be geo-fenced to remain within City limits but the mileage range was 25-30 miles on one charge.

Commissioner Ward asked if the fence would also be put up for Bountiful. Mike Butler said that the geo-fence would be placed at all the City boundaries/limits.

Commissioner Jorgensen said some thought should be given to the boundary in certain areas. Sherrie Pace responded that if Bird Rides was successful in obtaining agreements with Woods Cross and Bountiful that the fencing boundaries could be changed.

Commissioner Maus asked if the expectation was for the scooters to ride on the road, on the sidewalk, or both. Mike Butler said the expectation was like bicycles in that the scooters were to be ridden on the street and in a bike lane if possible.

Commissioner Ward questioned if the City anticipated any initial costs during the pilot program. Sherrie Pace responded that nothing would be constructed and did not expect any fiscal impact to the City.

Commissioner Holbrook recommended that the motion include the condition that approval was determined upon the City Attorney's review that there were clear definitions of termination of the program within the agreement to be approved by City Council.

Commissioner Holbrook moved that the Planning Commission approve the conditional use permit for Bird Rides, Inc., for the operation of a scooter sharing business and pilot program with the following conditions:

- 1) Subject to the City Council approval of the Pilot Operating Agreement with Bird Rides, Inc.;**
- 2) The applicant will operate in conformity with the Agreement and Operating Plan, including coordination with City staff on appropriate deployment locations, as necessary;**
- 3) A suitable and properly zoned commercial or industrial location is found for the overnight storage and charging of the scooters; and**
- 4) Upon City Attorney review for inclusion of termination clause.**

Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Larson, Maus, Tucker and Ward. Commissioner Jorgensen voted in opposition of the motion. Commissioner Stone was excused.

**3. CONSIDERATION OF A CONCEPT PLAN FOR PHOENICIA PLACE
SUBDIVISION, A TWO LOT COMMERCIAL SUBDIVISION AT 480 NORTH
CUTLER DRIVE, BRAD NELSON, SPECTRUM ACADEMY, APPLICANT**

Sherrie Pace reported that the proposal was to divide the property located at 480 North Cutler Drive into a two lot subdivision. The subdivision lots would each be approximately two acres in size. She said this application was a concept plan which meant the Commission would just need to ensure it met the standards for size and frontage. This project would return to the Planning Commission for site plan, preliminary, and final plat approval. She said the use of Lot 1 would be ball fields for Spectrum Academy and the current ball fields would be converted to an additional high school for Spectrum. Lot 2 would be marketed commercially.

The DRC recommended approval of the proposed two lot subdivision concept plan with the conditions of redline corrections and right of way dedications on Cutler Drive and Redwood Road be added to the plat.

Commissioner Jorgensen moved that the Planning Commission recommend to the City Council the approval of the proposed two lot Phoenicia Place Subdivision concept plan at 480 North Cutler Drive with the following conditions:

- 1) Redline corrections be completed for submission of preliminary/final application;**
- 2) Right of way dedications on Cutler Drive and Redwood Road be added to the plat.**

Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Stone was excused.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR SAMSONITE MUSIC PRODUCTION AT 640 NORTH MAIN STREET, SAM KALT, APPLICANT

Mackenzie Johnson reported that Samsonite Music Productions was classified as “music publishers and sound recording studios” which was a conditional use in the Manufacturing-Distribution (MD) zone. The applicant proposed to open a music recording and production studio at 640 North Main Street, located in the MD zone. The business would have one employee with operating hours between 10:00 a.m. and 6:00 p.m. Typically no more than one artist or band would be at the recording studio at a time. There would be ample parking provided on the property for the various uses in the building.

The DRC recommended approval of the conditional use permit for Samsonite Music Production with no conditions.

Commissioner Holbrook moved that the Planning Commission approve the conditional use permit for Samsonite Music Production located at 640 North Main Street with no conditions. Commissioner Ward seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Stone was excused.

5. PUBLIC HEARING: CONSIDERATION OF A GENERAL DEVELOPMENT PLAN AND P-DISTRICT REZONE REQUEST FOR CLIFTON TOWNS LOCATED AT APPROXIMATELY 2596 SOUTH AND 1095 NORTH REDWOOD ROAD, PROPOSING 200 FOR SALE TOWNHOMES AND TWO COMMERCIAL LOTS, TAYLOR SPENDLOVE, BRIGHTON HOMES UTAH LLC, APPLICANT

Mackenzie Johnson reported that this application was only for the general development plan for Clifton Towns and not the P District rezone. The Planning Commission would review the general development plan for the Clifton Towns subdivision with a recommendation to the City Council. Once the City Council approved the general development plan the rezone to a Planned District and negotiations for the development agreement would begin. The Planning Commission would then review the site plan or preliminary plat.

The proposed development was located at approximately 2596 South and 1095 North Redwood Road and consisted of commercial and residential lots. The property on the northwest corner of the intersection, 2596 South Redwood Road, was 6.12 acres and located south of a car dealership, City boundary, and to the east of a South Davis Metro fire station. The property on the southwest corner of the intersection, 1095 North Redwood Road, was 7.18 acres and adjacent to the Hampton Place apartments. Both properties, currently zoned General Commercial (CG),

each have one existing single-family home with accessory structures. The rezone request was to change the zoning from CG to a Planned (P) District.

Ms. Johnson showed a rendering of the style of the proposed for sale townhome product. The architecture would incorporate brick, stucco, metal accents, and fiber cement board. The commercial buildings would complement this architectural style. The DRC recommended some changes and the applicant has provided modifications to accommodate what was requested by staff. This included updated driveway placement and the location of the tot lot. Staff would work with the applicant on landscaping particularly an analysis of water conservation pertaining to lawn/turf areas.

The commercial space would be on the corners of the intersection and each would be just over one (1) acre in size. The developer has proposed approximately 22,000 square feet of commercial building space on those lots. Staff would work with the applicant on permitted uses. The parking for the commercial space would be determined by Chapter 6 of the City code when more specific land uses were identified.

The townhome units would be two and three bedroom units, each with a two car garage. The proposed plan would be for 89 units on the north side of 1100 North and 111 units on the south side. There were 82 units designed as two bedroom townhomes with tandem garage parking for two vehicles. Staff directed the Planning Commission to consider only counting one stall parking for each tandem garage as tandem garage parking was often underutilized. The proposed parking exceeded the minimum requirement of 2.25 parking stalls per unit with 264 stalls on the north side and 323 stalls on the south side.

Sherrie Pace showed a site plan that highlighted the different types of townhomes and their parking.

Commissioner Holbrook asked if only one space per tandem stall was counted, would the project meet the parking requirement. Mackenzie Johnson replied affirmatively and said on the north side there were 89 units with a parking ratio of 2.6 parking stalls per unit and 111 units on the south side with 2.5 spaces per unit. Chapter 6 of the City code requires 2.25 parking stalls per unit.

Sherrie Pace said the DRC was concerned about the number of parking spaces but it was determined that there were over 500 parking spaces with at least one parking space per bedroom.

Mackenzie Johnson reported on design concerns including the commercial signage, design, fencing material, and pedestrian improvements such as a crosswalk to the tot lot, pool, and pickleball courts.

Sherrie Pace explained that the ordinance for a P District was changed to allow the public hearing for the general development plan and P District rezone even though the Commission would only vote on the general development plan tonight.

Mackenzie Johnson said the DRC recommended approval of the general development plan for Clifton Towns with the following conditions to be determined at the time of development agreement approval: final architecture design, final layout, final engineering, and submittal of a required development agreement.

Chair Larson opened the public hearing at 7:15 p.m.

Resident Alisa Van Langeveld asked the Planning Commission to discuss why they would entertain a zone change here. She said the property was zoned commercial in a residential area that was lacking commercial. Ms. Van Langeveld commented that she was not certain of the value of adding more residential and less commercial.

Chair Larson closed the public hearing at 7:17 p.m.

Commissioner Maus asked if the future proposed commercial uses would be brought to the Commission for review. Sherrie Pace replied that when staff presented the formal zone change request it would be accompanied with the draft development agreement which would outline all the terms including exhibits for the land uses, parking, layout, architectural design, building heights, etc.

Commissioner Maus said there did not seem to be sidewalks on the interior and asked if there was a plan for this. Sherrie Pace replied that there would be sidewalks from the driveways and to the front doors. She said staff would work with the applicant on some of those interior connections.

Commissioner Holbrook asked about units per acre and if the recommendation would set that number. Sherrie Pace responded that now was the time to make a recommendation on the number of units, sidewalks, or general layout.

Chair Larson requested the number of units per acre on other developments including those on Stonehaven, Odell, and Cutler. Sherrie Pace said that Orchard Grove on Odell Lane was 11 units per acre, Wellington was also 11 units per acre, Mirella was 25 units per acre, and Stonehaven, which was located directly west of the subject property and was 10 units per acre.

Chair Larson commented that the density for this project felt high and the commercial seemed minimal. She asked for the Commission's feedback.

Commissioner Jorgensen said there was mixed use along Redwood Road so it was hard to say what was the right use for any given parcel. He commented that if this was the Town Center area he would feel more strongly about having exclusively residential with limited commercial but in this area, he felt it may be appropriate as there was a housing shortage.

Taylor Spendlove, Brighton Homes Utah LLC, commented that they had done several P Districts in the City and had reached out to a local broker who determined the dimensions and square footage of the commercial. He said they put a lot of thought into the commercial and wanted to maximize the value of the project. Concerns included the existing Lee's Market commercial parcel and the number of rooftops. Mr. Spendlove said the densities, setbacks, parking, and amenities were all considered in comparison to similar projects.

Sherrie Pace commented that some of the lessons learned from other developments in the City included not counting a tandem garage as parking for two vehicles as they were generally used for storage. She spoke on the addition of driveways to help avoid parking on 1100 North.

Chair Larson addressed some of the comments including building prices but said that the request was for a zone change to residential. She spoke on the long range plan for the City, the existing density in the Foxboro area, and the future redevelopment of Redwood Road. Chair Larson said it may be a future asset to the area to keep the property at the current commercial zoning.

Commissioner Holbrook spoke on the area to the south and how this was prime commercial real estate that may become townhomes. He said there was a need for residential but seemed like a waste not to use the area along Redwood Road as commercial. Chair Larson suggested having the residential piece on the back half of the property.

Chair Larson spoke on the units per acre of similar developments. She was in favor of a similar density of 10-11 units per acre for this development. Sherrie Pace said that in the past when commercial developers tried to develop other properties along Redwood that they were not able to utilize the property as entirely commercial, as the depth from Redwood Road to Cutler is so great.

Taylor Spendlove commented that these were three story units so it was difficult to compare to other lower density units of a different product type. He said this project was more comparable to City Center and Odell Crossing at 20 units per acre. Mr. Spendlove said a less dense project would be similar to Chesham Village and the footprint would be larger with similar building massing.

Chair Larson said that there was a need to be consistent with this area and how this area was zoned commercial. She spoke on how the back half of the properties were not feasible for commercial but the front parcel along Redwood Road was. Chair Larson felt like the Redwood Road corridor was being revitalized and if this was not the right moment for commercial on the

property it may be in the future. She felt the proposed density was too high and would like to preserve the Redwood Road corridor as commercial.

Commissioner Holbrook asked if the Redwood Road frontage remained commercial they could change the strategy of the residential portion. Taylor Spendlove said if they went from an 18 unit per acre project to an 11-14 unit per acre project the product would change but the building massing may not change. He explained how there was a certain square footage needed to be appealing as a townhome which included three bedrooms and two baths. Mr. Spendlove said losing density meant the price per product would increase.

Commissioner Jorgensen asked why the project could not be commercial along Redwood and higher density housing on the back of the property. Chair Larson replied that the project should match the neighboring community and felt that the land use should match what was occurring west of the property.

Taylor Spendlove commented that he did not want to build an apartment building. He felt a for sale townhome was more obtainable housing and what they were proposing was justifiable.

Commissioner Maus was in favor of retaining the front portion of the property as commercial. She was not as concerned about the density on the back portion with the variability of the density in the area.

Taylor Spendlove said that while they were not thrilled with having the front portion of the property as commercial, they would accept that recommendation being made to the City Council.

Commissioner Holbrook was in favor of higher density in the area and keeping Redwood commercial. Commissioners Jorgensen and Ward concurred.

Sherrie Pace asked if the Commission's intent was to make a recommendation with the discussed changes or to table the item until the applicant returned with changes.

Commissioner Maus was in favor of tabling the item in favor of seeing an updated plan.

Sherrie Pace said that the number of units had already been reduced due to the DRC's recommendations to increase the distances between the buildings, add driveways, and increase the distance between the project perimeters. She shared that these recommendations made the project feel physically more comfortable and created an overall better layout.

Taylor Spendlove spoke on the need for them to move forward quickly. He asked for a recommendation that they use the proposed project with modified commercial space so that it expands the full length of the Redwood Road frontage and not table the item.

Staff showed those present the location of the proposed lot lines for commercial and residential uses.

The Commission discussed density and the configuration of the properties.

Commissioner Ward suggested language for the motion to clarify the property lines could extend the commercial north/south line on the north property to the north boundary line and extend the existing commercial north/south line from the south property to the south boundary line.

Commissioner Ward moved that the Planning Commission recommends approval to the City council of the General Development Plan for Clifton Towns located at 2596 South and 1095 North Redwood Road with the following conditions to be determined at the time of development agreement approval:

- 1) Final architecture design;**
- 2) Final layout;**
- 3) Final engineering;**
- 4) Submittal of a required development agreement;**
- 5) Extension of the commercial zones as previously stated to “extend the commercial north/south line on the north property to the north boundary line and extend the existing commercial north/south line from the south property to the south boundary line.”**

Commissioner Jorgensen seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Stone was excused.

6. PUBLIC HEARING: CONSIDERATION OF A REZONE REQUEST FOR LOT 2 OF THE 1100 NORTH KRAUSE CROSSING SUBDIVISION AT APPROXIMATELY 1096 NORTH REDWOOD, DALE VANWAGONER, WRIGHT DEVELOPMENT GROUP, APPLICANT

Mackenzie Johnson reported that this was previously the Kum and Go Subdivision and would now be known as the 1100 North Krause Crossing Subdivision. Lot 2 of this subdivision would be directly south of the Skypark Airport runway and as such would be governed by City code and regulated by the Federal Aviation Administration (FAA) regarding land use, building placement, and height. The purpose of this rezone request was to rezone to Manufacturing Distribution (MD) as the approved land uses were more consistent with those permitted by the FAA. Lot 1 would remain zoned General Commercial (CG) as it was slated to be used as a convenience store and gas station, Kum & Go. If rezoned the property would remain in compliance with City code regarding lot size and frontage. The MD zone has a minimum lot size of two acres and a minimum width of 100 feet. The subject property was 2.474 acres with frontage

along 1100 North of approximately 330 feet. The proposed rezoning of Lot 2 would be compatible with the surrounding zones and existing uses.

The DRC recommended approval of the proposed rezone from General Commercial (CG) to Manufacturing Distribution (MD) for Lot 2 of the 1100 North Krause Crossing Subdivision with the condition that a letter of approval from the FAA must be provided to the City prior to the issuance of any building or related permits.

Chair Larson opened the public hearing at 8:00 p.m.

Dale VanWagoner, Wright Development Group, said he just wanted to clarify that Lot 2 would be rezoned from General Commercial (CG) to Manufacturing Distribution (MD).

Chair Larson closed the public hearing at 8:01 p.m.

Commissioner Maus moved that the Planning commission recommend approval to the City Council of the proposed rezone from General Commercial (CG) to Manufacturing Distribution (MD) for Lot 2 of the 1100 North Krause Crossing Subdivision located at approximately 1096 North Redwood Road with the following condition:

- 1) A letter of approval from the FAA must be provided to the City prior to the issuance of any building or related permits.**

Commissioner Holbrook seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Stone was excused.

7. CONSIDERATION OF A PRELIMINARY PLAN AND FINAL PLAT FOR 1100 NORTH KRAUSE CROSSING SUBDIVISION, A TWO LOT COMMERCIAL SUBDIVISION AT 1096 NORTH REDWOOD ROAD, NATE ABBOTT, GALLOWAY & COMPANY, APPLICANT

Mackenzie Johnson reported that on June 21, 2022, the City Council approved the concept plan for the proposed subdivision called 1100 North Krause Crossing (formerly known as Kum & Go). The Planning Commission recommended approval of the concept plan on June 14, 2022. The preliminary plan and final plat have been submitted for approval simultaneously, as a minor two lot subdivision. The next step would be approval of the site plan for Lot 1 and then eventually Lot 2.

No major modifications have been made to the subdivision since concept plan approval. The applicant has corrected redlines regarding landscaping, parking layout, and driveway access. During concept plan approval, the Planning Commission requested that the applicant provide a

Traffic Impact Statement. This statement would be provided by the applicant prior to site plan review and approval. The preliminary plan and final plat have been reviewed for conformity to the Land Use Code and construction standards. There were several minor redlines on the construction drawings and plat such as minor alterations to the plat notes, driveway placement on 1100 North, and a revised drainage report. These redlines would need to be corrected prior to site plan review and approval.

Chair Larson commented that this subdivision would return to the Commission for site plan approval, review of the UDOT letter approving the location of the driveway and the Traffic Impact Statement.

Commissioner Ward moved that the Planning Commission recommend approval to the City Council of the preliminary design plan and final plat for a two lot subdivision, called 1100 North Krause Crossing located at 1096 North Redwood Road with the following conditions:

- 1) **Provide a letter from UDOT Region 1 approving the location of the driveway on Redwood Road.**
- 2) **Provide a Traffic Impact Statement.**
- 3) **Correction of redlines on the plat and construction drawings.**

Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Stone was excused.

8. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN AMENDMENT FOR THE LOFTS AT NORTH LAKE (TOWNE PLAZA) LOCATED AT 120 AND 140 EAST CENTER STREET, PROPOSING THE CONVERSION OF THE APPROVED OFFICE BUILDINGS TO MIXED USE MULTI-FAMILY HOUSING AND INCREASED HEIGHT OF THE BUILDINGS, JESSE CURTIS, JCI INC., APPLICANT

Sherrie Pace reported that in April of 2015 David Curtis, the developer of the Towne Plaza PUD, entered into an agreement with the City that included a general development plan with 52 townhomes and two commercial buildings. One commercial building was to be 16,600 square feet of retail and office space and the second building was to be 22,000 square feet of Class A commercial office space. The developer finished building the 52 townhomes and received a site plan approval for the two commercial buildings, which were each two stories in height on May 15, 2018. The buildings have not yet been constructed and the developer has begun the process of selling the remainder of the project and property to his son, Jesse Curtis.

Jesse Curtis has proposed an alternate development proposal for the two office buildings including increasing the height of each building to five stories. The retail commercial building on

the west corner of 130 South and Center Street would remain commercial/office space on the main level with four levels of residential apartments. The entirety of the office building on the east corner would become residential apartments. The developer was also requesting a third building on the same east site that would also be entirely apartments. This proposal, made to the City Council on February 15, 2022, included that approximately 102 efficiency apartments that met the goals set by the City's adopted Moderate Income Housing Plan.

The proposed plan would change the name for these 2 parcels to the Lofts at North Lake with the general development plan amendment to affect only Lots 153 and 154 of the Towne Plaza PUD Subdivision. The development would include 7,000 square feet of retail/office space, 120 studio apartments, 28 one bedroom apartments, and 28 two bedroom apartments for a total of 176 residential units. Of those total units 102 would have rent restrictions meeting the income limits related to Area Median Income (AMI) as established by the US Department of Housing and Urban Development (HUD) with the requirements for 50 units at 80% AMI (low income), 26 units at 50% AMI (very low income), and 26 units at 30% AMI (extremely low income). Other features of the development would include two parking garages with two levels for a total of 192 parking spaces, roof amenities on the western structure with a BBQ area, lounge, gas fire pits, and games, and ground amenities on the eastern property such as a pool and BBQ area, pickleball, dog park, and bocce court.

Sherrie Pace shared a FY2022 Income Limits Summary and explained that the AMI changed yearly and was established and reassessed by HUD. She said if these units were currently built the maximum rent that could be charged for a single individual at the 80% level would be approximately \$1,400, at the 50% level would be \$880, and at the 30% level would be \$529. The City's Moderate Income Housing Plan demonstrates the need to create 300 more units at the 50% level and 330 units at the 30% level. While there was not a current need to create additional housing at the 80% level, needs change on a yearly basis.

The developer was asked to supply a parking study to analyze the impact on parking demand associated with moderate and low income households. The study recommended a parking ratio of 1.25 spaces per unit on a previous draft of 104 studio apartments only. The current proposal provided 192 parking stalls in the two parking structures. Staff requested the applicant have the parking study updated to reflect the current proposal.

Sherrie Pace spoke on the Town Center Form-Based Code and analyzed this proposal in conformance with the Code as it was drafted today. This project was located in the Core Subdistrict and storefront buildings including the east building with retail on the main floor were permitted. The other two buildings, which are stacked flat apartments, were also permitted in the Core Subdistrict. The side yard parking did not exceed 60 feet in width and the building met the front property line coverage. The maximum front setback was increased from five feet from what was recommended in the Form-Based Code to ten feet for the purpose of creating a pedestrian area due to the elevation change. The retail area of that building created a patio area above the

sidewalk, which could be used for outdoor dining or other pedestrian uses. The minimum height was three stories and the maximum height was five stories in the Core district. In the storefront building to the west, the uses permitted on the ground floor were retail and service only and did not allow residential on the main floor. The stacked flats building type allowed residential on all floors. The minimum ground floor transparency (amount of glass) for the storefront building would be 65% on the ground floor and 25% on the other stories. The minimum ground story entrances for storefront buildings must be 1 per 75 feet of building width with the principal entrance being on Center Street for the two corner buildings. Stacked flats require 1 per 100 feet. Vertical and horizontal façade divisions were met in the proposed building designs. Maximum impervious limits of 90% appear to be met but would require further analysis with formal site plan submittal. The parking standard currently drafted required 1 space per unit for a studio or one bedroom unit and 1.5 spaces per unit for two bedroom units. The draft also required that one space per unit be a covered space. Approximately 90 spaces were covered of the 192 spaces provided. The draft Town Center Code allowed for shared use based on a table for time of day. The peak demand for parking for the project was 190 spaces based on the proposed ordinance. An updated parking study was needed to determine recommendations for parking demand. Additional reductions on residential uses for parking included providing bike lockers, parking passes, or senior housing with a maximum reduction of 0.5 spaces per unit.

Ms. Pace shared the parking use table showing times of day on weekends and weekdays. The demand showed 190 parking stalls per the draft ordinance and stated that the demand would need to be verified once an updated parking study was received.

The DRC recommended approval of the proposed amendment to the Towne Plaza General Development Plan with the conditions including a complete site plan submittal and approval (civil drawings), fencing material surrounding the pool and other amenities be non-sight obscuring decorative black metal fencing, street level pedestrian entrances be maintained at 130 East Center Street corners, and an updated parking study be completed assessing the parking demand of the proposed development with the increased unit count including market rate units demonstrating the development was providing parking to meet the demand.

Chair Larson clarified that the initial project was 52 housing units and 38,000 square feet of commercial. The new plan included the 52 townhomes, which were built, 7,000 square feet of commercial and apartments.

Sherrie Pace said the developer was asking for participation from the RDA with the affordable housing component. She said that a portion of the RDA revenue must be used for affordable housing.

Chair Larson asked about the obligation for affordable housing in the event the building was sold. Sherrie Pace replied that the building would be deed restricted potentially in perpetuity.

Commissioner Holbrook commented that the 52 townhomes already had parking issues and felt the 190 parking stalls could be problematic. He said there was not enough room for passing traffic.

Commissioner Jorgensen spoke on the moderate income housing plan and if it was aspirational or if there were deadlines. Sherrie Pace said it was incredibly difficult to develop affordable housing, particularly brand new. She explained it was a requirement from the State Legislature for an affordable housing plan in the City's code as well as yearly reporting.

Commissioner Jorgensen asked about retail parking. Sherrie Pace replied that the upper level of the parking would be signed for residential only.

Commissioner Jorgensen commented in reference to the earlier discussion about commercial on Redwood Road and said that the Core District was also heavy on residential. He said every commitment to residential reduced space for commercial and expressed concern about a town center with only housing. Chair Larson was in agreement.

Sherrie Pace said that one of the reasons the office buildings had not been built was due to COVID and the uncertainty if the demand for office space would bounce back. Chair Larson said with the parking and commercial concerns that the PUD zoning would allow for more parameters to discuss the needs.

Jesse Curtis, JCI Inc., said that most of their other developments were in downtown Salt Lake. He said this product would allow for the use of RDA funds and provide a housing need. He felt this project would transform the area including bringing in single young adults and attract a downtown feel and look. Mr. Curtis explained that they tried to find a balance between office and retail but it had been difficult. He said they worked for about eight months in trying to find the best use for the property. Mr. Curtis also spoke on parking, thoroughfares, and potential tenants for retail.

Commissioners Larson and Jorgensen expressed that the downtown look and feel was the intent of the Core District/Form-Based Code for this area.

Commissioner Jorgensen asked how the developer would restrict the use of Center Street for parking by residents. Sherrie Pace commented that the street could be signed as two hour parking only.

Commissioner Holbrook questioned how the parking issue would be handled if the study came back that more parking was needed. Jesse Curtis replied they relied heavily on the first parking study. He explained that the affordable housing units required less parking than office uses. Mr. Curtis said the reduction of office/retail would alleviate some of the parking demand. He was optimistic that the 192 parking stalls were adequate.

Commissioners Holbrook and Maus were in favor of the project. Commissioner Maus said her full recommendation would come after viewing the updated parking report. She suggested additional commercial space in the northeast main story if possible.

Jesse Curtis said they were seeking general approval including removal of the 38,000 square feet of office and proposing a more successful project. He asked about addressing the minimum parking requirement and when it would be established. Sherrie Pace replied that one of the contingencies was satisfactory evidence of adequate parking being provided.

The Commission discussed additional commercial on the eastern building.

Jesse Curtis addressed additional commercial and said the difficulty with two uses in a building was the physical aspects including more concrete, steel, etc. and essentially the two residential only buildings were stick frame construction. He said commercial buildings had more structural requirements.

Sherrie Pace also spoke on how restaurants also required additional needs such as exhaust, ventilation, fire separation, fryers, etc.

Jesse Curtis mentioned that they had provided a market study on office space, which showed an abundance of vacant commercial/office space. He said 7,000 square feet was still substantial and may be difficult to fill.

Sherrie Pace commented that the additional dwelling units would help support the existing commercial in the area.

The Commission discussed additional commercial/retail and their desire to review the updated parking study.

Commissioner Jorgensen moved that the Planning Commission recommend to the City Council approval of the proposed amendment to the Towne Plaza General Development Plan with the following conditions:

- 1) Subject to complete site plan submittal and approval (civil drawings);**
- 2) The fencing material surrounding the pool and other amenities be non-sight obscuring decorative black metal fencing;**
- 3) Street level pedestrian entrances be maintained at 130 East Center Street corners;**
- 4) An updated parking study be completed assessing the parking demand of the proposed development with the proposed unit count, including market rate units, which demonstrates to the satisfaction of the Planning Commission and the City Council that the development is providing parking to meet the demand.**

Commissioner Holbrook seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Tucker and Ward. Commissioner Stone was excused.

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

Sherrie Pace reported that the APA Fall Conference would be held September 8-9 in Lehi. Staff would be happy to register any Commissioners who were interested in attending.

Mackenzie Johnson clarified that this training would go towards the four hours required each fiscal year for Planning Commissioners.

Sherrie Pace reported that the Carl Rupp PUD plat amendment was approved as well as the concept plan for the 1100 North Krause Crossing Subdivision (Kum & Go) at the last City Council meeting.

10. APPROVAL OF MINUTES

The Planning Commission meeting minutes of June 14, 2022 were reviewed and approved.

Commissioner Jorgensen moved to approve the minutes for the June 14, 2022 meeting as drafted. Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker and Ward.

11. ADJOURN

Commission Chair Larson adjourned the meeting at 9:20 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, July 26, 2022 by unanimous vote of all members present.



Wendy Page, City Recorder