

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
OCTOBER 25, 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 Irene Stone
Commissioner Brandon Tucker
Commissioner William Ward

STAFF PRESENT: Sherrie Pace, Community Development Director.

OTHERS PRESENT: JoEllen Ashworth, Jared Wendel, Steve Deppe, John Peterson, Elma Leta McBride, Frank Coon, Unincorporated Davis County; Dee Lalliss, resident.

1. PUBLIC COMMENTS

There were no public comments.

2. WORK SESSION: DISCUSSION ON PROPOSED ANNEXATION AREA B ZONING

Sherrie Pace reported that staff sent notices to property owners and residents in the annexation area notifying them of the public hearing to be held by the City Council on November 15th. The City Council requested that the Planning Commission recommend proposed zoning for the area as part of the Resolution to consider annexation. She explained that the City Attorney advised that as the area was already fully developed, the zoning did not need to be in place prior to the potential adoption of the ordinance for annexation by the City Council. Ms. Pace said the adoption of the Ordinance for annexation by the Council could occur on November 15th and the Planning Commission could then act on the zoning at the November 22nd or December 13th Commission meeting.

Sherrie Pace showed a map of the proposed annexation area between the City and Bountiful. She explained that this area had been part of the City's Annexation Policy Plan since 2003. There were approximately 1,000 residents, 350 dwelling units, and seven or eight businesses in the 100 acre area. The individual lots made up 80 acres, 9 acres were institutional land, and the

remainder were roadways. Ms. Pace then showed the same area with the County zoning overlaid with the City zoning surrounding it. She explained that the County zoning of R-1 was single family with a minimum lot size of 9,000 square feet, the R-2 zone with a minimum lot size of 9,000 square feet for a single family dwelling or duplex. The R-3 zone was multifamily units at 13.5 and up to 19 dwelling units per acre up at 9,000 square feet plus 2,000 square feet for every additional dwelling unit. The C-2 zone was general commercial. Some things to consider included existing duplexes in the County's R-1 zone, PUDs as a conditional use in the County and permitted in the City, setbacks, height allowances, and lot sizes.

The City's zoning includes the R1-10 zone that allows for single family dwellings with a minimum 10,000 square foot lot size. The R1-7 zone allows for single family or two family dwellings with a minimum lot size of 7,000 square feet for single family and 10,000 square feet for two family. The RM-7 zone allows for multifamily with a ratio of eight (8) dwelling units per acre. The RM-20 zone allows for multifamily with a ratio of twenty (20) units per acre. The Commercial Highway (CH) zone allows for a variety of commercial uses.

Sherrie Pace presented three options to address the County's R-1 zone, 9,000 square feet for a single family dwelling. Items to be considered in Option 1, becoming the City's R1-10 zone, included allowing single family dwellings, non-conforming lots as there were approximately 25 lots under 10,000 square feet and also four duplex lots that would be grandfathered in, allowing attached dwelling units (ADUs), and allowing domestic farm animals on all lots over 7,000 square feet with 45 animal points. She explained how residents could still have chickens on lots under 7,000 square feet with certain standards. Option 2 for the R-1 zone becoming an R1-7 zone, 7,000 square feet for a single family dwelling or 10,000 square feet for a duplex would allow for a duplex on all lots over 10,000 square, allow for ADUs, domestic farm animals for all lots over 7,000 square feet, and the possible opportunity to subdivide existing lots with 120 feet of frontage.

Chair Larson clarified that there were only 25 lots that were under 10,000 square feet in the proposed area. Sherrie Pace replied that this was correct and that most of the lots were between 9,000 and 10,000 square feet, but a few were under 9,000 sq. ft.. She said it was likely that the County ordinances at the time of development allowed for the smaller lots.

Sherrie Pace said the third option for County lots zoned R-1 would be to create a new R1-9 zone that would allow for lots to have a minimum size of 9,000 square feet for single family dwellings, lots under 9,000 square feet as well as the four duplex lots would be non-conforming. This zone would allow for ADUs and domestic farm animals on all lots over 7,000 square feet.

Commissioner Tucker asked about the purpose of creating a new zone and having the existing duplexes as non-conforming. Sherrie Pace responded that it would make the residents feel better to have conforming lots. She said the non-conforming lots would be grandfathered in and in the

event of a fire or similar event the home could be rebuilt. It would be a legal non-conforming lot with a legal non-conforming use.

Sherrie Pace then reviewed the County R-2 zone options. Option 1 would be the R1-7 zone, 7,000 square feet for a single family home or 10,000 square feet for a duplex and all lots over 10,000 would allow for a duplex. This zoning also allows for ADUs and domestic farm animals on lots over 7,000 or up to six chickens for lots under 7,000 square feet. Option 2 would be the RM-7 zone, 7,000 square feet for a single family home or 10,000 square feet for a duplex which allows for single family and duplex housing, multifamily up to 8 dwelling units per net acre, and ADUs and domestic farm animals on lots over 7,000 square feet would be allowed.

Commissioner Maus asked if there were non-conforming lots now in either of the two options. Sherrie Pace responded that there would not be many non-conforming in the R-2 zone but she would review each lot to check for any issues if the area was annexed. Staff would also document any non-conforming lot or use.

Sherrie Pace spoke on the R-3 zone and said this area was developed and contained four plex apartment buildings, townhomes, and single family homes. She reviewed the two areas zoned R-3. She also noted that there is a car dealership as part of a condominium plat in the R-3 zone and some townhomes in the commercial zone that should be zoned with a multi-family zone.

Ms. Pace focused on the County's R-3 zone, 9,000 square feet plus 2,000 square feet for each additional unit. The existing multi-family developments have been developed at 13.5 dwelling units per acre. Option 1 was the City's RM-7 zone, 7,000 square feet for a single family dwelling, 10,000 square feet for a duplex, and multifamily at eight (8) dwelling units per net acre, allowed ADUs, allowed domestic farm animals on all lots over 7,000 square feet. She noted that in this zone all existing multi-family would be non-conforming, as they exceed the 8 dwelling units per acre. Option 2 would be the RM-20 zone, 20 dwelling units per acre, and all the existing multifamily would be conforming but this zone could potentially allow for expansion and additional units on the existing properties. She said while the area seemed built out it was possible a developer may try to add more units. Option 3 would be to create a new zone such as a RM-14 that would allow for up to 14 dwelling units per acre which would allow for the existing multifamily to conform and have no opportunity for additional units.

Sherrie Pace reported on the County's C-2 (Commercial) zone. Option 1 was Highway Commercial (CH) which meant the existing single family dwellings would be non-conforming. If these homes were converted to a business, they could not be converted back to housing. If the existing homes in this zone were destroyed, they would have to be rebuilt within 12 months to continue to be used as a single family dwelling, per the City's legal non-conforming use code. Option 2 would be the Commercial Shopping (CS) zone and the existing residential uses would also be non-conforming. Multi-family would require a rezone to a Planned (P) District. Option 3

would be a new zone that could be tailored to the existing uses, new preferable uses could be identified, or prohibition of undesired uses.

Sherrie Pace provided a brief overview of the City's Highway Commercial (CH) zone. Permitted uses included general office, general retail, personal services, restaurants, and sales of automobiles, recreational vehicles, and motor sports vehicles. Conditional uses included retail stores larger than 20,000 square feet, as well as special events such as carnivals, farmers markets, etc. Prohibited uses include auto body shops and repair facilities excluding oil changes, bowling alleys, car wash facilities, gas stations, manufacturing, mining, non-store retailers, pawnshops, title loan/quick loan or payday loan services, pipeline transportation, private clubs, RV parks, rail transportation, residential development of less than five dwelling units, self-serve laundromats, self storage, sexually oriented businesses, support activities for transportation, taverns, tobacco stores, truck transportation, uses requiring outside storage, warehousing and storage, waste management and remediation, or wholesale.

In the Commercial Shopping (CS) zone the following permitted uses are allowed including printing, car and and RV dealers, retail (auto, furniture, grocery, etc.), personal services (salons, pet care, etc.), banks, vehicle rentals, general office, daycare, performing arts/theater, amusement, hotels, and restaurants.

Sherrie Pace showed a map of the 25 lots that were under 10,000 square feet. She spoke on the master plan for the Town Center with the subdistricts and showed a map of the districts next to the annexation area map. She spoke on what each district currently or could contain and what existed in the annexation area. Ms. Pace did not recommend expanding the Town Center further north as it would not be walkable. She also did not recommend expanding the Edge district into any of the annexation area as there was not any opportunity for redevelopment.

Sherrie Pace asked the Planning Commission to provide direction for staff if the City Council approved the annexation. This could include consideration of zoning maps and ordinances. She said if the City Council approved the annexation, a Planning Commission public hearing would be scheduled. Notices would be sent to property owners and current residents in the annexation area of the public hearing. The Planning Commission would then make a recommendation to the City Council on the zoning.

Chair Larson suggested a discussion for each zone. She started with the County's R-1 Zone.

Commissioner Jorgensen commented on the proposal for new zones and said it might be more seamless but asked if they would be legacy zones that would only be for the annexation area.

Commissioner Holbrook said that for the R-1 zone Option 2, which was the R1-7, seemed like the best option. Commissioners Tucker and Larson agreed. Chair Larson felt the possible

opportunity to subdivide existing lots with 120 feet of frontage gave the residents more freedom with their properties.

Commissioner Jorgensen reiterated that the newly created zones would be a legacy zone for the annexation areas but not to be used in other areas. Sherrie Pace replied that she did not intend to reuse the zones but that the possibility to use them in the future could not be ruled out.

Commissioner Maus was in favor of limiting the number of new zones without investigating how they could affect the whole City in future development.

Sherrie Pace clarified that the focus right now was the Commission's direction on the first draft of the zoning. She said there would be a public hearing and residents may have a compelling reason for a change or the City Council could modify the recommended zoning. The decision on the zoning would not be made tonight, but only the draft zoning to propose at public hearing

Chair Larson said in the R-1 zone, the Planning Commission direction was for Option 2 (R1-7).

Commissioner Maus was interested in how many existing lots had 120 feet of frontage.

Sherrie Pace clarified that staff would prepare a draft for rezoning the R-1 zone to the City's R1-7 zone and would research how many lots had 120 feet of frontage and would be eligible for possible subdivision.

Commissioner Jorgensen suggested that a new zone could only be available in certain geographic areas. He felt a new zone would be more seamless. Commissioner Maus asked if a new zone could allow for duplexes. Sherrie Pace replied that a new zone could include anything the Commission requested, and the City Council could adopt it.

The Commission reviewed the County's R-2 zone.

Commissioner Maus commented that neither option had non-conforming lots. Sherrie Pace replied that she would have to review the zone a little closer to make that determination.

Commissioner Holbrook asked what an objection might be for the R-2 to become the City's R1-7 zone. Sherrie Pace replied that there were two lots with three existing dwelling units which would be non-conforming in the R1-7 zone.

Commissioner Tucker was in favor of reviewing both options for the R-2 zone at the public hearing.

Commissioner Stone was also in favor of hearing from the public on what zone they wanted for the current R-2 zone.

Commissioner Holbrook wanted to provide whatever option was the closest to the existing zoning or what may be slightly better.

Sherrie Pace said the public notice has to be very specific as to what zoning the Planning Commission would be considering.

Commissioner Stone asked about the difference between the County's R-1 and the R-2 zoning. Sherrie Pace clarified that the R-1 zone only allowed single family dwellings and the R-2 zone allowed for duplexes or single family on 9,000 square feet. She suggested that some revisions could also be made to certain areas of the annexation area to become part of adjacent City zones such as a carveout for certain properties that would fit better in other zones.

Resident asked how Sycamore Grove became part of the City as it was in the middle of the Unincorporated County area. Sherrie Pace replied that a developer, Brighton Homes, purchased the property and had it approved as a PUD through the County. When she became aware of the purchase and approval, she informed the County that the parcel was part of the City's Annexation Policy Plan area. Urban development in an annexation area requires notification to that City and allows 90 days for the City to grant consent. Upon contacting the County, she met with the developer to inquire as to whether or not they would like to annex. She advised that they could file a petition to be annexed into the City as one property line was adjacent to the City's boundary.

The resident said the County had promised that nothing except their address would change if the proposed annexation occurred. Chair Larson explained that the zoning would be changed and the Planning Commission would do their best to provide similar zoning. She said public comments would be allowed at the public hearing.

The Commission voted informally with four Commissioners in favor of the R1-7 zone option and three in favor of the RM-7 zone option as a replacement for the County's R-2 zone. Sherrie Pace clarified that the Commission could change its recommendation after the public hearing or some areas could be carved out into different zones.

The Commission discussed the replacement for the County's R-3 zone.

Commissioner Tucker was in favor of a new zone. Commissioner Maus was also in favor of a new zone but said there were so few lots in the R-3 zone that it would be better to use one of the existing zones.

Commissioner Holbrook also felt that there were so few lots that he was in favor of the RM-20 zone.

Commissioner Maus questioned how many new units could be added if the R-3 zone became RM-20. Sherrie Pace reviewed a couple of lots at the end of 4100 South and it had the potential, if combined, to add a new four plex.

Sherrie Pace said that a new RM-14 zone could be similar to the RM-7 zone with the exception of the 14 dwelling units per acre maximum density.

Commissioner Holbrook asked if non-conforming properties could cause issues. Sherrie Pace said that as long as the reason for the non-conformance was documented it should not be an issue.

Chair Larson asked how many units would be non-conforming. Sherrie Pace replied that there would be approximately 43 dwelling units.

Commissioner Holbrook was in favor of the RM-20 zone. Commissioner Stone was in favor of RM-14. Commissioner Tucker felt the RM-20 zone could be problematic. He felt the RM-14 zone was the right option but was hesitant about creating a new zone for such a small area. Chair Larson was in favor of RM-7. Commissioner Ward was in favor of RM-20. Commissioner Maus felt that the RM-20 was not really compatible to the adjacent R1-7 zone and was in favor of the RM-7 zone. Commissioner Jorgensen was in favor of the RM-7 zone instead of creating a new zone.

Chair Larson clarified that the majority of the Commissioners were in favor of the RM-7 zone in place of the County's R-3 zone.

The Commission then discussed the commercial zone.

Sherrie Pace showed the commercial area on the map and said it consisted of seven to eight businesses including a funeral home, car dealerships, a dance studio, an insurance office, and a furniture store. She reviewed the permitted and prohibited uses for Highway Commercial (CH) zone. Ms. Pace suggested reviewing the townhome development that was in the commercial zone and rezoning it to a residential zone. The Commission viewed a street view of the homes and businesses along Highway 89 in the commercial zone of the proposed annexation area. The proposed City zoning could also be Commercial Shopping (CS) zone.

Commissioner Tucker asked how the residential areas fit into the CS zone. Sherrie Pace replied that the residential would be legal non-conforming.

Commissioner Stone asked if single family dwellings were non-conforming in the CS zone. Sherrie Pace replied that single family housing would be non-conforming in both the CH (Highway Commercial) and CS (Commercial Shopping) zones.

Commissioner Tucker suggested extending the North 89 zone from the Form-Based Code. Sherrie Pace responded that this was an option after the Form-Based Code was adopted. She did not recommend extending the Form-Based Code area as this area was outside of the parameters and not walkable and that current boundaries of the Town Center were already very elongated along Highway 89

The Commissioners were in favor of the Highway Commercial (CH) zone to replace the County's Commercial C-2 zone. They would also like to move the townhomes on Highway 89 into a multi-family residential zone.

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

Sherrie Pace reported that Ali Avery, long range planner, presented a Community Development update and gave a status report of goals and implementation of the General Plan, Town Center Master Plan, Active Transportation Plan, and the Moderate Income Housing Authority Plan. There were over 300 line items in the spreadsheet and PowerPoint for these plans which would be sent to the Planning Commission for review.

The City Council would review this list and create priorities for staff to focus on.

Sherrie Pace said there would be no Planning Commission meeting on November 8th due to the election nor would there be a special meeting scheduled on the 9th. The next Commission meeting would be November 22nd.

Commissioner Jorgensen asked about the next review of the Form-Based Code. Sherrie Pace replied that the Commission would review the Form-Based Code again in November. She hoped to have the completed draft to the City Council by January or February 2023.

Commissioner Jorgensen asked about Hatch Park. Sherrie Pace responded that the City Council would have a funding discussion related to Hatch Park at their next meeting in November.

Sherrie Pace reported that staff would meet with the I-15 reconstruction team in a few weeks. She also mentioned an issue with billboards near Storage City and potential conditional use permits that may come before the Commission.

4. APPROVAL OF MINUTES

The Planning Commission meeting minutes of October 11, 2022 were reviewed and approved.

Commissioner Jorgensen moved to approve the meeting minutes as drafted for the October 22, 2022 Planning Commission meeting. Commissioner Stone seconded the motion. The

motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker and Ward.

5. ADJOURN

Commission Chair Larson adjourned the meeting at 8:35 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, November 22, 2022 by unanimous vote of all members present.



Wendy Page, City Recorder