CITY OF NORTH SALT LAKE
COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

NORTH SALT LAKE PLANNING COMMISSION
NOTICE & AGENDA
December 12, 2023
6:30 p.m.

Notice is given of a public meeting of the North Salt Lake Planning Commission to be held on the above noted date and time in the North Salt Lake City Council Chambers located at 10 East Center Street. The agenda will be as follows:

1) Welcome and Introduction
2) Public comments
3) Work Session: Draft Code Amendments
    a. Title 10, Chapter 3: Amendments and Rezones
    b. Title 10, Chapter 7: Conditional Uses
4) Report on City Council actions on items recommended by Planning Commission
5) Approval of minutes:
    a. 11/28/2023

Adjourn

This meeting has an option to attend electronically via Zoom, with joining information below:
Time: December 12, 2023, 06:30 PM Mountain Time (US and Canada)

Join Zoom Meeting: https://us02web.zoom.us/j/84506901285?pwd=ajRPWGRiMzIBeFNIVHVucDRGSIF4QT09

Meeting ID: 845 0690 1285

The public is invited to attend all Planning Commission meetings. If you need special accommodations to participate in the Planning Commission meeting, please call the City offices at (801) 335-8700. Please provide at least 24 hours' notice for adequate arrangements to be made. The agenda items may be heard in a different order as warranted by the Commission.

Notice of Posting:
I, the duly appointed City Recorder for the City of North Salt Lake, hereby certify that copies the agenda for the Planning Commission meeting to be held December 12, 2023 were posted on the Utah Public Notice website: https://www.utah.gov/pmn/, City's website: https://www.nslcity.org, and at City Hall: 10 East Center St., North Salt Lake.

Dated this 7th **day of** December, **20**23.

Wendy Page

Wendy Page, City Recorder

CITY OF NORTH SALT LAKE CORPORATE SEAL 1946 STATE OF UTAH

CITY OF NORTH SALT LAKE
COMMUNITY & ECONOMIC DEVELOPMENT

10 East Center Street, North Salt Lake, Utah 84054
(801) 335-8700
(801) 335-8719 Fax

MEMORANDUM

TO: Planning Commission

FROM: Sherrie Pace, Community Development Director

DATE: December 12, 2023

SUBJECT: Work session items-Draft Code Amendments

RECOMMENDATION

There will be no formal action on the proposed draft amendments. Additional amendments are being drafted and will be discussed at future meetings. When the complete draft is ready, a public hearing will be scheduled for formal recommendation to the City Council.

BACKGROUND

The Utah State Code was amended in 2023 to change the process for approval of subdivisions. City's are required to amend their codes to abide by this change prior to February 1, 2024. An outline of the state code provisions is attached for your review. The Planning Commission has reviewed Chapters 1-9 to date. The existing subdivision regulations are contained in Title 10, Chapters 3 & 7. The attached chapters for review are the remaining language in those chapters that need to be modified to reflect the removal of the subdivision processes.

Draft Amendments

Title 10 Chapter 3: Land Use Regulations & Zoning Map Amendments

The proposed amendment reflects the text that remains after removing the procedural process for subdivisions in sections 10-3-2 to 10-3-7.

10-3-1: Authority of the City Council (updated language)
Section has been updated to reflect the state code language which provides for the City Council to amend the land use ordinances and adds the official zoning map.

10-3-2: Procedure for Proposed Amendments (updated language)
This section as been updated to reflect the removal of the procedures for subdivision review and now will only pertain to code amendments and rezones. It also updates the notices required in accordance with the updated state code.

<u>Title 10 Chapter 7: Conditional Uses</u>

The proposed amendment reflects the text that remains after removing subdivisions from the conditional use permit process and the associated subdivision regulations contained in sections 10-7-3 to 10-7-8.

10-7-1: Purpose and Intent (updated language)

This is existing text.

10-7-2: Conditional Use Permit Process (existing language)

This section removes the references to subdivisions as conditional use and outline the process for application for a conditional use (new text). Existing language regarding revocation of conditional use permits is updated and replaces the City Council with the Planning Commission and provides for an appeal to the Hearing Officer for revocations of CUPs.

10-7-3: Performance Standards for Conditional Uses (existing language)

This section is mostly existing language with updates in capitalization. The language related to public hearings has been removed as CUPs are administrative not legislative and should not have a public hearing.

Attachments

1) Draft Title 10, Chapter 3 Amendments & Rezones
2) Draft Title 10, Chapter 7 Conditional Uses

TITLE 10 LAND USE ~~AND SUBDIVISION~~ ORDINANCES
(Updated: 11.29.2023)

CHAPTER 3

LAND USE REGULATIONS & ZONING MAP AMENDMENTS
~~AMENDMENTS, DOCUMENT SUBMISSION, REVIEW PROCEDURES AND PROCESS STEPS~~

SECTION:

10-3-1: Authority of the City Council

10-3-2: Procedures For Amendments And Rezonings

~~10-3-2: Document Submission And Review Procedures~~

~~10-3-3: Step 1 - Concept Plan~~

~~10-3-4: Step 2 - Preliminary Design Plan~~

~~10-3-5: Step 3 - Final Plat And Final Construction Plans~~

~~10-3-6: Supplemental Requirements~~

~~10-3-7: Model Homes~~

10-3-1: ~~PROCEDURES FOR AMENDMENTS AND REZONINGS~~ AUTHORITY OF THE CITY COUNCIL:

In accordance with Utah Code Annotated, Title 10, Chapter 9a, Part 5, as amended, the City Council may amend any provisions of this title or the Official Zoning Map of the City in accordance with the procedures set forth herein, including amendments to the number, shape, boundaries, or area of any zoning district; any land use regulation of or within a zoning district; or any other provision of this title.

~~A. Authority Of City Council: The city council may amend this title pursuant to Utah Code Annotated section 10-9a-503. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

10-3-2: PROCEDURE FOR PROPOSED AMENDMENTS AND REZONINGS:

~~B~~A. Residents Or Other Interested Persons: Any resident of the C~~c~~ity or other person having an equitable interest in real property located in the C~~c~~ity may petition the C~~c~~ity for an amendment or rezoning.

~~C~~B. Application; Information Required: The person seeking to amend this T~~t~~itle or Z~~z~~oning M~~m~~ap shall make application to the Community Development Department on the~~a~~ form provided for such amendment with ~~by taking required actions and filing~~~~including~~ the following information and documents: ~~with the planning commission:~~

1. The name and address of the applicant and the name and address of every person or company that the applicant represents in relation to the application.

2. A written ~~application describing~~description of the proposed amendment ~~the change desired~~ and the reasons therefor.

~~2~~3. A nonreturnable amendment application fee.

~~3~~4. If the proposed amendment requires a change to the Official Zoning Map, the application shall include the following:

a. An accurate property map showing the areas which would be affected by the proposed amendment, all abutting properties, and the present and proposed zoning classifications, along with an accurate legal description of the area to be rezoned. ~~A vicinity plan.~~

~~4. a~~b. A list of the ~~N~~names and addresses of all owners of the subject property. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

c. ~~b.~~ A list of the ~~N~~names and addresses of all property owners within three hundred feet (300') of the subject property boundary, obtained from the public records maintained by the Davis County Recorder. ~~when an identified property is the specific beneficiary~~. (Ord. 02-3, 1-15-2002)

~~5~~d. Stamped and addressed ~~A sufficient number of plain white~~ legal size envelopes for each of the property owners identified in section c, above, ~~addressed to required recipients and with proper postage affixed~~. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

C. If the proposed amendment requires a change in text of the ordinance, the application shall include the chapter and section of the proposed amendment, and a draft of the proposed wording being requested.

D. Notice; Public Hearings And Public Meetings:

1. Public Hearings: The C~~c~~ity shall prepare and give notice at least 10 calendar days before a ~~of~~ public hearing~~s and public meetings~~ to consider such amendment by mail to affected entities and for the area directly affected by the proposed land use regulation or zoning map amendment as a class B notice as provided by Utah Code Annotated sections 10-9a-205, ~~and~~ 10-9a-502, and 63G-30-102, as amended~~, for land use ordinance or zoning map amendments~~. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)

2. Public Meetings: The city shall provide notice of public meetings as a class A notice, as provided by Utah Code Annotated sections 10-9a-205, 10-9a-502, and 63G-30-102, as amended.

Commented [SP1]: Utah Code does not capitalize this term

E. Planning Commission Review: The P~~p~~lanning C~~c~~ommission shall hold a public hearing to review the application and make its recommendations concerning the proposed amendment to the ~~c~~City ~~c~~Council within forty five (45) days from receipt of the amendment application in a regularly scheduled meeting. The ~~p~~Planning ~~c~~Commission shall recommend adoption of a proposed amendment only when the following findings are made:

TITLE 10 LAND USE ~~AND SUBDIVISION~~ ORDINANCES
(Updated: 11.29.2023)

1. The proposed amendment is in accord with the ~~comprehensive g~~General ~~p~~Plan~~,~~ goals and policies of the ~~c~~City.

2. Changed or changing conditions make the proposed amendment reasonably necessary to carry out the "purposes" stated in this title.

F. City Council Review: The City Council shall review the proposed amendment to this title or zoning map and shall schedule a public meeting on the proposed amendment as provided herein. The City Council may: ~~Recommendation Of Approval: When the planning commission recommends the amendment, the city council may:~~

1. Adopt the amendment~~ by majority vote~~;

2. ~~Reject the amendment~~Modify the proposed amendment and adopt the amendment;

3. Modify the proposed amendment and refer back to the planning commission for its recommendation to be returned to the C~~c~~ity ~~c~~Council within thirty (30) days; or

4. Reject the amendment.

~~G. Recommendation Of Denial: When the planning commission recommends denial of the amendment, the city council may:~~

~~1. Reject the amendment;~~

~~2. Modify the proposed amendment and refer back to the planning commission for its recommendation to be returned to the city council within thirty (30) days;~~

~~3. If the city council determines that the proposed amendment may have merit in spite of the planning commission's negative recommendation, the city council may adopt the amendment by an affirmative vote of four (4) members.~~

~~H~~G. Previously Denied Applications: Where an application for zoning amendment has been denied, the ~~p~~Planning ~~c~~Commission and the ~~c~~City ~~c~~Council shall not review the same zoning amendment application within one year of a denial unless there is a substantial change of conditions since the earlier application. A new application and fee will be required. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

REMAINDER OF CHAPTER MOVED TO OR REPLACED IN OTHER SECTIONS OF CODE

CHAPTER 7
CONDITIONAL USES

SECTION:

10-7-1: ~~General Provisions~~Purpose and Intent

10-7-2: Conditional Use Permit Process

10-7-3: Performance Standards For Conditional Uses

10-7-4: Specified Review Criteria for Certain Conditional Uses

~~10-7-3: General Standards For Conditional Use Developments~~

~~10-7-4: Planned Unit Developments; Special Requirements~~

~~10-7-5: Mobile Home Parks, Mobile Home Subdivisions And Recreational Vehicle Parks; Special Requirements~~

~~10-7-6: Landfills And Land Excavations~~

~~10-7-7: Subdivisions (Land Development)~~

~~10-7-8: Flag Lots~~

10-7-1: ~~GENERAL PROVISIONS~~PURPOSE AND INTENT:

~~A.~~ ~~Purpose And Intent~~Specified: The purpose of this chapter and the intent of the city in its adoption is to promote the health, safety, convenience and general welfare of the present and future inhabitants of the ~~city~~City. This chapter accomplishes the aforesaid purpose and intent by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the district or are of a temporary nature only, but which may be suitable and desirable only in certain locations in that district due to conditions and circumstances peculiar to that location or upon certain conditions which make the uses suitable or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. While flexibility in allowing uses which would otherwise be generally unsuitable to a given district is an important goal of this chapter, it is also recognized that constraints on governmental decision making are a legal imperative. This chapter, therefore, also provides a framework of standards within which those governmental decisions must be made.

10-7-2: CONDITIONAL USE PERMIT PROCESS:

~~B~~A. Conditional Use Permit Required: A conditional use permit shall be required for all uses listed as conditional uses in this title.

~~1. Specific Uses: For the following types of conditional uses, final plan or plat approval shall constitute the conditional use permit:~~

~~a. Subdivisions;~~

~~b. Planned unit developments;~~

~~c. Mobile home parks;~~

~~d. Recreational vehicle parks;~~

~~e. Mobile home subdivisions;~~

~~f. Flag lots 1 .~~

~~2. Other Uses: For all other types of conditional uses, final plan approval or a specific conditional use permit will be issued for the particular use as appropriate or as provided for in this title.~~

-B. Preapplication Procedures: To facilitate the handling of applications, the community development department may adopt preapplication procedures to allow for adequate investigations and staff review, and may require compliance with such preapplication review procedures as a prerequisite to formal application and action by the Planning Commission. Preapplication review shall in no way be interpreted to mean review by the Planning Commission.

C. Requirements: An application for a conditional use permit shall be filed with the community development department on a form provided for such request, and shall include the following:

1. Signature of the property owner or his authorized representative;

2. Payment of the an review fee as specified in the current fee schedule;

3. A detailed description of the proposed use, including all pertinent information related to the use and applicable to the conditional use including, but not limited to:

a. A site plan and building floor plan detailing the area to be used in operation of the conditional use, any onsite features existing or proposed such as detention/retention facilities, fencing, landscaping, parking…. ;

b. A general description of the major activities associated with the conditional use (indoor and outdoor), such as the number of employees, equipment used, hours of operation, etc. as applicable;

c. A description of any disruptive impacts the conditional use may have on properties adjacent to or in the vicinity, such as noise, chemical use or storage, lighting, or odors;

d. A description of any potential health hazards to employees, customers, or residents adjacent to or in the vicinity of the conditional use;

e. A description of the expected traffic generated by the conditional use such as passenger vehicles and delivery trucks, including hours and frequency.

f. A description of future land uses expected on the site, such as additional building construction and expansion of the current or proposed land use;

g. A description of the expected water and sewer demand for the conditional use;

h. A description of any potential environmental impacts, such as emission, dust generation, or storm water drainage;

i. Any proposed mitigation measures to address potential impacts related to the conditional use;

j. For new construction or conditional uses which will require site or public improvements, a concurrent site plan application is required.

D. Submission And Docketing For Review: Upon receipt of a complete application, including payment of all required fees and submission of all necessary documentation related to the proposed use, the community development director and other members of the development review committee, shall review the application for completeness and compliance with the provisions of this title and other pertinent City regulations. When the community development director, or designee, determines that the application is properly prepared and ready for submission to the Planning Commission for review, the application will be docketed for review at the next regular public meeting of the Planning Commission. Incomplete applications shall not be docketed for Planning Commission review.

E. Action By Planning Commission:

1. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
2. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

F. Public Hearings: A public hearing may be held when deemed by the Planning Commission to be in the public interest and shall be noticed as a class B notice sent to any affected entities and all property owners within 300' of the property boundary a minimum of 10 days prior to the hearing date. However, in the following instances, the holding of a public hearing shall be mandatory:

1. The Planning Commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the district.

2. The Planning Commission determines that increases in miscellaneous traffic, light, odor or environmental pollution generated by the proposed use may significantly change the intended characteristics of the district as outlined in this title.

3. The Planning Commission determines that the architectural design of the proposed use varies significantly from the architectural characteristics of the district (as outlined in this title) in which such use is proposed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

G. Any decision made in the administration of this chapter may be appealed as outlined in 10-2-2 of this title.

~~C~~H. Revocation Of Permit:

1. Temporary Suspension: In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on said site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the property of the said permittee, a temporary suspension may be made effective immediately upon notification by the ~~zoning administrator~~Community Development Director.

2. Hearing; Notice: No conditional use permit shall be permanently revoked or suspended until a hearing is held~~, first~~ by the ~~planning commission~~Planning Commission. ~~and then by the city council.~~ The permittee shall be notified in writing of such hearing and said notification shall state:

a. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.

b. The time and place such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least ten (10) days prior to the date set for the hearing. At any such hearing, the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of such hearing, the ~~city council~~Planning Commission shall determine whether or not the permit shall be suspended or revoked. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)

c. Action by the Planning Commission to revoke a conditional use permit may be appealed in accordance with City Code section 10-2-2. ~~The planning commission may hold a preliminary hearing to consider its recommendations to the city council for revocation or suspension of permits which have been temporarily suspended at the next regularly scheduled meeting of the planning commission. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

~~D~~I. Expiration Of Permit: Every conditional use permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within one year, or is not completed within two (2) years from date of issue~~, except for subdivisions, which shall be governed by section 10-3-6 of this title~~. If the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, the ~~planning commission~~Planning Commission may grant a reasonable extension of time, up to one year, if written application is made before the expiration of the permit. (Ord. 01-05, 4-3-2001)

~~E. Grounds For Denial Of Conditional Use Permit Application: The following shall constitute grounds for denial of a conditional use permit application:~~

~~1. Use Detrimental: Under circumstances of the particular case, the proposed use will be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate said detrimental effects.~~

~~2. Nonassurance Of Compliance: The applicant cannot or does not give the planning commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with.~~

~~F. Issuance Of Conditional Use Permit To Be Dependent On Affirmative Findings; Report Required: Conditional uses may be approved by the city council upon recommendation of the planning commission, in locations permitting such uses in this title. Before approval is granted, a report to the city council by the planning commission shall find that the proposed development will meet the requirements of this title.~~

~~G. Deviation From Design And Improvement Standards: Where, in the opinion of the city council, the literal enforcement of the design and improvement standards in this title would result in an unreasonable utilization of land and water or undue hardship due to unique circumstances compliance with one or more of the design and improvement standards may be waived, according to the following procedure:~~

~~1. Application: Application for a variance shall be made to the city council and shall include:~~

~~a. A description of the land to be developed;~~

~~b. An identification of the title provision from which the variance is requested;~~

~~c. A description of the peculiar physical conditions pertaining to the land in question and which do not pertain to other lands in the general area;~~

~~d. A description of the hardships which will accrue to the detriment of the property owner if the requested variance is not granted;~~

~~e. A nonrefundable variance review fee, payable to the city, in accordance with the currently applicable fee schedule as adopted by resolution of the city council.~~

~~2. Planning Commission Review: The city council shall submit the variance application to the planning commission for review and comments upon receipt of said application.~~

~~3. Recommendation To City Council: The planning commission shall review the variance application and shall submit its written recommendations for approval or disapproval of such application to the city council, along with written reasons therefore within thirty (30) calendar days from receipt of said application from the city council at a regularly scheduled meeting of the planning commission.~~

~~4. Public Hearing; Notice: The city council shall hold a public hearing before granting the variance. Notice of said public hearing shall be given by at least one publication in a newspaper of general circulation in the city. The hearing shall be held no later than thirty~~

~~(30) calendar days from receipt by the city council of the recommendations of the planning commission and no less than fourteen (14) calendar days from the publication of notice.~~

~~5. Decision Of City Council: Subsequent to and within fifteen (15) calendar days of the public hearing, the city council shall approve or deny the request for a variance. A variance shall be granted only if the city council makes a finding upon the record submitted to it that the issuance of a variance will be in the interest of the public safety, health or welfare, and the proposed development substantially complies with the city general plan and adopted zoning ordinance.~~

~~6. Records Maintained: A record of all correspondence, recommendations, submissions and official action regarding all variance applications shall be maintained for a reasonable time by the city as a public record.~~

H. Inspections: Following the issuance of a conditional use permit, ~~by the city council,~~ the ~~zoning administrator~~Community Development Director, or designee, with the assistance of any other applicable City department shall inspect such use to ensure that development is undertaken and completed in compliance with the conditional use permit.

~~I. Minimum Construction And Improvement Standards: Construction standards, including drawings, tables, charts, references and regulations may be adopted by resolution by the city council, and when done so shall constitute land development standards supplementing this title.~~

~~J. Conflicting Provisions: Where specific requirements are made or exemptions allowed under other sections of the code, those requirements or exemptions shall prevail over the land development standards supplementing this title.~~

~~K. Improvement Construction Obligation Of Developer: Improvements required by this title shall be constructed at the expense of the developer and shall comply with the land development standards supplementing this title.~~

~~L. Commencement Of Construction: Site improvement or grading of any proposed development site prior to preliminary design plan approval by the planning commission and city council is prohibited. (Ord. 93-5, 7-6-1993, eff. 7-15-1993; amd. 2012 Code)~~

~~Notes~~

~~1 1. See section 10-7-8 of this chapter.~~

10-7-~~2~~3: PERFORMANCE STANDARDS FOR CONDITIONAL USES:

A. Conditions Relating To Safety For Persons And Property: Applicants for conditional use permits shall meet all specific requirements made in this title. In addition, the ~~planning commission~~Planning Commission may establish additional requirements as outlined herein to meet the concerns of safety for persons and property, health and sanitation,

environment, general plan proposals and neighborhood needs, performance and administration. More specifically, the ~~planning commission~~Planning Commission may require:

1. Building elevations and grading plans which will prevent or minimize floodwater damage, where property may be subject to flooding.

2. The relocation, covering or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.

3. Increased setback distances from lot lines where the ~~planning commission~~Planning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the district as outlined in this title.

4. Appropriate design, construction and location of structures, buildings and facilities in relation to any earthquake fault which may exist on the property, and limitations or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas, floodplains, fault zones and landslide areas.

5. Limitations and control of the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.

6. Plans for the location, arrangement and dimensions of truck loading and unloading facilities.

7. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting.

8. Reduction of permitted street grades for winter and storm conditions or exposure.

9. Fences shall not create visual nor other safety hazards. Backing movements, passing vehicles, sidewalk traffic or small children shall be considered in the location of fences.

B. Conditions Relating To Health And Sanitation:

1. Water: A guarantee of sufficient water to serve the intended land use and a water delivery system meeting standards adopted by the ~~city~~City ~~c~~Council.

2. Wastewater And Waste Disposal Systems: A wastewater disposal system and a solid waste disposal system meeting standards adopted by the ~~city~~City ~~c~~Council.

3. Water, Sewer And Drainage Facilities: Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the district and to provide for an orderly development of land in the ~~city~~City.

C. Environmental Concerns:

1. Sensitive Areas: Limitations or restrictions on the use or location of uses in sensitive areas due to soils capabilities, wildlife and plant life.

2. Pollution: Processes for the control, elimination or prevention of land, water or air pollution; the prevention of soil erosion; and the control of objectionable odors.

3. Ground Cover: The planting of ground cover or other surfacing to prevent dust and erosion.

4. Structuring Land: Restructuring of the land and planting of the same as directed by the ~~planning commission~~Planning Commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

D. Conditions Relating To Compliance With Intent Of General Plan And Characteristics Of Vicinity (Or Neighborhood):

1. Incompatible Characteristics: The removal of structures, debris or plant materials, incompatible with the intended characteristics of the district outlined in this title.

2. Screening: The screening of yards or other areas as protection from obnoxious land uses and activities.

3. Landscaping: Landscaping to ensure compatibility with the intended characteristics of the district as outlined in this title.

4. Walls, Fences, Hedges And Screening: Limitations or controls on the location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations or other unsightly development.

5. Structure Relocation: The relocation of proposed or existing structures as necessary to provide for future streets on the major street plan of the ~~city~~City, adequate sight distances for general safety, groundwater control or similar problems.

6. Recreational Facilities: Provision for or construction of recreational facilities necessary to satisfy needs of the conditional use.

7. Density; Intensity: Population density and intensity of land use limitations where land capability or vicinity relationships make it appropriate to do so to protect health, safety and welfare, or conservation of values.

8. Other Improvements: Other improvements which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the district from the proposed conditional use.

9. Fencing: The character of the neighborhood and aesthetics of the streetscape shall be considered in the location of fences and in determining the reduction of any front yard for fencing purposes.

E. Conditions Relating To Performance:

1. Time limits on the validity of the conditional use permit. Such time limits shall be determined by the following guidelines:

a. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two (2) years, whichever period of time is shorter.

b. Unless there is substantial and positive development action under a conditional use permit within a period of one year of its issuance, said permit shall expire. The ~~planning commission~~Planning Commission and ~~city~~City ~~c~~Council may grant a maximum extension for one year, when deemed in the public interest.

2. A bond or other valuable assurance in favor of the ~~city~~City in an amount to be determined by the ~~city~~City ~~c~~Council. The amount of said bond or other valuable assurance shall be calculated by the ~~c~~City ~~e~~Engineer.

3. Specific short and long range plans of development may be required to demonstrate timeliness, feasibility and impact on the public.

F. Energy Conservation Concerns:

1. Solar orientation of buildings and uses.

2. Use of renewable energy sources.

3. Efficiency of exterior lighting.

4. Shading and protection of important buildings and pavings (parking lots, etc.), landscaping and trees, location of buildings and screens.

5. Effective use of vestibules.

6. Wind screening.

7. Circulation (travel) efficiency.

8. Efficiency of stormwater removal and erosion control.

9. Maintenance efficiency for on site improvements to be maintained by users, occupants and owners, etc.

~~G. Public Hearings: A public hearing may be held when deemed by the planning commission or city council to be in the public interest. However, in the following instances, the holding of a public hearing shall be mandatory:~~

~~1. The planning commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the district.~~

~~2. The planning commission determines that increases in miscellaneous traffic, light, odor or environmental pollution generated by the proposed use may significantly change the intended characteristics of the district as outlined in this title.~~

~~3. The planning commission determines that the architectural design of the proposed use varies significantly from the architectural characteristics of the district (as outlined in this title) in which such use is proposed. (Ord. 93-5, 7-6-1993, eff. 7-15-1993)~~

The remainder of this chapter has been moved or replaced by content in the new Subdivision Title 13.

~~10-7-3: GENERAL STANDARDS FOR CONDITIONAL USE DEVELOPMENTS:~~

~~10-7-4: PLANNED UNIT DEVELOPMENTS; SPECIAL REQUIREMENTS:~~

~~10-7-5: MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS; SPECIAL REQUIREMENTS:~~

~~10-7-6: LANDFILLS AND LAND EXCAVATIONS:~~

~~See title 7, chapter 5, article C of this Code. (Ord. 2018-04, 4-17-2018)~~

~~10-7-7: SUBDIVISIONS (LAND DEVELOPMENT):~~

~~10-7-8: FLAG LOTS 1 :~~

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
NOVEMBER 28, 2023

DRAFT

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 William Ward

EXUSED: Commissioner Brandon Tucker

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

OTHERS PRESENT: Bill Salisbury, Lyle Nelson, Clyde Tolman, Linda Tolman, Cindy Schaer, Dee Lalliss, Gentry Holbrook, Daniel Schaffer, Trevor Edwards, Mara Hansen, David Hansen, Tammy Clayton, Bridger Dopp, Carlos Pena-Fuentas, Janae Rawlings, Makenzee Townsend, Mattew Dennis, Brooke Dennis, Lisa Midgley, Aubrey Pine, Jose Fonseca, Zach Nesbitt, Cameron Hawkins, Ryan Isbitt, Mariah Nesbitt, residents; Damon Holdaway, Debra Holdaway, Atlas Academy; Brian Carlisle, Lofts at North Salt Lake/HMS Development; Josue Chinchay, Gleam Garage. Via Zoom: Rafael Polendo, Polendo Auto Sales Corp.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR POLENDO AUTO SALES CORP. AT 873 WEST ROBINSON DRIVE, RAFAEL POLENDO, APPLICANT

Mackenzie Johnson reported that this conditional use permit was for Polendo Auto Sales at 873 West Robinson Drive in the General Commercial (CG) zone. The business is a used car dealership with general automotive repair. The parking plan showed three display vehicles and all vehicles under repair would be stored inside the building.

The Development Review Committee (DRC) recommended approval of the conditional use permit with the condition that all vehicles awaiting repair must be stored inside, there would be no outdoor storage of vehicles awaiting repair at this location. City code required three stalls per service bay plus one additional stall per every 300 feet of retail area. There would be a maximum of two employees on shift at one time and five parking stalls for guests.

Records show two active businesses on the property including Ninyo and Moore Geotechnical and Environmental Science Consultation with ten employees and 25 parking stalls and Robinson Lincare Inc with seven employees and ten parking stalls.

Chair Larson asked if there was adequate vehicle storage inside the building beyond the single service bay. Rafael Polendo, Polendo Auto Sales, replied that they could fit an additional four cars inside the building.

Commissioner Ward moved that the Planning Commission approve the conditional use permit for Polendo Auto Sales Corp. at 873 West Robinson Drive with the following condition:

1) **All vehicles awaiting repair must be stored inside, there will be no outdoor storage of vehicles awaiting repair at this location.**

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

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR GLEAM GARAGE AT 230 NORTH CUTLER DRIVE, STE E, JOSUE CHINCHAY, APPLICANT

Mackenzie Johnson reported that Gleam Garage had applied for a business license at 230 North Cutler Drive, Suite E in the General Commercial (CG) zone. This location would serve as general automotive repair for an existing car dealership, Car Mart, located in Bountiful and for the general public. The services would include oil changes and brake repairs. There would be one service bay and no retail floor area. There would be a maximum of three employees on shift at one time and there are five parking spaces dedicated to the business. The Development Review Committee (DRC) recommended approval of the conditional use permit with the condition that all vehicles awaiting repair must be stored inside, there would be no outdoor storage of vehicles awaiting repair at this location. City code requires three stalls per service bay plus one additional stall per every 300 feet of retail area. The proposed parking ratio of five parking stalls was compliant with code.

Chair Larson asked if there would be customers or public at this building. Josue Chinchay, Gleam Garage, replied that they would not have walk in customers for the first year. He said they

would reevaluate after this to see if they would like to pursue a conditional use permit. Mr. Chinchay said they would be able to store up to four cars in the building.

Commissioner Stone asked about any code enforcement issues. Mackenzie Johnson replied that the majority of code enforcement issues were complaint based. She said staff would generally not follow-up with a new business unless there were complaints.

Sherrie Pace commented that the fire department performed periodic inspections for these types of businesses.

Commissioner Holbrook moved that the Planning Commission approve the conditional use permit for Gleam Garage located at 230 North Cutler Drive, Suite E with the following condition:

1) **All vehicles awaiting repair must be stored inside, there will be no outdoor storage of vehicles awaiting repair at this location.**

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

4. PUBLIC HEARING: CONSIDERATION OF AN AMENDMENT TO THE TOWNE PLAZA GENERAL DEVELOPMENT PLAN FOR THE PROPOSED LOFTS AT NORTH SALT LAKE LOCATED AT 120 AND 140 EAST CENTER ST. THE PROPOSED AMENDMENT IS FOR THE APPROVAL OF MIXED USE PROJECT CONSISTING OF 2 BUILDINGS WITH 8,000 SQUARE FEET OF COMMERCIAL SPACE AND 79 RESIDENTIAL APARTMENTS WITH A MAXIMUM HEIGHT OF 3 STORIES, BRIAN CARLISLE, APPLICANT

Sherrie Pace provided background on the Towne Plaza development and it's Planned (P) District zoning. The General Development Plan for the original project included 52 townhomes (which have been completed) and two commercial office/retail two story buildings. She showed the original site plan and elevations for the two office buildings. Ms. Pace explained that the remaining commercial property has been transferred to Lofts North Lake, LLC which was a partnership with Jesse Curtis, JCI Inc., and Brian Carlisle, HMS Development. The development agreement would run with the land and the new LLC assumed the responsibility of fulfilling the terms of the agreement.

Sherrie Pace said that the Planning Commission reviewed a requested amendment on March 14, 2023 which was denied. That proposal included an additional 1.3 acres and three six story buildings with 280 residential units and 13,000 sq. ft. commercial space. The applicant then brought a second proposal to the Commission on June 13, 2023 which removed the additional

1.3 acres and reduced the project to two three story buildings with 98 residential units and 7,900 square feet of commercial space. The Commission held a public hearing and tabled action to give the developer an opportunity to rework the design. On September 12, 2023 the Planning Commission and the City Council reviewed a third revision in a joint meeting. The proposed plan at that point included 86 apartments with 70 one bedroom units and 16 two bedroom units and 8,900 sq. ft. of commercial space.

Sherrie Pace reported on the current proposed General Development Plan which included 79 units with 22 in the west building and 54 in the east building. There was a total of 60 Jr. one bedroom units, three one bedroom units, and 16 two bedroom units. The west building contained 8,000 square feet of retail/commercial space with an outdoor patio area for a restaurant. The ground floor of the west building would be stepped in height to allow street level pedestrian entrances for the businesses with an estimated four to five commercial tenants. Landscaped/open areas increased from 10,000 to 13,000 square feet. The Center Street cross section included a five foot bike lane behind the curb, a 13 foot mixed use pedestrian area, proposed two hour parking (two spaces) on the west building, proposed 15-30 minutes loading/delivery parking on the east building (5 spaces), designated off street loading areas for each building. The parking included 142 stalls (87 covered and 55 surface) with 66 stalls at the west building and 76 stalls at the east building. She showed renderings of the buildings, parking, and outdoor rooftop amenity.

Ms. Pace explained that the developer had asked for a comparison of the density and parking by bedroom count instead of unit count compared to other Town Center developments that had received approval. She shared a table that included Williamsburg, Village Station, Eaglewood Lofts Phases 1 and 2, Mirella, and the proposed Lofts at North Salt Lake. The Lofts had a density of 49.1 units per acre and 57.1 bedrooms per acre. The parking ratio was 1.80 spaces per dwelling unit and 1.54 spaces per bedroom. She said as the Lofts at North Salt Lake had mainly one bedroom units and that the 1.54 spaces per bedroom was higher than all of the other compared developments.

Staff proposed the following parking conditions: each unit would have at a minimum one covered stall assigned to the unit included in monthly lease without additional charge, the occupancy of Jr. one-bedroom units shall be limited in the leasing terms to a single individual, a total of 142 parking stalls shall be provided and allocated as outlined in the proposed table, and off street loading areas have been designated in both the west and east parking areas. The proposed parking table for the west building included 16 covered spaces for the Jr. one bedroom units, six covered spaces for the two bedroom units, six spaces for guest/tenant overflow, and 32 business/tenant/guest parking spaces. Staff suggested that as there were six additional spaces that these could be offered for lease to the townhome residents.

Parking for the east building included 44 covered stalls for the Jr. one bedroom units, 10 covered stalls for the two bedroom units, and 22 stalls for residential guest/overflow for a total of 142 stalls in the project.

Sherrie Pace spoke on the proposed architecture which included a roofline that was intended to mimic the roof lines of the existing townhomes to the south with peaked roof structures. These peaked roofs would allow for vaulted ceilings for units on the third floor. She showed renderings of the buildings as well as perspectives of the proposed buildings in relation to existing townhomes, elementary school, and Orchard Drive. Ms. Pace said the visual impact of the height of the proposed buildings were mitigated by the site's natural slope and showed this in reference to the existing townhomes to demonstrate that the fall in elevation would be approximately the same with no added visual impact related to height.

The DRC recommended approval of the amendment to the General Development Plan with the following conditions: 1) Occupancy of the Jr. one-bedroom units shall be limited in the leasing terms to a single individual and shall be marketed to provide rental rates that met the 80% adjusted median Income (AMI) level as provided in the City's Moderate Income Housing Plan, 2) each unit will have at minimum one (1) covered stall assigned to the unit and be included in monthly lease without additional charge, 3) parking for the commercial area shall be provided at a rate of 1 space/250 sq. ft. and shall be open for tenant and guest use during non-business hours, 4) up to 6 stalls in the west parking lot may be leased to residents of the adjacent town homes, at the owner's discretion, 5) a recommendation that the City restrict on street parking in front of the west building to a maximum 2 hour limit and 15-30 minute limit in front of the east building. 6) the cross section for Center Street be modified so as to provide the bike lane behind the curb as shown on the proposed site plan, 7) off street loading areas for deliveries and tenant moving be provided for both buildings 8) the amenities shown on the plan shall be provided including the roof top gathering area, on site fitness center, fenced dog park, outdoor patio for commercial restaurant use (if applicable) or for other tenant use. 9) all landscaping shall be installed in accordance with Chapter 22, Water Efficient Landscaping Standards, 10) the ground floor story of the west building shall be stepped across the slope so that individual units maintain pedestrian access at the same elevation of the sidewalk as shown on the architectural renderings, 11) the architecture of the buildings shall be provided in the style, materials and colors as shown on the architectural renderings, with a maximum height of 50 feet measured from final grade.

Sherrie Pace explained that the parking for the commercial would become shared parking available for residents and guest during non-business hours. She said as this was a legislative decision and that the Planning Commission would be making a recommendation to the City Council.

Commission Jorgensen acknowledged the efforts made by the Commission, City Council, developer and the public. He asked if 130 East would continue to be unrestricted parking on both sides of the street. Sherrie Pace said the Commission could make a recommendation to the Council related to 130 East, but that the decision would have to be decided by the City Council. She stated that staff continues to monitor the situation as there were issues related to off-site construction and road closures that were causing potential and temporary impacts. She said the

street was designed to slow down traffic and be pedestrian friendly and that the safety committee had been given consideration to making it a one way street or restricting parking on one side of the road.

Commissioner Jorgensen asked about oversized vehicles such as large passenger trucks and the size of parking stalls. Sherrie Pace replied that the standard size for parking stalls in the city code was a 9 foot by 18 foot parking stall.

Commissioner Jorgensen spoke on parking ratios and questioned where any overflow parking currently goes. Sherrie Pace responded that overflow parking occurs on the street. She said cars were not supposed to park in a bike lane.

Chair Larson opened the public hearing at 7:08 p.m.

Sherrie Pace shared a comment from Dennis Lawrence, owner of Neighbors Market, who was unable to attend this meeting. Mr. Lawrence expressed support for the project and felt the proposed retail would bring customers to the area which would help his business.

Mara Hansen, resident, expressed concern with parking standards and suggested that this be updated. She also mentioned current parking/driving issues on Orchard Drive.

Damon Holdaway, Atlas Academy, said that all the current overflow parking ended up in his parking lot and caused issues with parking, towing, and snow removal. He said 130 East was already difficult to traverse and he felt that there would be more than one car per unit and parking would not be enforced. Mr. Holdaway mentioned issues with density, parking, and rental price of the apartments. He also said that the developer had previously mentioned they had made offers to buy adjoining properties and he wanted to clarify that no financial offer had been made to purchase Atlas Academy.

Janae Rawlings, resident, said she lived in the aforementioned Towne Plaza townhomes and the CC&Rs state that guests of any owner may park in the retail/commercial parking lots from 6 p.m. to1 a.m. the following day. She mentioned that in order for her to afford her unit she had to rent to roommates which meant there were four cars for her one unit and that her tenants have to park on the street. She asked if she could direct her tenants to park at City Hall. She did not believe that the area had room for 79 more units.

Bill Salsbury, resident, said he had lived in the City for 70 years. He said if the proposed businesses are subsidized by the City and the apartments are low income that this may cause impacts. He was against the proposed development.

Matthew Dennis, resident, was concerned with the precedent the City was setting by letting the original plan be reconfigured, parking, allowing residential in this area, and more traffic. He was not in favor of this development.

David Hansen, resident, mentioned issues with parking, traffic, issues with school pickup/drop off, and sanitation in the development. He suggested the commercial be built first prior to any more housing.

Bridger Dopp, resident, said this was a density issue and wanted to see good retail development in this area. He said there were other areas in the City that made better sense for this residential density.

Chair Larson asked the percentage of retail in the original development agreement. Sherrie Pace replied that the west building had 8,300 square feet of retail with office space on the second story. The east building had 11,000 square feet of office space on each of the two levels.

Lisa Midgley, said that the developer originally promised parking for the townhomes at this development in the retail parking lot after hours. She said that Highway 89 was currently car lots and did not have retail or a sense of community. She was concerned with regard to the recommendation that the DRC made in relation to charging the townhome residents to park. Sherrie Pace clarified that she was stating that there are 6 spaces that could be offered permanent lease for use 24 hours a day at the discretion of the developer or management and that the commercial retail spaces could still be used after hours.

Daniel Schaffer, resident, said 130 East was poorly designed and also felt the City did not need any more apartments. He also expressed concern with parallel parking and a bike lane on Center Street. He did not believe that protected bike lanes work and felt that was proving true in Salt Lake City. Mr. Schaffer spoke on developers not keeping their promises and the issues this caused.

Mara Hansen, resident, spoke on one way streets and issues with school pickup and drop off. She also said that one bedroom apartments could accommodate two people and that meant multiple cars per unit. She was not in favor of adding more apartments due to additional parking needs and traffic issues.

Trevor Edwards, resident, was in favor of retaining the commercial at this location. He spoke on difficulties in locating the City and putting commercial and retail in the location would help to bring people to the area.

Aubrey Pine, resident, mentioned issues related to garbage removal, and deliveries. She questioned if the parking, traffic, and safety near the school would continue to get worse.

Jose Fonseca, resident, said he also recalled that the developers promised available parking on the weekends for residents of Walker Lane. He spoke on traffic concerns and suggested different uses for the property instead of apartments.

Lyle Nelson, resident, felt the developers should be held to the original development agreement of providing commercial buildings. He echoed the issues on 130 East and that it was not designed for additional traffic.

Brooke Dennis, resident, mentioned the proposed protected bike lane and said that similar bike lanes in Salt Lake were unsafe. She felt parking and the density were the main issues and said the City had already made a compromise for the existing townhomes to get the retail/commercial component. Ms. Dennis said residents would be happy with retail and community gathering spaces and how critical this area was for good development.

Zach Nesbitt, resident, said he was a real estate attorney and expressed concern that the City was allowing the developer to change the plan. He felt this was a bad precedent to be set and that the developer should be held to the original agreement. Mr. Nesbitt spoke on increasing traffic issues with construction, development, and the school.

Cameron Hawkins, resident, mentioned that many residents were not notified of this meeting unlike the last public hearing when they received notices taped to their doors. He mentioned issues with the City agreeing to work with the developer even when the plans had changed to apartments, parking, and density. Sherrie Pace clarified that the City had mailed around 100 notices property owners within 300 feet of the project boundaries as required by the City ordinance. She explained that it was her understanding that the notices taped to doors previously was done by a resident who received a mailed notice and distributed it to additional properties outside the 300 foot boundary.

Mariah Nesbitt, resident, said that the City was a suburb and in the last decade had seen an increase of apartments and townhomes with no infrastructure. She spoke on a lack of commercial and community areas and felt there had been an increase in crime.

Cindy Schaer, resident, commented she had lived in the City for over 30 years and missed the small town feel. She was opposed to additional apartments in this area, and mentioned issues with parking, congestion, water availability, and school safety.

Dee Lalliss, resident, said he was a long time resident of over 50 years and said the City had never been a destination town. He felt that if the residents in opposition to the development should raise funds to purchase the property and donate it to the city for a park if they don’t want to see a development there. He noted that Hatch Park is currently being redeveloped and will be the town center and gathering place for the city. He recommended private property signage for Atlas Academy and spoke on issues related to attracting and supporting local retail as well as

developer rights. He noted that residents in this area did not support Winegars and they went out of business. He noted that we have unusual shaped lots in the city and we have to allow uses that fit the properties that we have. He supported a restriction on occupancy on 1 bedroom units and the number of cars. He said office space would not be successful and that strictly retail uses would attract more cars and traffic than residential.

Chair Larson closed the public hearing at 8:46 p.m.

Commissioner Jorgensen asked about parking stalls and larger vehicles. Brian Carlisle, Lofts at North Salt Lake/HMS Development, replied that standard parking stalls were 9 feet by 18 feet with a 24 foot wide drive aisle and said they could do a 26 foot drive aisle.

Chair Larson asked about dumpsters and waste removal. Brian Carlisle explained that they would do valet trash pickup which was becoming standard in apartments.

Chair Larson asked about the phasing for building. Brian Carlisle responded that they would be built in one phase.

Commissioner Maus asked about the private parking and enforcement. Brian Carlisle said they would limit the number of cars per unit through registration. He spoke on shared parking which would be based on the type of retail tenants and said research showed that retail in this location was not ideal. Mr. Carlisle anticipated commercial tenants such as a food establishment, insurance agent, or dentist.

Commissioner Holbrook mentioned dead trees along 130 East near the townhomes and asked that this be taken care of. Brian Carlisle said they would have professional landscaping done and would keep the property well maintained.

Commissioner Stone mentioned that 130 East was problematic and asked for possible solutions. Sherrie Pace replied that if the street was widened it would require property acquisition. Other solutions could be smaller sidewalks and less of a park strip.

Brian Carlisle commented that they would be open to any suggestions.

Sherrie Pace said the issue with the trees on 130 East was due to an irrigation connection that would be resolved with the construction of the two remaining lots. She spoke on the parking for the townhomes and read Exhibit E of the development agreement which states that rear loading units and their tenants may park no more than two vehicles on the property, guest stalls were intended only for guests, owners of front loading units and their tenants may park in the garage or driveway, spillover parking for resident guests was allowed in the retail parking lots from 6 p.m. to 1 a.m. of the following day.

Commissioner Ward spoke on the process of taking input from the public and making the application conform to the goals. He said that the legislative decision was to decide if this use was appropriate for the land. Commissioner Ward said this was the proposal from the developer and felt it was now up to the City Council to decide.

Commissioner Jorgensen said that the Planning Commission was in an awkward position because the P District zoning is a legislative decision that should be made by the City Council. He acknowledged that moderate income housing was an important consideration of the City Council based on his impressions of the joint meeting. He mentioned that there were issues with 130 East and safety concerns with Orchard Elementary that were not necessarily the developer's problems to resolve. He then spoke to the overall desire for a Town Center and questioned how this P District fit with it. Commissioner Ward mentioned that the Commission could look at solutions for 130 East and review the bike lane proposal.

Commissioner Holbrook explained that there was an opportunity with the proposed amendments and mentioned the eleven conditions from staff. He said that the retail would not occur here without the residential aspect.

Commissioner Maus said the recommendation from the Planning Commission was important and current issues should be addressed.

Chair Larson asked for feedback on the bike lane.

Commissioner Maus said that parking protected bike lanes work well in other city but in small areas where it was unexpected and without proper signage and bike lane markings it may not work as well. Commissioner Jorgensen commented in relation to the South Davis Wasatch Choice meeting he recently attended where recent statewide trail initiatives were discussed. He stated that UDOT is going in the direction of what they called family friendly bike lanes and trails and that they had plans to build them statewide, including through North Salt Lake and Davis County.

Commissioner Ward felt that if the bike lane behind the curb was extended up Center Street to the Orchard Drive intersection, he would not have the same concern.

Commissioner Jorgensen had reservations on the land use, parking ratio, and overflow parking issues.

Commissioner Stone commented that as there was already a parking issue in the area and that the proposed restriction for one car per Jr unit may not help the existing issue.

Commissioner Stone asked about improving 130 East and who would be responsible. Sherrie Pace replied that the City was responsible for the street. She noted that street cannot be widened

on the west due to the existing townhomes and that widening on the east would require property acquisition of property owned by Atlas Academy for additional right of way.

Commissioner Maus questioned if the City's Safety Committee could prioritize 130 East. Sherrie Pace responded that 130 East was a residential street with 25 feet of pavement which was the same width as Mason Lane. She noted that the Safety Committee was aware of the situation and continues to monitor the issues for solutions.

Commissioner Holbrook mentioned the restriction of limiting the Jr apartments to one occupant. He asked how successful this lease agreement would be. Brian Carlisle replied that there may be fair housing laws which prohibit applying certain restrictions on the number of tenants but they could certainly limit the number of cars by lease agreement.

Commissioner Ward suggested red curb on a portion of the east side of 130 East. Sherrie Pace said this could be a recommendation to the City Council for the City to paint the curb and explained that private property owners or developers were not permitted to decide what curbs would be painted red.

Commissioner Jorgensen asked about data to substantiate the proposed number for the parking ratio. Brian Carlisle replied that they had completed a parking study by unit type which showed that the studio/Jr one bedroom required 1.25 stalls per unit 1.5 stalls for the one bedroom units, and 1.90 stalls for the two bedroom units.

The Commission discussed the one car per Jr bedroom unit, the recommendation for the Safety Committee to review solutions for 130 East single side parking, school crossing on Center Street, the bike lane, pushing the building back, painting the curb, crossing guards, crosswalk at Center Street and 130 East, and a sidewalk on Center Street at this location.

Commissioner Jorgensen suggested adding findings of the conflicts that needed to be mitigated to the motion. This included the issues with 130 East, parking, and traffic.

Commissioner Stone spoke on the legislative issues and problems with 130 East. Commissioner Ward commented that the potential out was for the City Council to deny the request for multifamily housing at this location.

Commissioner Holbrook said he believes this proposal fits with the Town Center Master Plan.

Commissioner Holbrook moved that the Planning Commission recommend to the City Council that the Towne Plaza General Development Plan amendment be amended for the Lofts at North Salt Lake with the following findings and conditions:

Findings:

1) **The proposed amendment is in accordance with the North Salt Lake Towne Center Master Plan;**
2) **The proposed amendment is necessary, due to changed or changing market conditions for office space; and**
3) **The proposed amendment should be considered at the City Council for safety concerns on 130 East and Center Street crossing for Orchard Elementary.**

Conditions:

1) **Occupancy of the Jr. one bedroom apartment units shall be limited in the leasing terms to a single individual and shall be marketed to provide rental rates that meet the 80% AMI level as provided in the City's Moderate Income Housing Plan;**
2) **Each unit will have a minimum one covered stall assigned to the unit and be included in monthly lease without additional charge;**
3) **Parking for the commercial area shall be provided at a rate of 1 space/250 sq. ft. and shall be open for tenant and guest use during non-business hours;**
4) **Up to 6 stalls in the west parking lot may be leased to residents of the adjacent town homes in the same development, at the owner's discretion;**
5) **A recommendation that the City restrict on street parking in front of the west building to a maximum 2 hour limit and 15-30 minute limit in front of the east building;**
6) **The cross section for Center Street be modified so as to provide the bike lane behind the curb as shown on the proposed site plan;**
7) **Off street loading areas for deliveries and tenant moving be provided for both buildings;**
8) **The amenities shown on the plan shall be provided including the roof top gathering area, on site fitness center, fenced dog park, outdoor patio for commercial restaurant use (if applicable) or for other tenant use;**
9) **All landscaping shall be installed in accordance with Chapter 22, Water Efficient Landscaping Standards including the existing townhome development;**
10) **The ground floor story of the west building shall be stepped across the slope so that individual units maintain pedestrian access at the same elevation of the sidewalk as shown on the architectural renderings;**
11) **The architecture of the buildings shall be provided in the style, materials and colors as shown on the architectural renderings, with a maximum height of 50 feet measured from final grade**

Commissioner Ward seconded the motion.

Commissioner Jorgensen mentioned a possible third finding related to safety concerns on 130 East and Center Street as well as condition six related to the proposed bike lane being continued east to Orchard Drive. He also mentioned his concern related to the lack of overflow parking in the area.

Chair Larson suggested an amendment to add to the third finding that overflow parking be explored by the City Council. As well as an amendment to condition six that the design was consistent with the Active Transportation Plan and expand the protected bike lane further east on Center Street. Sherrie Pace suggested that condition five include "Center" to Street parking. She also included a recommendation in the findings that the City Council consider changing the parking to one side only on 130 East.

Commissioner Jorgensen moved to amend the motion to add to the third finding that overflow parking be explored by the City Council. An amendment to condition six that the design was consistent with the Active Transportation Plan and the adjacent sidewalk plan further east on Center Street continue the same cross section. Revision to condition five to include "Center" to Street parking. And a revision to the findings that the City Council consider changing the parking to one side only on 130 East. Commission Holbrook seconded the amended motion. The motion was approved by Commissioners Holbrook, Stone, and Ward. Commissioners Jorgensen, Larson, and Maus voted in opposition to the motion. Commissioner Tucker was excused.

The motion failed due to a tie vote.

There was a discussion on parking ratios, overflow parking, and limits for the number of cars per unit.

Commissioner Maus explained that her vote would be no, because she felt that the unit density was still too high for this location. Commissioner Jorgensen said his concern was that this area was prone to traffic problems and the lack of a clear alternative for overflow parking.

Sherrie Pace commented that the Commission could recommend approval or denial to the City Council or elect to table the item.

Brian Carlisle said that the property owner to the east may be amenable to providing overflow parking.

The Commission had a discussion about denying the application which would require the applicant to appeal to the City Council.

Brian Carlisle commented that he had hoped for a positive recommendation from the Commission.

Commissioner Holbrook mentioned attending the recent APA conference which highlighted cities were using community funds to provide public parking in their town centers. Sherrie Pace replied that it would be difficult to tie something like that to this development because it may not

be the best location for the overall Town Center, but that the idea could be considered during next years General Plan update.

Commission Holbrook said the west building could accommodate another layer of parking to be used for public parking that may not be needed at this time but may be needed in the future. Sherrie Pace suggested that a public-private partnership could be considered by the City Council or RDA in the future.

Commissioner Maus moved that the Planning Commission recommend to the City Council the denial of the requested amendment to the Towne Plaza General Development Plan for Lofts at North Lake. Commissioner Jorgensen seconded the motion.

Commissioner Maus discussed the motion to add findings 1 & 2 from the recommended motion that the proposed amendment was in accord with the Town Center Master plan and that it. was necessary due to changed or changing market conditions for the office space. In addition she discussed a 3rd finding that the Planning Commission recognizes that some residential was likely necessary at this site due to changing market conditions for retail space, 130 East considerations, and that overflow parking be considered.

Commissioner Maus moved that the Planning Commission recommends to the City Council the denial of the requested amendment to the Towne Plaza General Development Plan for Lofts at North Lake with the following findings regarding the request:

1) **The proposed amendment is in accordance with the North Salt Lake Town Center Master Plan;**
2) **The proposed amendment is necessary, due to changed or changing market conditions for office space; and**
3) **The Planning Commission recognizes that the provision for some residential use of this site is likely necessary due to the changed market demand for office and retail space, however existing conditions on 130 East/Center Street are also necessary as part of an approval process and require solutions and policy decisions from the City Council, including the following:**

    a. **Traffic congestion on 130 East which is affected by:**

        i. **the allowance of on street parking on both sides of the street;**

        ii. **elementary school pickup from parents parking on the street after school because adequate pickup area is not being on the school property;**

        iii. **thru traffic from adjacent neighborhoods;**

iv. lack of HOA parking control and enforcement of CCRs rules regarding maximum allowed of vehicles/townhome.

b. School crossing safety on Center Street at 130 East needs to be addressed and may include a cross-walk and crossing guard

c. The proposed off-street parking may be too low or unit density too high. The Planning Commission recommends the Safety Committee, City Council, and the RDA consider the possibility of a public-private partnership to establish public parking areas in the Town Center, which could include partnering with this development proposal to expand the parking structure to provide additional overflow parking for the new residential units and the existing townhomes. Additional developer driven solutions for other off-site parking should also be considered.

Commissioner Stone seconded the amendment.

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

The Planning Commissioners expressed their desire that the item be forwarded to the City Council because the parkin and traffic issues on 130 East required policy decisions by the City Council and determination as to whether additional residential should be added to the area by amending the development agreement.

5. WORK SESSION: DRAFT CODE AMENDMENTS
a. Table of Contents
b. Review of Schedule

Sherrie Pace reported that she would like to provide a clean version of the draft code amendments and asked if the Commission would like a paper copy or an electronic version. She said the review of Chapter 3: Amendments and Rezones and Chapter 7: Conditional Uses would be on December 12th the public hearing would be held in January with adoption by the City Council prior to February 1, 2024.

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

Sherrie Pace reported that there was not a City Council meeting on November 21st due to the election. She said Ted Knowlton, Suzette Jackson, and Tammy Clayton were elected to the City Council. Ms. Pace said the City Council would vote to reappoint Ron Jorgensen to a second term

and Ryan Holbrook to his first full term, as he had served the last 2 years of the unexpired term vacated by now Councilwoman Van Langeveld.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of November 14, 2023 were reviewed and approved.

Commissioner Jorgensen moved to approve the meeting minutes as drafted for November 14, 2023 Planning Commission meeting with two typographical corrections. Commissioner Maus seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, and Ward. Commissioner Tucker was excused.

8. ADJOURN

Commission Chair Larson adjourned the meeting at 9:40 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, December 12, 2023 by unanimous vote of all members present.

_____

Wendy Page, City Recorder