

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
MARCH 9, 2021

FINAL

This meeting was held electronically via Zoom.

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

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

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

OTHERS PRESENT: Chelsea Carroll (Rosewood Lane applicant), Dan Buehner, Matt Buehner, Amanda Buehner, Darrin Fenwick (Altyn Vista applicants), Mark Pantelakis, ILC Travel Outfitters; "iPad".

1. PROCLAMATION BY PLANNING COMMISSION CHAIR REGARDING
ELECTRONIC MEETING

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

2. PUBLIC COMMENTS

There were no public comments.

3. PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND USE CODE, TITLE 10, CHAPTER 1, DEFINITIONS AND CHAPTER 25, COMMERCIAL HIGHWAY ZONE TO INCLUDE A PERMITTED USE “ARTISAN AND CRAFTSMAN INDUSTRY”, MARK PANTELAKIS, APPLICANT

Sherrie Pace reported that the applicant, Mark Pantelakis, was the owner of ILC Travel Outfitters at 328 North Highway 89. He approached the City about leasing space in his building, but staff found that the proposed uses did not fit in the Commercial Highway (CH) zone. The first business was an auto repair facility that sold and installed specialty drive trains and the second use was a specialty manufacturer of ammunition. Automotive repair as well as manufacturing would be considered prohibited uses in the CH zone. Mr. Pantelakis has requested a code amendment that would dramatically change the allowed uses in the CH zone.

Ms. Pace explained that in 2015 the City Council enacted a temporary ordinance calling for a development moratorium with the CH zone on Highway 89 in the Town Center. The City Council was concerned that uses would be approved in the corridor that would be detrimental to redevelopment of the corridor and impede the implementation of the Town Center Master Plan. The City was working on grant applications to fund the drafting of the form based code for the Town Center. Staff then spent six months rewriting the CH code and an ordinance was adopted in 2016, which eliminated those uses (such as gas stations, auto repair, etc.).

Sherrie Pace said that after meeting with staff Mark Pantelakis filed a code amendment with the proposal to add as permitted uses: auto body and fender shop with a setback of 100 feet, convenience retail stores, industrial assembly, light manufacturing, online sales, retail establishments under 20,000 square feet, and automotive parts including assembly and manufacturing of those parts. He also proposed to add auto body shops and repair facilities as conditional uses with the removal as a prohibited use.

Staff prepared an alternative code amendment with the proposed language, which included the changes to allow an “Artisan and Craftsman Industry” that would allow for the “production of goods in limited quantities by skilled workers using hand tools, small machinery or other traditional methods. The production, assembly and/or repair of artisan and craftsman goods shall create no noxious by-products and may include limited distribution and online sales.” The language recommended that the “Artisan and Craftsman Industry” would be a permitted use in the CH zone with an 8,000 square foot maximum and “shall not create noxious by-products and must include a showroom or retail outlet.”

Sherrie Pace said that staff felt that the proposed amendment may work for the assembly of the ammunition but would not allow automotive repair. The Development Review Committee (DRC) recommended approval of the proposed amendments with the following findings: that the proposed amendment was in accord with the comprehensive general plan, goals and policies of the City, that changed or changing conditions make the proposed amendment reasonably

necessary to carry out the purposes stated in this title, that the proposed amendment is in accord with the Town Center Master Plan and the future implementation of the draft form based code, and that the uses proposed by the applicant are not in accord with the Town Center Master Plan and may negatively affect the implementation of the adopted plan.

Commissioner Van Langeveld asked about the proposal to add retail establishments as a permitted use and questioned if this was already a permitted use in the CH zone. Sherrie Pace said that retail was already permitted. She explained that if the retail space was under 20,000 square feet it would be reviewed by staff but any proposal above 20,000 square feet would require a review by the Planning Commission.

Commissioner Jorgensen spoke on the requirement that no noxious by-products could be created which he interpreted as waste streams, odors, etc. He asked if bulk storage of hazardous materials could be part of that. Sherrie Pace replied that this this would allow the storage of possibly hazardous materials and that the storage of any materials would have to be approved per the fire marshal or the City Building Official. Staff also reviews business licenses to ensure that those properties in well source protection zones would not contaminate water.

Commissioner Maus asked if a differentiation needed to be made between the Artisan and Craftsman Industry as defined and manufacturing, which was a prohibited use. Sherrie Pace responded that the difference would be the use of small equipment and hand tools versus large machinery and conveyor belts, etc. that may need venting.

Mark Pantelakis, ILC Travel Outfitters, commented that the original plan was done in 2015 and after the events of 2020, he felt the proposed changes would help with a changed world. He said that there was at least a ten year recovery for retail, restaurants, etc. and was trying to find ways to survive as a retail business. Mr. Pantelakis explained that he had been at the Highway 89 location for 30 years and was a destination business. He wanted to divide his business space to add retail capacity.

Mark Pantelakis then said he believes the automotive tenant is not in auto repair but builds custom parts and did some installs with a retail component. He felt the amendments proposed by staff would help him to obtain some of the tenants he would like. Mr. Pantelakis advised the Planning Commission to include a service component with the retail and that there would be some unique challenges with restaurants.

Commissioner Jorgensen asked about the proposed ammunition and what type it would be. Mark Pantelakis replied that it would be sporting ammunition such as shotgun or 9mm shells. He said they would assemble the pieces for sale online and in the retail location. Mr. Pantelakis said the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the fire marshal had already granted approval. Sherrie Pace commented that staff had also verified the approvals with ATF.

Chair Knowlton commented that some of the amendments proposed by Mr. Pantelakis include the modifier “for accessory use” and asked what that meant. Sherrie Pace replied that the general definition in the code for “accessory” was smaller than the primary building/use in height and square footage. She said this was a very broad definition, so staff did not feel comfortable with that language and recommended the “Artisan and Craftsman Industry” definition.

Chair Knowlton clarified that the Planning Commission would make a recommendation to the City Council who would make the final decision.

Chair Knowlton opened the public hearing at 6:54 p.m.

Mark Pantelakis asked about the process for the proposed amendment and if the City Council would review the item in a public meeting. Sherrie Pace clarified that after the review by the Planning Commission the City Council would review the amendments in a public meeting. She said if the City Council approved the changes then the ordinance would be adopted, and any changes would take effect the next day.

Chair Knowlton closed the public hearing at 6:56 p.m.

Commissioner Van Langeveld asked for confirmation that the ammunition manufacturing would fit under the Artisan and Craftsman definition and that automotive repair would remain a prohibited use in the CH zone. Sherrie Pace replied affirmatively.

Commissioner Ward asked if the applicant was in favor of the recommendations made by the DRC and if the Artisan and Craftsman Industry definition would provide what he needed. Mark Pantelakis replied that it would.

Chair Knowlton asked if any of the Commissioners would like to explore additional changes to permitted uses beyond the Artisan and Craftsman manufacturing. Mark Pantelakis responded that he provided other recommended uses for future development such as allowing repair centers with automotive sales.

Chair Knowlton commented that the logic had some validity as land use was in a state of flux with a decline in retail and potentially office use. He said it could be worth considering some flexibility like online sales as an accessory use to another permitted use. Chair Knowlton said this area was established as the Town Center and was meant to draw many people with restaurants, public transportation, and general vitality. He said land uses that were a higher ratio of square footage to people would actually work against this.

Commissioner Ward moved that the Planning Commission recommend for approval the proposed code amendment, as modified and recommended by the Development Review Committee with the following findings:

- 1) **The proposed amendment is in accord with the comprehensive general plan, goals and policies of the City.**
- 2) **Changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purpose” stated in this title.**
- 3) **The proposed amendment is in accord with the Town Center Master Plan and the future implementation of the draft form based code.**
- 4) **The uses proposed by the applicant are not in accord with the Town Center Master Plan and may negatively affect the implementation of the adopted plan.**

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

4. CONSIDERATION OF A CONCEPT PLAN FOR ALTYN VISTA PUD
SUBDIVISION AT 340 NORTH ORCHARD DRIVE, BRAD BUEHNER,
APPLICANT

Mackenzie Bennett reported that this was the concept plan for Altyn Vista PUD subdivision and that the preliminary and final plats would be submitted together at a later date. The two lots located at 340 and 360 North consist of approximately 1.48 combined acres or 64,469 square feet. The applicant has proposed to subdivide the property into four lots by adding a new private road. The proposed road has been reviewed by the DRC and South Davis Metro Fire and would be 20 feet wide and 260 feet long complete with a 70 foot hammerhead turnaround. She explained that Code section 10-7-4 contained regulations related to Planned Unit Developments (PUD) which provided for the Planning Commission to vary lot area, height, and coverage requirements.

Mackenzie Bennett stated that the minimum lot size in the R1-10 zone was 10,000 square feet unless modified by recommendation by the Planning Commission. The current layout showed lot 1 at 12,128 square feet, lot 2 at 8,879 square feet, lot 3 at 25,676 square feet, and lot 4 at 15,568 square feet. While lot 2 would be less than 10,000 square feet, the overall density would not exceed the 10,000 square foot minimum per dwelling. She said the applicant also requested reduced setbacks from the new private road for the existing structures. Per City, code primary and secondary accessory structures on corner lots must be located a minimum of 25 feet from the property line and 8 feet from the side property line on the side adjacent to the public right of way. Ms. Bennett explained that the proposed concept plan showed the following setbacks from the proposed road to the existing structures with lot 1 showing 23 feet from the existing house, 5 feet from the existing garage, 8 feet from the existing shed, and 5 feet from the existing fence. Lot 2 showed setbacks of 12 feet from the existing house and 15 feet from the existing pergola. Other items to note included the request to keep the garage and shed within the rear property setback on lot 1, demolition of the garage on lot 2, demolition of the basketball court and concrete pad on lot 3, and demolition of a ten foot wildlife fence adjacent to the proposed road

on lot 4 when lot 4 is developed. The DRC recommends approval of the requested concept plan for a four lot subdivision with any conditions required by the Planning Commission.

Matt Buehner commented that they would like to retain the concrete pad as an area for the kids to play as well as parking.

Chair Knowlton asked what the required rear setback would be in the R1-10 zone. Sherrie Pace replied that it was 25 feet. She said the City required that a subdivision also be a PUD if they did not meet the requirements of the zone. The other reason for the PUD was to allow for a private road and reduced setbacks.

Mackenzie Bennett also noted that setbacks for accessory structures were different and could be one foot from the property line depending on firewalls.

Chair Knowlton clarified that Matt Buehner would live on lot 3. Matt Buehner replied that they would build a house on lot 3.

Dan Buehner commented that he lived on lot 1. Mackenzie Bennett explained that the Buehners were related and owned the properties next to each other.

Commissioner Van Langeveld suggested that the driveway approach on lot 2 may need to be moved. Mackenzie Bennett replied that this request could be reviewed. She said that the only discussion so far was that there could not be any driveways off Orchard Drive with the exception of the northern most driveway on lot 1.

Commissioner Van Langeveld asked why lot 2 was so much smaller than the other three lots at 8,879 square feet compared to 12,128 square feet, 25,676 square feet, and 15,568 square feet. Matt Buehner replied that personally they wanted more space for lot 3. He said that they had not mapped out the driveway for lot 2.

Commissioner Van Langeveld also asked if the Buehners planned to sell the existing home once their new home was built. Matt Buehner replied that they would retain the existing home and potentially rent it out. He explained that there was plenty of space for parking where the existing pergola was located.

Chair Knowlton commented on the rear setbacks and one thing to consider was the viability of each lot over time. He said the challenge with lot 2 was that relocating the parking would result in a backyard with little useable space. Chair Knowlton explained that the Planning Commission would be allowing a variation from the underlying zoning in regard to minimum lot size and rear setback and suggested extending the length 25 feet from the back of the house to provide enough space to retain the viability of the lot.

Darrin Fenwick, representing the applicant, said that the reason for this was due to a defined elevation change on the back of lot 1. He said if they extended the property back that it would just be wasted space due to the elevation change.

Mr. Fenwick also spoke on parking and said a convenient place to park for lot 2 would be between the road and the house. Sherrie Pace showed the concept plan and drew the location of the proposed parallel parking configuration.

Darrin Fenwick said two cars could fit in that location facing east/west or three or four cars parking diagonally.

Commissioner Van Langeveld asked if parking counted as part of the setback. Sherrie Pace replied that parking was allowed in the setback especially as it was a side street.

Commissioner Ward asked if per the current configuration if the property owner had to back up onto Orchard and with the proposed configuration if it would allow them to pull forward. He felt that would be a good improvement if so. Matt Buehner replied affirmatively and said the proposed configuration would be safer.

Commissioner Jorgensen asked if the structures would be multistory and if there would be any concerns from the adjacent neighbors. Matt Buehner replied that the elevation changes between lots 3 and 4 and the neighboring properties was pretty significant. He said there were plans for a two story home on lot 3 and potentially lot 4.

Commissioner Jorgensen also asked if they were aware of the geo hazards in that area specifically the Wasatch Fault zone and a surface fault rupture hazard special study area. Sherrie Pace commented that if the property was in the sensitive lands overlay zone that at the time of building permit a geotech would do a soil sample and would observe the digging of the foundation. If any faults were discovered, then the geotech would have to make some changes to the structural plans of the home or if soft soil was discovered it would need to be replaced.

Mackenzie Bennett commented that per documentation the property was not located in the sensitive lands overlay zone. She also said that a notice would be sent to the neighboring properties for the preliminary and final plat review.

Sherrie Pace explained that with a subdivision the City would send out a notice for a public comment period, as public hearings were not required per State code. City code did require a notice be sent to every property owner within 300 feet to notify them of the proposed subdivision. This allowed for public fact finding and other comments for review by staff and the Planning Commission.

Commissioner Van Langeveld commented that while she was not concerned about the size of lot 2 that a larger lot size would make the property more desirable and the development more appealing. Chair Knowlton said he also struggled with the proposed size for lot 2.

Sherrie Pace clarified that to make lot 2 be 10,000 square feet that the lot line would need to move 15 feet.

Commissioner Larson asked if moving the lot line would require anything to change on the property at this time or affect anything with the proposed home on the rear lot.

Matt Buehner asked if they distinguished a lot line now if that was permanent or if it could be changed in the future. Sherrie Pace replied that they could amend the plat or do a lot line adjustment in the future.

Commissioner Larson asked if it would be a burden for the Commission to require them to ensure the lot line was in compliance. The Buehners discussed this item privately. Matt Buehner then replied that they would be amenable to moving the lot line into compliance by 15 feet or whatever that might be.

Commissioner Van Langeveld asked if she needed to specify in the motion that lot 2 would be expanded to meet the 10,000 square foot requirement. Mackenzie Bennett recommended that the motion was specific.

Commissioner Van Langeveld moved that the Planning Commission recommend to the City Council the concept plan for Altyn Vista PUD, a four lot subdivision at 340 and 360 North Orchard Drive with the following condition:

- 1) Lot 2 will be expanded to 10,000 square feet.**

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

- 5. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A RETAINING WALL GREATER THAN 3 FEET IN A FRONT YARD PUBLIC UTILITY EASEMENT AT 444 ROSEWOOD LANE, CHELSEA CARROLL, APPLICANT**

Mackenzie Bennett reported that retaining walls over three feet in height that are within a front setback require a conditional use permit. She showed an aerial view of the property, which was located on a corner lot at 448 Rosewood Lane. The applicant would like to flatten and raise the existing side yard to create a safer place for their children to play. In order to do this two new retaining walls would need to be installed. The side retaining wall, adjacent to Eaglewood Loop, would be eight feet tall at its tallest point and slope down into the existing retaining wall. This

wall would remain five feet away from any utility boxes and would be constructed of rock to compliment what was already existing. This retaining wall has been structurally engineered. The back retaining wall would be eight feet tall in height for the entire stretch of the back property line. It would be a block retaining wall and has also been structurally engineered. The DRC recommends approval of the conditional use permit for the retaining wall with no conditions.

Chelsea Carroll commented that the neighbors were aware of the proposal. She said that the main driver for the change was due to the steepness of the slope and the safety of her children.

Commissioner Jorgensen moved that the Planning Commission approve the conditional use permit for the Carroll Retaining Wall located at 444 Rosewood Lane with no conditions. Commissioner Ward seconded the motion. The motion was approved by Commissioners Knowlton, Jorgensen, Larson, Maus, Tucker, Van Langeveld and Ward.

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

Sherrie Pace had nothing to report.

7. APPROVAL OF MINUTES

The Planning Commission meeting minutes of February 23, 2021 were reviewed and approved.

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

Commissioner Jorgensen spoke on the subdivision and the geological hazards. He asked about the sensitive land overlay zone and where additional information could be found. Sherrie Pace showed those present where to view information on the City's website related to sensitive land overlays and City ordinances.

The Commission discussed the ordinances and the possibility of an overall cleanup of the code as well as the sensitive overlay zone and what this entailed.

Chair Knowlton suggested that the City's maps, which referred to a hazard, were not geographically aligned with the best information and needed to be modified. Sherrie Pace replied that this was added to the long term action items list.

8. ADJOURN

Chair Knowlton adjourned the meeting at 7:58 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday March 23, 2021 by unanimous vote of all members present.



Linda Horrocks, City Recorder