

**CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
FEBRUARY 15, 2023**

FINAL

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

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

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

OTHERS PRESENT: Brent Blundell, Carolyn Blundell, Rosann Miller, Janice Twede, Chris Moss, Steve Beazer, Elaine Christensen, Shane Dean, Bryan Devries, Dee Lalliss, Cheryl Bohner, Laura Call, Richard Miller, Thomas Call, Jeff Scroger, Harold Gulso, Lee Workman, Travis Bradford, residents; Chase Leyba, Renew Appliances, LLC.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR RENEW APPLIANCES, LLC AT 25 NORTH 400 WEST, UNIT #5, DOUG LARSON, APPLICANT

Mackenzie Johnson reported that this was a conditional use permit for Renew Appliances, LLC to be located at 25 North 400 West Unit 6. This property was zoned manufacturing distribution (MD). The business purchased used appliances such as dishwashers, microwaves, washers, dryers, ovens, ranges, and cooktops from homeowners and businesses and then refurbished and cleaned them for resale. Renew Appliances would not purchase, refurbish, or sell refrigerators or freezers. Typically, the company would sell products online with customer pickup from the warehouse by appointment. The business also offered delivery services to Salt Lake and Davis County residents. The business has been classified as “used merchandise store” and “appliance repair and maintenance”, both of which are conditional uses in the MD zone. The property has

one existing building with six units and approximately 73 total parking stalls. Renew Appliances would occupy unit #6 which was 2,950 square feet with 364 square feet to be used as office/reception, 1,000 square feet to refurbish/clean products, and 1,586 square feet for warehouse space. The parking requirement would be seven stalls and the applicant indicated that they would have three guaranteed parking stalls and 55 additional shared stalls. There would not be a retail floor or walk-in customers as most customers would have a scheduled appointment time.

The business would employ three people with hours of operation between 8 a.m. and 3 p.m. Monday through Friday with the occasional Saturday to accommodate customers by appointment. The business has one cargo van that would be parked in a stall during the day when not in use and in the warehouse during nights/weekends. The business anticipated one delivery to the warehouse and one to two deliveries from the warehouse per day to be transported by the company van. There would be no outdoor storage at this location and all business activities would occur within the occupied unit. The Development Review Committee (DRC) recommended approval of the conditional use permit for Renew Appliances, LLC with no conditions.

Commissioner Jorgensen asked if there would be a significant volume of waste that would require an additional dumpster or metal recycling. Chase Leyba, Renew Appliances, LLC, explained that they would have a daily trip to the landfill for metal and plastic with everyday waste to be placed into the dumpster onsite.

Commissioner Stone mentioned the cargo van and if there would be larger vehicles such as semi trucks on the property. Mackenzie Johnson replied that there would not be a larger vehicle utilized for this business. She was unsure about the use of larger vehicles for the existing businesses on the site.

Commissioner Jorgensen moved that the Planning Commission approve the conditional use permit for Renew Appliances, LLC located at 25 North 400 West, Unit #6 with no conditions. Commissioner Ward seconded. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker and Ward.

3. PUBLIC HEARING: CONSIDERATION OF A ZONING MAP AMENDMENT FOR THE PROPERTY LOCATED AT 3943 SOUTH 850 WEST. THE PROPERTY OWNER HAS REQUESTED THE PROPERTY BE CONSIDERED FOR RM-7 ZONING (PREVIOUSLY BEING CONSIDERED FOR R1-7 ZONING)

Chair Larson explained that the next three agenda items would be related and pertained to the Val Verda annexation area.

Sherrie Pace reported that the Planning Commission held a public hearing on January 24, 2023 regarding the proposed zoning for the Val Verda area. At the hearing, there were several issues raised related to regulations in the R1-7, RM-7, and CH zones as well as a request from a property owner that their property be considered for RM-7 zoning instead of the proposed R1-7. The Commission directed staff to advertise the requested changes to the zoning map and the code text for consideration at the continued public hearing on February 15, 2023. Notices were mailed and posted in accordance with the required statutes.

Sherrie Pace reviewed the proposed text amendments to the R1-7 and RM-7 zones which included a change to Chapter 10 Residential and Multiple Residential Districts. Within the R1-7 and RM-7 zones the minimum lot size for single family dwellings and two family dwellings (duplexes) would be 7,000 square feet. The previous county zoning required a minimum lot size of 9,000 square feet for both single family and two family dwellings. The current City code requires a minimum lot size of 7,000 square feet for a single family dwelling and an additional 3,000 square feet for a two family dwelling. The same requirement would apply for accessory dwelling units which were essentially a two family dwelling with one unit being owner occupied. This proposed amendment would make those regulations equitable and provide additional opportunities throughout these two zones to provide another avenue for affordable housing in the City.

The proposed text amendments to the CH zone would affect City code Chapter 25 Highway Commercial Zoning District. The proposed amendment would create a graduated height allowance in the zone based on the setback distance from the property line shared with a single family home. The current code allows structures in the CH zone to be a maximum height of 60 feet, four stories, and a zero rear setback. The proposed change would require a minimum ten foot rear setback, a maximum height of 30 feet, and two stories without a conditional use permit to exceed the height limit. The height could be approved to 35 feet with a 20 foot setback, 45 feet in height and three stories with a 40 foot setback, and 55 feet and four stories with a 60 foot setback. The proposed height and setback standard would match the proposal in the draft Town Center Form-Based Code.

Chair Larson asked for clarification on the previous County zoning requirements. Sherrie Pace responded that the County requirements were a ten foot setback and a maximum height of 30 feet.

Sherrie Pace spoke on the proposed zoning request for the 0.89 acre (38,795 square foot) Blundell property at 3943 South 850 West. The property currently contains one single family home and is bordered on the north by single family homes (proposed zoning of R1-7) and to the south and east by the Sycamore Grove PUD (zoned RM-7). Sycamore Grove PUD is a development of two family dwellings which are owner occupied condo units. The development has 18 units on 2.49 acres (7.2 dwelling units per acre). She explained that if Sycamore Grove had been approved by the City under the RM-7 zoning in effect today the development would

have only been allowed 16 units. If Mr. Blundell's property was zoned RM-7 then approximately six dwelling units could be allowed on the property. Those units could be twin homes or an attached 6-plex structure. Under the R1-7 zone, the same density would be allowed but would be three twin home structures. Staff received public comments in opposition to the proposed change which were attached to the packet.

Ms. Pace reviewed the original public hearing from January 24th and showed the Davis County zoning of R1, R2, R3, and the C2 zone compared to the proposed zoning. She explained that the public hearings for the three agenda items related to the Val Verda area were advertised as separate hearings but could be handled in one agenda item. She said approval or denial of these agenda items should be done in separate motions.

Commissioner Stone asked about the RM-7 zone and required parking. Sherrie Pace responded that a single family home or each unit of a multifamily dwelling was required to have two spaces per unit on the property.

Mackenzie Johnson commented that developments with more than 4 dwelling units would be required to provide an additional 0.25 parking spaces per unit for guest parking. Sherrie Pace explained that this could be separate guest parking stalls or provided with driveways of the units.

Commissioner Jorgensen asked about the proposed language for the CH zone in Chapter 25 and the Town Center Master Plan. Sherrie Pace replied that the Val Verda area was outside of the Town Center Master Plan area so anything north of 3800 South could not be over 2 stories and 30 feet in height.

Mackenzie Johnson clarified that this was a stopgap until the Town Center Form-Based Code was adopted and the existing CH area was rezoned. This would allow a developer or property owner to build anything south of 3800 South in conformance with the Form-Based Code. Sherrie Pace commented that redevelopment north of 1000 North (near R&R BBQ) would allow for CH heights, as well.

Commissioner Maus asked what was currently allowed at the 3943 South property per the County zoning. Sherrie Pace replied that it would have been R-2 zoning which allowed duplexes on 9,000 square foot lots.

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

Mackenzie Johnson reported that staff received an email from Kirk Stratton, resident, on Tuesday, February 14th. She then read the email into the record, "My name is Kirk Stratton and I am one of the residents that was recently annexed into North Salt Lake. I was surprised to see the rezoning issue is being considered for the property located at 3943 S 850 W by the Planning Commission. You may recall the open house that was held last October for the unincorporated

area, and was sponsored by North Salt Lake. During that meeting, on more than one occasion, I was reassured that the annexed area would remain the same. That there was a “buffer” dedicated around the area. This was one of the reasons I supported annexation, and this is why I’m surprised the proposal is even under consideration. I could name a dozen reasons why a multi-unit complex shouldn’t be built, but I’ll name just one. We were promised! I’m perfectly fine with another single-family home, or even a duplex, in fact I would welcome it because the property is in such disrepair, but I strongly oppose anything more than that. So please honor the commitments made.”.

Janice Twede, 3917 South 850 West, commented that she lived next door to the Blundell property and would like to see the lot cleaned up but did not want multifamily there. She said there were already 90 townhomes, 9 twin homes, 15 fourplexes, 6 duplexes, 1 triplex, and 6 basement apartments, and the care center in her area. Ms. Twede mentioned the traffic problems on 850 West and the public comment letter submitted by Jo Ellen Ashworth. She felt that multifamily housing brought negative things to the neighborhood. She said she was not opposed to people living in apartments but not at this location. She mentioned resources, such as water, in relation to multifamily housing.

Chris Moss, 3552 South 800 West, felt the community was against the proposed zoning for the Blundell property. He said it would not help the community and asked for the City to consider natural resources, places for seniors, and more parks. Mr. Moss asked if the property was even large enough for six units. He asked why this proposal was even being considered.

Chair Larson commented that the property was large enough for six units under the proposed City zoning of R1-7 and RM-7. She explained the zoning would not change the allowed density but how the buildings were formatted. Chair Larson said that all citizens were part of the community and this would help to meet the needs of the community including the housing shortage. She mentioned that there was state legislation that required the City to meet certain housing needs. Sherrie Pace responded to Mr. Moss’s question that any property owner has the right to request a rezone on the property and due process requires a public hearing from the Planning Commission and review by the City Council for approval or denial.

Steve Beazer, 3882 South 850 West, spoke on the assimilation of the Val Verda area into the City. He said there was high growth, a housing shortage, and a need to balance quality of life. He asked about the City’s Master Plan and if it included the Val Verda area. Sherrie Pace replied that there would be a General Plan update this summer which will include the subject area.

Steve Beazer commented that there would be a chance for public comment during the General Plan update. He said there was a lot of confusion and uncertainty due to the annexation and rezone and the unique growth in the area.

Elaine Christensen, 3552 South 800 West, said she was against more multifamily in the area. She spoke on issues in the area including speeding, street parking, and drought/water.

Shane Dean, 831 West 3900 South, said he lived adjacent to the Blundell property. He explained that there are no sidewalks in the area, homes are already too close together, and there is too much traffic. Mr. Dean mentioned that Mr. Blundell already owns an apartment in the area which was an eyesore and he was not in favor of permitting him additional units. He mentioned that if this is allowed he would sell his home.

Bryan Devries, 839 West 3900 South, echoed Mr. Dean's sentiments and said that if this was allowed he would also move. He did not want the City to become a transient suburb of high density.

Dee Lalliss, 74 East 300 North, said while he did not live in the subject area, he had observed the Blundell property could have either three buildings with two units each or one building with six units. He spoke on the proposed CH zone amendments which he was in favor of.

Lee Workman, 245 North Glendwood Way, requested that the City consider the infrastructure in the area before increasing the density. He said 850 West is a narrow road with no sidewalks or street lights and this should be considered before approving a rezone.

Cheryl Bohner, 372 East Sycamore Grove Lane, also said 850 West is narrow, without street lights or sidewalks, and parking was difficult. She felt the density for the Blundell property should be no more than a duplex.

Laura Call, 828 West 3900 South, asked about the approval of the Sycamore Grove development. Chair Larson replied that the development was approved through the County and then annexed into the City.

Laura Call said that the Sycamore Grove area residents were told that street would be level on both sides of the property but it ended up with the street being level with the six foot fences. She asked if this would be considered when additional homes were built. Chair Larson replied that the grade for any project would be part of the application to the City. She said the heights of buildings for setbacks and grades were based on where the grade was and would be mindful of the felt height versus the actual height.

Sherrie Pace commented that the discussion of possible development on Mr. Blundell's property is hypothetical at this time, so she was unsure of the design. She said the City would try to be sensitive to the grade and height of the buildings. Ms. Pace also mentioned that a review of the annexation area by City staff showed that there were only two street lights in the entire area. She said there has been staff discussion about street lights and sidewalks in this area which could be part of the General Plan update.

Sherrie Pace also said that the red curb on 3800 South was painted by Davis County as they owned the road up to the Chesham Village prior to the annexation. The City is planning to remove sections of the red curbing in front of Chesham Village and has been actively researching solutions.

Richard Miller, 3942 South 850 West, said he lived across the street from the Blundell property. He said 850 West was too narrow and street parking was a big issue.

Thomas Call, 828 West 3900 South, felt the property should stay zoned R1-7 to only allow duplexes and retain the feel of the area. He did not think there was a solution to the parking issue on the street. Mr. Call said the building heights were too tall for the Sycamore Grove area.

Commissioner Holbrook asked about the parking requirement differences between the R1-7 and RM-7 zoning. Sherrie Pace replied that the only difference was the ability to require guest parking for developments with more than 4 multi-family units as permitted in the RM-7 zone.

Chair Larson closed the public hearing at 7:33 p.m.

Commissioner Stone asked about the R1-7 zone and if it would limit the property to only duplexes. Sherrie Pace explained how density calculations are determined by first calculating the area to be used for infrastructure (road) and then based upon the remaining acreage the density is calculated. So if the property owner wanted to build more than one duplex, a subdivision or site plan would need to be approved with the construction of a new road for access to the additional dwelling units regardless of the zone. The R1-7 or RM-7 zoning both allow for an estimated maximum six dwelling units on the property, depending on how much area is used for the road or other infrastructure. In the R1-7 only two-family structures would be allowed and in the RM-7 zone the number of dwelling units in a single building was not limited. In the hypothetical development mentioned earlier, if the property allowed 6 dwelling units, the developer could propose 3 two-family structures (duplexes), 2 triplex structures, 1 duplex and a 4plex, or a single 6-plex structure, or any other combination of dwelling units.

The Commission thanked the residents who attended and shared their comments.

Commissioner Jorgensen commented that safety was a legitimate concern here. He spoke on how he used to live in the Val Verda area and that one of his neighbors had been killed in the street. Commissioner Jorgensen said the Commission was trying to find the best zoning to fit the area and felt good feedback had been received.

Commissioner Holbrook said that the City respected the rights of private property ownership while balancing City regulation of that land. He said the land could be developed into six dwelling units under either zoning.

Commissioner Maus asked about height differences and setbacks in the RM-7 and R1-7 zones. Sherrie Pace replied that the height limit was 35 feet for both zones, the front setbacks for both zones is 25 feet, side and rear setbacks for both zones were 12 feet and 8 feet respectively. The backyard setbacks were 25 feet for R1-7 and 20 feet for RM-7.

Commissioner Maus said that the City's R1-7 is the most similar to the Davis County zoning for the Blundell property. She commented that the Planning Commission and staff had focused on finding the most similar City zoning to the County zoning for each part of the annexed area.

Commissioner Maus mentioned the requirement for a road for the R1-7 zoning with three twin homes and if there would be the potential for on street parking. Sherrie Pace responded that it would depend on the width of the road. She said the fire department would not allow parking on both sides of the street for any road less than 27 feet in width. Ms. Pace also said if there was an HOA for the property that they could prohibit on street parking on the private street.

Commissioner Jorgensen commented that he was sympathetic to the residents in the area. Commissioner Maus said that the Commission and City had tried to minimize change in the annexed area as it was something that was discussed prior to the annexation and should be honored.

Commissioner Ward mentioned that R1-7 zone was the closest zone to County zoning but said a property owner had the right to request a change. He said there was some conflict and the zoning should be the best option for the area which was R1-7.

Chair Larson said the RM-7 zoning would allow the City a little more control regarding the requirement of guest parking. She said that RM-7 and R1-7 would both allow six units.

Commissioner Stone asked about multifamily units and water usage. Sherrie Pace replied that City's conservation landscape ordinance would require limited sod for any type of development.

Commissioner Holbrook said multifamily housing may utilize less water due to less lawn.

Commissioner Jorgensen stated that he did not feel that the Planning Commission should make a determination based on speculation and hypotheticals.

Commissioner Stone asked if the property owner could ask for RM-7 in the future if they did not receive approval now. Sherrie Pace replied that she believed that the code allowed the property owner to reapply in one year, unless the application is substantially different from the request today.

Commissioner Jorgensen asked if the Commission wanted to start making motions to the City Council in order of the agenda items including the zoning code text amendments before the 3943 South 850 West zone amendment. Chair Larson offered her support of entertaining a motion.

4. PUBLIC HEARING: CONSIDERATION OF A PROPOSED CODE AMENDMENT RELATED TO THE REAR SETBACK TO REQUIRE A MINIMUM OF TEN (10') FEET AND TO REDUCE THE MAXIMUM HEIGHT FROM SIXTY (60') FEET TO THIRTY (30') FEET IN THE COMMERCIAL HIGHWAY (CH) ZONE

Commissioner Jorgensen moved that the Planning Commission recommend to the City Council the proposed text amendments to Title 10, Chapter 10 and Chapter 25 as presented (as amended) 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 "purposes" stated in this title.
- 3) The proposed ordinance will provide an equitable opportunity for the creation of additional affordable housing in the R1-7 and RM-7 zones in accordance with the City's Moderate Income Plan.
- 4) The proposed amendment will mitigate the impact of commercial property heights when adjacent to single family residences.

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

5. PUBLIC HEARING (CONTINUED): CONSIDERATION OF A ZONING MAP AMENDMENT FOR THE PROPERTY LOCATED AT 3943 SOUTH 850 WEST. THE PROPERTY OWNER HAS REQUESTED THE PROPERTY BE CONSIDERED FOR RM-7 ZONING (PREVIOUSLY BEING CONSIDERED FOR R1-7 ZONING)

Commissioner Holbrook moved that the Planning Commission recommend to the City Council the proposed zoning map amendment at 3943 South 850 West to RM-7 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 "purposes" stated in this title.
- 3) The proposed RM-7 Zone is adjacent to an existing RM-7 zone and is similar in character of the neighboring development pattern.

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

6. PUBLIC HEARING (CONTINUED FROM 1/24/2023): CONSIDERATION OF THE PROPOSED ZONING MAP AMENDMENT FOR THE VAL VERDA ANNEXATION AREA. THE PROPOSED AMENDMENT WILL MODIFY THE ZONING FROM DAVIS COUNTY TO NORTH SALT LAKE ZONING DESIGNATIONS

Commissioner Maus asked about the implications of the last motion on the zoning map. Sherrie Pace replied that the map would be as amended with the Blundell property being recommended as RM-7 zone.

Commissioner Maus wanted it noted that she was in favor of the overall zoning map amendment with the exception of the Blundell property rezone.

Commissioner Ward moved that the Planning Commission recommend to the City Council the proposed zoning map amendment for the Val Verda Annexation Area 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 "purposes" stated in this title.**
- 3) The proposed zoning for the area is similar in character of the neighborhood development pattern.**
- 4) The proposed zoning for the area will provide the property owners with zoning that is equal to or greater than the rights and uses enjoyed under the previous County zoning prior to annexation.**

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

Commissioner Maus and Jorgensen mentioned that they were in favor of the zoning map but objected to the previous recommendation for the zoning to RM-7 of the Blundell property.

Sherrie Pace reported that this item would be presented to the City Council on February 21, 2023.

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

Sherrie Pace reported that the Lime Scooters Memorandum of Understanding was approved on February 7th by the City Council. She also said the parking code was updated by the City Council including that all vehicles parked on a public street must be licensed and registered. This measure, along with working with Bountiful City, and code enforcement on business licenses, would help with the issues with the car dealership on 850 West.

Sherrie Pace said the Health and Wellness Committee would attend a March Planning Commission meeting to provide an update on their activities and offer any assistance the Commission may need. Chair Larson requested a mission statement or information on the purview of the Health and Wellness Committee be sent to the Commission prior to that meeting.

Ms. Pace also reported that during the work session on March 7th the City Council planned to discuss the Active Transportation Plan including bike lanes, for those interested in attending. She shared that the planning intern would start on February 22nd.

8. APPROVAL OF MINUTES

The Planning Commission meeting minutes of January 24, 2023 were reviewed and approved.

Commissioner Jorgensen moved to approve the minutes as drafted for the January 24, 2023 Planning Commission meeting. Commissioner Tucker seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Maus, Stone, Tucker and Ward.

9. ADJOURN

Commission Chair Larson adjourned the meeting at 8:05 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, February 28, 2023 by unanimous vote of all members present.



Wendy Page, City Recorder