

***Planning Commission Work Meeting Minutes***

*Thursday, December 4, 2014*

*City Council Chambers*

*220 East Morris Avenue*

*Time 6:50 p.m.*

**Commission Members Present:**

Lynda Brown  
Holly Carson  
Jeremy Carter  
Brandon Dalton  
Carly Klein  
Rachel Lauritzen  
Portia Mila  
Jonathan Meakin

**Staff Members Present:**

Michael Florence, Community Development Director  
Francis Lilly, Deputy Director  
Hayley Pratt, City Planner  
Paul Roberts, City Attorney

**Pehrson Townhomes**

Deputy Director, Francis Lilly, presented a review of this item to the Commission. Earlier in the week, Mr. Pehrson provided staff with a new site plan for the project. It included changes to address concerns from the surrounding neighbors. The item was originally brought before the Commission in September of this year and was continued over several meetings. It took time for the applicant to find solutions that are agreeable to all parties.

The first change made to the plan was the number of units, which decreased from 34 to 32. This reduction changes the area density from 17.9 to 16.9 units per acre. Mr. Lilly noted that the proposed designation for the General Plan Amendment, which is High Density Residential, has not changed. The petition for that evening's agenda is still to change the General Plan Future Land Use Map designation to High Density Residential.

Per earlier discussions on the issue, the proposed private road was realigned to run adjacent to the properties to the west. Another major change was to the orientation of the townhomes closest to 400 East, which will now be perpendicular to the existing homes. The proposed change will allow for greater privacy of the existing residents with only one side window facing their properties. In addition, window treatments will be required for the side window.

With the exception of the five homes fronting the private road, the townhomes will have driveway access off of the private road, however, no garages will face that road. The majority of the homes will face each other. With the use of the road and green as a buffer, the revised orientation of the homes, as well as moving the units farther from the property line, the applicant hopes to mitigate some of the neighbors concerns.

Even with all of the revisions, there is still the issue of whether it is an appropriate future land use map designation. Mr. Lilly presented an aerial photograph showing the current land use map. Currently, the subject property is a combination of General Commercial and Low Density Residential, with the surrounding areas being Medium Density Residential. Staff felt that the General plan supports the idea of creating traditional land use designations to gradually step up density. If the Commission feels that medium density would be more appropriate they could craft a recommendation to the City Council to that affect. If this were the case, the applicant would be required to reduce the density by an additional two units.

In response to a question from Commissioner Carter, Mr. Lilly confirmed that two units were removed from the plan, the density would be about 15 units per acres.

Mr. Lilly indicated that Mr. Pehrson held a neighborhood meeting the previous evening on the issue.

With regard to the adoption of the 2015 Planning Commission Meeting Schedule, Mr. Lilly indicated that he would additional details during the Regular Meeting.

The Planning Commission Work Meeting adjourned at 6:57 p.m.

*Planning Commission Regular Meeting Minutes*

*Thursday, December 4, 2014*

*City Council Chambers*

*220 East Morris Avenue*

*Time 7:00 p.m.*

**Commission Members Present:**

Rachael Lauritzen, Presiding  
Holly Carson  
Jeremy Carter  
Brandon Dalton  
Carly Klein  
Lynda Brown  
Portia Mila  
Jonathan Meakin  
Mark Kindred

**Staff Members Present:**

Michael Florence, Community Development Director  
Francis Lilly, Deputy Director  
Hayley Pratt, City Planner  
Paul Roberts, City Attorney

**Moment of Reflection:**

**Chair Lauritzen**

**Pledge of Allegiance:**

**Commissioner Meakin**

**Motion to Approve the Agenda:**

**Commissioner Kindred**

**Second the motion:**

**Commissioner Mila**

**Vote:**

**Unanimous**

**New Business**

There was no new business.

**Continuing Business**

• **GP-14-004**

**A recommendation to the City Council to amend the future land use map to designate 1.9 acres located at approximately 441 East 3900 South from Low-Density Residential (3-8 units per acre) and General Commercial to High Density Residential (16-29 units per acre).**

## **Action Item**

### **Applicant: Directors Alliance**

Deputy Director, Francis Lilly, gave a brief history of the project and stated that when the item originally was presented to the Commission in April 2014, it was recommended that the City Council deny the application due to incompatible density. The original project included two components, with commercial property in the front and townhomes in the back. The applicant approached the Commission again in September with a new petition to redesignate the Future Land Use Map for the area from Low Density Residential and General Commercial to High Density Residential. Changing the density would allow for the 32 units proposed by the applicant. The proposed number of units would bring the density to 16.9 units per acre. Mr. Lilly presented the Future Land Use Map representing the current designation and a map showing the current zoning. The surrounding properties are Corridor Commercial along 3900 South and Single-Family Residential on the other sides. There is also a Medium Density Residential area to the north, which contains a condominium community.

If the City Council agrees to a recommendation of the Commission to amend the General Plan, the applicant would be required to return with a Planned Unit Development (PUD) to be reviewed by both the Planning Commission and the City Council. At that time, the applicant would be presenting as part of their application a fairly detailed plan, including a design book, elevations of the proposed buildings, and conceptual plans for street layout.

Mr. Lilly presented the original site plan along with the plan revised in September. The plans generated concerns from the surrounding neighbors, specifically with regard to the change in density designation and privacy invasion.

Based on feedback received from the neighbors, the applicant created a second proposal. One of the key adjustments to the plan was the orientation of the townhomes, which are arranged perpendicular to the private road rather than parallel to it. This will help to maintain the privacy of the current neighbors. The applicant also reduced the density from 34 to 32 units, which changes the density from 17.9 units per acre to 16.9 units per acre and requires a redesignation to High Density Residential. The private road was also realigned to serve as a buffer between the rear yards of the existing homes and the proposed townhomes. With the exception of five units fronting the private road adjacent to the sport court, the townhomes are designed to have garages perpendicular to the private road. The applicant also increased the rear yard setbacks by moving the townhome units as close as possible to the roadway.

Staff had concerns with the initial proposal and felt that the layout does not create a sense of community within the development. They believe that the new plan remedies that issue, however, there was still some question as to whether the proposed density is appropriate.

Mr. Lilly presented the following General Plan considerations to the Commission:

- Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas, and economic feasibility to maintain residential business in industrial areas that are vibrant, and where the health and safety of all are protected.
- Policy LU-1.1.1. Do not allow encroachment into existing residential areas on a lot-by-lot basis. If encroachment is allowed into a residential area, it should be done on a larger scale with significant amenities and buffers to upgrade the neighborhood.
- Policy LU-1.2.1. Only allow residential uses in business areas that are compatible with surrounding uses by type, scale, and size.
- Goal LU-8. Accommodate higher density housing in appropriate areas.

Mr. Lilly stated that the main issue the Commission should consider is whether a higher density designation would be appropriate. In addition, staff has a housing goal that states that they should encourage infill housing where possible, which this project would accomplish. It would create new units in an area of the City where there haven't been new units in some time.

The Commission had the option of recommending approval with the following statement:

1. Given the mixed use of the neighborhood, higher density housing can be compatible with existing uses. Amending the future land use map would accommodate higher density housing in appropriate areas.
2. Amending the future land use map supports the General Plan goal of encouraging infill housing by facilitating the redevelopment of existing commercial property into a residential use.
3. Future residential development in this area should provide sufficient buffering where it is adjacent to existing single family residences, consistent with the goal to upgrade residential neighborhood.

The Commission also had the option to recommend denial on the basis that there are concerns with encroachments into existing residential areas and the fact that the General Plan indicates that the development is not appropriate for high density.

There were no questions from the Commission. Commissioner Lauritzen invited the applicant to discuss the changes made to his application.

Dirk Pehrson gave his address as 597 East 3790 South and stated that staff recommended he hold a neighborhood meeting to address the concerns identified by the neighbors. He made several unsuccessful attempts to contact the Koetitz family. Although they were not present at the neighborhood meeting, they were in attendance at tonight's meeting. Mr. Pehrson addressed each of the concerns brought to his attention.

First, the residents were concerned that construction of the townhomes would have a negative effect on their property values. Mr. Pehrson did not consider this an issue since they will be building something that will be economically superior in terms of pricing.

When addressing issues of privacy, Mr. Pehrson stated that measures were taken to mitigate the issue. To comply with the Fire Marshal's requirements, the private road will have a 26-foot width inside the curb and gutter. With the addition of the curb and gutter and green buffers, there will be approximately 30 feet between the homes and the property line. As stated by Mr. Lilly, the orientation of the homes was adjusted to provide additional privacy. Mr. Pehrson noted that regardless of the density, the same privacy issues will exist.

Another concern was the possibility of parking overflowing onto 400 East. Mr. Pehrson stated that the current design allows for 2 ½ parking stalls per unit, with room to add more, if needed. In addition, there will be space for parallel parking along the private road.

One of the major issues brought to Mr. Pehrson's attention was the fear of the homes turning into rentals rather than being owner occupied. He stated that his intention is to sell the units. Precautions will be taken to ensure that the majority of the units are owner occupied. The CC&Rs include a safeguard in the legal language specifying that there must be a certain percentage for the ownership ratio, most likely the FHA threshold of 80%. According to this language, an owner can only turn their unit into a rental if the percentage allows for it. Mr. Pehrson was willing to enter into an agreement with the City or do what is necessary to prevent the property from turning into an apartment complex.

There was also concern with the townhomes becoming low-income housing. Mr. Pehrson did not want to discriminate against individuals who may be experiencing hardships, however, their target market is around \$210,000. Given that this will be a for sale project, the individual or families will somehow have to qualify to acquire that amount, which in itself eliminates the low income issue. Any infill housing issues would also be resolved as a result.

Mr. Pehrson displayed the original Future Land Use Map and Mr. Lilly confirmed that the ordinance currently allows multi-family housing to be placed behind existing commercial, however, any proposed action would be subject to a subdivision amendment and a planned unit development amendment and would need to be brought before the Planning Commission and the City Council. Mr. Pehrson explained that with the exclusion of the two units, the density is only 1.9 units per acre above a Medium Density designation. He encouraged the Commission to consider his petition. He stated that he has attempted to address every concern raised by the public, even when it hurts him financially. Support from the Commission would be appreciated but he was grateful for their time regardless their decision.

**Chair Lauritzen opened the hearing to the public at 7:30 p.m.**

Danielle Darling-Moe gave her address as of 3873 South 400 East and reported that she moved into her home in October of this year. She stated that she would not have purchased it if she had known about the plans for this high-density project. She did not believe the area will remain safe and was concerned that the dynamic of the entire neighborhood will change. Ms. Darling-Moe was in favor of keeping the area single-family residential.

Don Stark gave his address as 3777 South 400 East and was also opposed to the townhome development. He feels unsafe with the condominiums near his home and was concerned that they have invaded his privacy. He also was worried that those conditions will become worse with the townhome development. Mr. Stark reported that his home has decreased in value significantly in the past year alone.

Christy Koetitz who resides at 3857 South 400 East, stated that she and her husband were not able to attend the neighborhood meeting the previous evening but asked how the application can continually come before the Commission despite all of the opposition. She was concerned about the safety of her family and felt that a community of townhomes will bring additional crime to the area.

Heile Gulla gave her address as 3834 South 400 East and stated that she has attended all of the meetings on the project. She was still opposed the proposed townhome development even with the changes made to the plan. Safety was her primary concern. Ms. Gulla wanted to see improvements that would make the area nice for new families and improve the area.

Luke Koetitz who resides at 3857 South 400 East, stated that he and his wife have attended many Planning Commission Meetings and remain opposed to the project. He felt that a single-family dwelling would benefit the neighborhood more than a multi-family complex. Mr. Koetitz also had concerns regarding safety.

Elaine Childs gave her address as 3809 South 400 East and reported that her neighbor has been trying to sell his home for over one year and will likely have to take a loss to sell it. The neighborhood is already low-income along with the entire City. She felt that the apartment complex on 300 East already attracts crime. Ms. Childs stated that she has experienced theft in her home and no longer has her mailed delivered to her home. She hoped to see something developed in the area but not high density housing.

There were no further public comments. **Chair Lauritzen closed the hearing to the public at 7:45 p.m.**

Commissioner Lauritzen remarked that this has been a difficult process and the Commission has done its best to be respectful and fair. She believes that the 3900 South corridor would potentially be a good site for higher density, if done properly. Commissioner Lauritzen felt that this parcel was too small for high density development and is unsuitable for the proposed project. She empathized with the property owner because of the difficulties of having a deep lot.

Commissioner Carter sympathized with the public who have attended the meeting to voice their concerns. His opinion was that higher density would not fit in the area and that the subject property is too small for the proposed townhome community.

Commissioner Klein agreed that the lot is too small for the proposed plans. She also had reservations about the parking options and the size of the private road.

Commissioner Dalton agreed with the size of the project being a problem and had additional concerns about the density not matching the surrounding uses.

Commissioner Mila felt that the proposed plan was not a good fit for the area.

Commissioner Carson appreciated Mr. Pehrson's financial concerns on the whole project but stated that the current plan is not a good fit for the area.

Commissioner Kindred remarked that it is a difficult situation as a property owner to develop the site, but this particular plan is not what the area needs.

**Motion to recommend denial to the City Council to amend the Future Land Use Map to designate 1.9 acres located at approximately 441 East 3900 South from Low-Density Residential (3 to 8 units per acre) and General Commercial to High Density Residential (16 to 29 units per acre).**

**Commissioner Mila**

**Second on the motion:**

**Commissioner Carson**

**Vote:**

**Unanimous**

Community Development Director, Michael Florence, addressed the public regarding further action on this proposal. He explained that the Planning Commission is a recommending body to the City Council. If Mr. Pehrson wishes to pursue the matter, it will go on to the City Council since they are the final land use authority. The City Council will consider the Planning Commission's recommendation, however, they are not bound to it. If any residents wish to remain informed of the issue, it is recommended that they keep in contact with staff, who will notify them when the item is to be presented to the City Council. There will be no public notice sent since the public hearing only takes place at the Planning Commission level.

**Commission Business**

**Approval of the November 20, 2014, Planning Commission Meeting Minutes.**

**Motion to Approve:**

**Commissioner Dalton**

**Second the motion:**

**Commissioner Kindred**

**Vote:**

**Unanimous**



**Adoption of the 2015 Planning Commission Meeting Schedule.**

**Motion to Approve:** Commissioner Mila  
**Second the motion:** Commissioner Carson  
**Vote:** Unanimous

**Staff Business – Information Items**

Mr. Florence expressed his appreciation for the Commission Members and their service to the City over the past year.

**Adjournment**

**Motion to Adjourn:** Commissioner Carson  
**Second:** Commissioner Carter  
**Vote:** Unanimous

The Planning Commission Meeting adjourned at approximately 7:55 p.m.



**Michael Florence**  
**Community Development Director**

  
**For Planning Commission**