

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING MINUTES  
MARCH 8, 2011

Commission Chairman Eric Klotz called the meeting to order at 7:02 p.m. and welcomed those present.

PRESENT: Commission Chairman Eric Klotz  
Commissioner Doug Cary (arrived 7:15 p.m.)  
Commissioner Beth Goodrich  
Commissioner Kim Jensen  
Commissioner Bruce Oblad  
Council Member Brian Horrocks

EXCUSED: Commissioner Jim Allen

STAFF PRESENT: Ken Leetham, Community and Economic Development Director; Ali Avery, City Planner; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Paul Warnock, PRW Architecture; Steve Smoot, Steve Israelsen, Sky Properties; Gerald and Doris Callagher, Eileen Rencher, Judy and Jon Berd, Sheila Hudson, Margaret Petersen, Bella Vida residents; Marty Peterson, Randall Jordan, Ken Clifford, Roger Jones, Peter and Mary Ann VanAlstyne, Lawrence Knight, residents.

1. CONSIDERATION OF A SITE PLAN FOR AN ARCHITECTURE OFFICE FOR PRW ARCHITECTURE LOCATED AT 135 EAST CENTER STREET – PAUL WARNOCK

Ali Avery reported that this site plan has been reviewed by City Staff who recommends approval. **Council Member Horrocks moved to approve the site plan for an architecture office for PRW Architecture located at 135 East Center Street as proposed. Commission Chairman Klotz seconded the motion. The motion was approved by Commissioners Klotz, Goodrich, Oblad, Jensen and Council Member Horrocks. Commissioners Cary and Allen were excused.**

2. PROPOSED PRELIMINARY DESIGN PLAN – PUD AMENDMENT; THE VILLAS AT BELLA VIDA – 602 S. EDGEWOOD DRIVE, SKY PROPERTIES APPLICANT

Ken Leetham reported that Sky Properties is proposing a preliminary design plan for their PUD amendment for the Villas at Bella Vida. On January 25<sup>th</sup>, the Planning Commission recommended approval of the concept plan for this development to the City Council.

On February 1, the City Council approved the concept plan with the condition that Paul Ottoson, City Engineer, review and approve the geotechnical study before bringing the preliminary design

plan to the Planning Commission. Paul Ottoson has since reviewed that information and determined that the geotechnical report submitted is sufficient for approval of the preliminary subdivision.

One additional concern raised at the City Council meeting was a question about whether the revised plan required a public hearing. According to the planned districts portion of LUDMA, changes made to existing general development plans that are defined as “substantially different” must undergo a public hearing. This plan does not meet the requirements, and no public hearing will be required. Mr. Leetham added that the manner in which the final plats have been proposed requires the owners to vacate existing subdivision plats in favor of newly proposed plats. That process does require a public hearing which will be held March 22, 2011 during the Planning Commission meeting.

Staff recommends approval of the preliminary design plan and PUD amendment for The Villas at Bella Vida.

Chairman Klotz expressed concern about the existing foundation hole that Sky Properties is planning to leave open, as well as the lack of open space.

John Bird, resident of Bella Vida, stated that others are impacted by what Sky Properties is proposing. Using an illustration of the original Bella Vida plat, he asked the Commission to look at the lack of parking in the proposed plan as well as other changes, including the removal of a promised gazebo. Upon purchasing their units, they were given a video showing many other promised amenities such as open space and pathways. The new Sky Properties illustration shows four units, meaning the only parking available for the park (shared by the Edgewood twin homes and Bella Vida) would be given up for four of these homes. He stated that the City would not like to see parking forced to the street. The park and existing clubhouse parking demands need to be met. Owners are supposed to have adequate parking. The 24 spaces for their building alone would take all spaces north of the clubhouse meaning only three or four spaces for the clubhouse. The Bella Vida residents want to preserve parking, are requesting a second exit, and the open space promised to them. He stated that they are willing to work with Sky Properties, but he believes they have not been straightforward with the residents. It was communicated to the City that all the owners of Bella Vida were in favor of the proposed Sky Properties plan, so he questions their integrity.

Mr. Berd suggested making the second building more sellable by putting it in a different location. Perhaps the Building Three location could become Building Two, so it could have better views. Building two in its present location is not as sellable. He suggested this plan be tabled until more information is available.

The residents’ three main concerns: 1. adequate parking spaces for residents, clubhouse and park users, 2. a second exit, and 3. promised open space.

Commissioner Oblad asked about how often parking becomes a problem. Mr. Berd stated that currently there are only eight owners, and it becomes a problem probably once per month.

Regarding a second exit, they would like to see the construction road, currently in use, left in place and paved/improved.

The Bella Vida residents are considering consulting legal counsel to determine their options. Commissioner Klotz asked how long Mr. Berd believes this process needs to be delayed to ensure all information is reviewed and discussed. He responded that they want all issues understood, and they believe this is moving too quickly.

Steve Smoot then approached the Commission to address Mr. Berd's concerns and suggestions. He stated that Mr. Berd did not have access to utilities plans, topography or geotechnical issues when he came up with his suggestions. Mr. Smoot met with the homeowners on the second Tuesday in January, although not all of them were in attendance, but they have had plenty of time to look at the plan. Mr. Smoot said Scott Balling of Balling Engineering looked at Mr. Berd's suggestions and found that the infrastructure already in place makes Mr. Berd's plan unfeasible. Just to move the utilities, would cost about \$247,000. He pointed out that for all of the other homeowners in the area, like those in Edgewood, views would be improved. Pulling the building out to the edge would not be smart, as it would sit on fill. So, they believe Mr. Berd's plan is not an option.

Mr. Israelsen reported that they added ten parking spaces and about 40 additional off-street stalls with the new homes, as well as driveways and garages (allowing four vehicles in every driveway). The park is a small neighborhood tot lot, not a destination park, and there is ample parking for this type of use. There are also 36 parking stalls for the 24 units, or 1.5 parking stalls per unit. There are currently nine owner occupied units in Bella Vida with three being used as rentals.

Mr. Smoot said he is surprised by Mr. Berd's comments, as they have tried to be good developers and create a high quality development. He did visit with Dan Nelson, HOA President, from Edgewood. He reviewed the plans, and stated that there were real plusses, such as improved view corridors, reduced density, and a positive plan for the existing community. Mr. Smoot said they are losing their window of opportunity, so he is concerned about timing and delays as it could put the whole project in jeopardy.

Commissioner Oblad asked about the removal of the gazebo from the plan. Mr. Smoot said they have put together a nice landscaping plan, including a gazebo, and there is already one near the park.

Commissioner Oblad asked Ken Leetham about the City's response to the second entrance issue. Mr. Leetham responded that in speaking with the fire department, the development is well below the number of units that would rely on these sets of roads for public safety. The entrance is fairly large and divided, which is an advantage, as it can be isolated and separated to keep an entrance open. It is very unlikely there would be a problem right at the entrance of the project that would require vehicles and equipment to be moved out of the way. There is not a real danger to getting in and out, even in an emergency. Mr. Leetham added that he believes that from a traffic circulation standpoint, it is good policy not to overuse street access points. If there is not a demonstrated need for two accesses, then one access should be sufficient. He cautioned that in

general, intersections and access points should not be overbuilt. The loop road has good access for ambulance and emergency vehicles.

Council Member Horrocks pointed out that in the original approved plan, there was a single entry point and a lot more density.

Peter VanAlstyne, 608 Edgewood Drive and President-elect of Edgewood Estates HOA, stated that they have a legal concern about the park. That little park on Edgewood is owned fee simple by Edgewood. It is not owned by Bella Vida and cannot be included in the open space calculations. Edgewood residents have unrestricted use of the clubhouse and are allowed to use the parking indicated and platted on the west side of the park. With this plan, subject to approval with disregard for ownership, Edgewood Estates would be in breach of contract. Edgewood Estates can rescind the agreement, and Bella Vida could do the same. It is simply contractual, and he says the Planning Commission may not have the authority to approve this proposed change in development.

Mr. VanAlstyne then raised a second issue – the path Sky Properties is proposing to put in their plan. The developer never approached their (*Edgewood, or Bella Vida?*) HOA on this plan, and what will the villas be told, as prospective buyers? It's their land. Their fondest desire is to be kind neighbors, and they would like it to continue, but it is a serious issue and could result in conflicts down the road. Sky Properties was not forthcoming with the City in providing this information. The proposed driveway/right of way, as a street, is narrower than Edgewood Drive. Moreover, what about interest for safety and well-being of residents that was marketed to the elderly? He then asked if Sky Properties was planning to include a pedestrian crosswalk or speed bumps, as there are safety issues. The City has to protect its residents, and Mr. VanAlstyne was surprised that engineers and planning departments would see this as adequate. As raised earlier, the lack of parking, with it being removed from the west side of the park, and their contractual agreement with Edgewood would be a breach of contract. The pressure Sky Properties is under is self-imposed by the developer. This requires further study, and Mr. VanAlstyne encouraged the Planning Commission have residents of Bella Vida and developers work through these issues on common ground, perhaps at the City offices.

Eileen Rencher, Bella Vida, wanted to assure the commission that they want the developers to succeed; everyone needs to succeed. This facility was built for senior citizens, and she thought she would have a 24 hours concierge, and other amenities that are not there. For her to go through the area, it is very dangerous, and safety is a concern. It was designed for senior citizens, and they would like the opportunity to hammer through some of these issues.

Ken Clifford, 311 Edgemont Drive, stood and stated he is a realtor by profession. The challenge he sees that has not been addressed is the downgrading of property values to those in the twin homes. You could get information on the MLS, and it would show that most of those homes in the last three years have sold from \$325-\$400,000 except in short sales. He has a concern about the new, proposed homes being sold in the \$250,000 range, and the developers are only looking out for their own interests. Homeowners will take a hit in that area. An economic impact study should be performed to look out for interests of Bella Vida and Edgewood.

Mr. Berd stood up again and pointed out that they have not tried to oppose Sky Properties, but to work with them. He added that he included costs of redoing the utilities in his proposal. That cost is not a result of his design, but those costs would be incurred putting in the villas. He incorporated their plans and the villas. Those utilities being abandoned are a result of the developers' plan.

Steve Israelsen stated that the park was included in calculations, but he believes open space calculations and requirements are met, even without the park. The park can be used by both Bella Vida and Edgewood. Sky Properties is maintaining the park, and he doubts Edgewood wants to take over that maintenance.

Commissioner Oblad asked Mr. Smoot about the utility changes. Mr. Berd's plan shows a cost of \$250,000 for utility changes, and he asked how much they would be spending. Mr. Smoot said there are substantial changes for their plan, and Commissioner Oblad agreed that they would still be moving a lot of utilities. Mr. Israelsen said the utilities for building two would remain. He said Mr. Bird's plan includes costs of moving building 2. Mr. Israelsen said that beyond the costs of Mr. Bird's plan, there would be a ravine to fill, which is not allowed by the City.

The developers, making the investment, feel like the new plan would be best. Mr. Israelsen added that all residents will receive nice view corridors.

Commissioner Oblad asked the developers if they have to move anything in the ground. Mr. Smoot said they will only have to move sewer lines, but it cost substantially less than \$250,000.

Commissioner Cary asked if an official public hearing will be held. Ken Leetham said there is one advertised for March 22. The subject is not whether the plan should be changed from a five building plan to this plan, it is really on the boundaries of the subdivision. Mr. Leetham said the City will take public comment any time between now and two weeks from today as well.

Roger Jones, 645 Edgewood, stated that the developers were minimizing the use of the park. With the five original Bella Vida buildings planned, that would have minimal use. With all of these other homes coming in for young families, it is going to be saturated with kids. They do have the right through the Edgewood HOA, with the agreement to maintain it, but if that gets overrun, it could be rescinded. It is a concern for those neighbors, and they would like to see excavation holes and black vinyl fencing cleared up before these other new things exacerbate a problem. He thinks there are some problems that have not really been addressed in a proper way. If the City chooses to go forward with this without thought of input, it could become a can of worms.

Mr. Israelsen then addressed the issue of the homes being designed for children. Edgewood has only one home with children in it. The Villas, themselves, do not have a 55 age limit, but they have HOA costs that are more than double the twin homes. They cannot install fences, and with common grounds, it is just not conducive to young families. It will attract the same clientele as the Edgewood twin homes.

Commissioner Oblad asked about the contract regarding use of the park. Steve Israelsen said they established an arrangement that the Bella Vida residents could use the park in return for paying the maintenance for the park – mowing, etc. The Edgewood HOA owns the park, and pays insurance on it. If they do not want to share the park, it does not really affect Sky Properties. He added that there is actually more parking for the tot lot than originally planned. The cost of the new villas will be just under \$300,000 and are being sold at higher price than what is available in Edgewood, right now.

Council Member Horrocks stated that he agrees with the developer that 100% will be sold to retired individuals. He believes the elimination of high rise, view obscuring, buildings, and a reduction in density would be good for the City. He does not know that the product is in any way comparable to the Edgewood product. While it will sell for a lower price point, he does not believe it will negatively impact Edgewood. From a City point of view, there is concern for the people who have purchased in Bella Vida, as the viability of the project is at risk. If it goes under, the Bella Vida would be stuck with high priced apartments.

Steve Israelsen said he has met with the Bella Vida residents on three occasions, and staff has met with them as well. The Bella Vida owners responded that it was probably the best path to go, considering all information. It has been since then, that ideas have been forming to move buildings, etc. The residents want to have input on where buildings and gazebos are placed, but where it is not practical because of engineering, etc, this really does not make sense.

**Chairman Klotz moved to continue this item and have the developer deal with some of the issues brought up today, especially the HOA agreement with Edgewood, and legal issues brought up by HOA homeowners.**

Steve Smoot said the Bella Vida residents do not use the park much. Time is of the essence, and he urged the Commission to approve this now, with it contingent on certain things. They need to get to the point where they can hit the market. He added that by creating activity in the area, it will help keep condo values higher.

There was not a second to the motion, so it died.

Council Member Horrocks then asked Ken Leetham if the preliminary design is passed, and after the public hearing in two weeks, would the Planning Commission in theory approve a final design. Mr. Leetham said if they look at this from a calendar point of view, a delay in the preliminary design plan tonight is not a delay in the final plat approval.

Mr. Leetham then summarized the issues: The developers should report back to the Planning Commission the amount of open space being credited to the Bella Vida project, with or without the park, so that the Commission can see the impact, and ownership of the park, and meeting code requirements of open space. The other issue is the legal questions surrounding park maintenance. He would tend to agree with Mr. Israelsen that unless a result of those agreements has the potential of putting one of these projects out of compliance with City ordinances, it is not a critical issue to the City if the two HOAs cannot work it out. It is not the City's place to tell the HOAs to work it out, unless it creates a code violation.

Chairman Klotz asked about parking. Mr. Leetham said staff can review parking details, including situations where residents purchased a second space. Chairman Klotz said the other issue is one of safety. Walking to the clubhouse, again especially, if the developer is trying to sell these to seniors, safety should be addressed. Mr. Leetham said the City Engineer and Public Works Director can explore this and make a recommendation to the developer and Planning Commission.

**Chairman Klotz moved to continue the proposed preliminary design plan – PUD amendment; The Villas at Bella Vida, to have City staff look at the issues Mr. Leetham just reviewed, including open space calculations, parking, safety, and legal issues pertaining to the shared park. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Cary, Klotz, Goodrich, Oblad and Jensen, and Council Member Horrocks. Commissioner Allen was excused.**

3. APPROVE MINUTES

The Planning Commission minutes of February 22, 2011 were reviewed and amended. **Chairman Klotz moved to approve the Planning Commission minutes of February 22, 2011 as amended. Commissioner Cary seconded the motion. The motion was approved by Commissioners Cary, Klotz, Goodrich, Oblad, Jensen and Council Member Horrocks. Commissioner Allen was excused.**

4. ADJOURN

Chairman Klotz adjourned the meeting at 9:02 p.m.

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Chairman

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Secretary