

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
MAY 8, 2012

Chairman Eric Klotz called the meeting to order at 7:03 p.m. and welcomed those present.

PRESENT:       Commission Chairman Eric Klotz  
                  Commissioner Doug Cary  
                  Commissioner Kim Jensen  
                  Commissioner Bruce Oblad  
                  Commissioner Allen Tidwell  
                  Council Member Brian Horrocks

EXCUSED:       Commissioner Robert Drinkall

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

OTHERS PRESENT: Peter Evans, Woodside Homes; Patrick Scott, Brighton Homes; Phil Hancock, L.W. Miller; Larry and Amy Langton, Dennis Bradshaw, Angie Hurst, Devan and Emily Thorne, David Barss, Nate Pugsley, Ron Whitehead, Brittany Booth, Joy Hanson, Tony and Nancy Stephenson, Jeremiah Burns, Michelle Johnson, residents; Peter and Kimberly Gordon, Get Air Trampoline Park; Stan Porter, City Council.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR SHAFFER POOL PLASTER & REPAIR LOCATED AT 230 NORTH CUTLER DRIVE #3. DOUG SHAFFER, APPLICANT.

Ali Avery reported that this application is to allow “general warehousing and storage facilities” for Shaffer Pool Plaster & Repair at 230 North Cutler Drive #3. The proposed business activity at this location will mainly be storage of materials for plastering swimming pools. Most of the materials stored will be sand and cement bags. There will also be a forklift, pressure washers, air compressors and plaster pumps stored on-site. All storage will be within the existing building. Outdoor storage is not allowed in this zoning district (C-G).

**Commissioner Jensen moved to approve the conditional use permit for Shaffer Pool Plaster & Repair at 230 North Cutler Drive #3 with no conditions. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Cary, Klotz, Oblad, Tidwell, Jensen and Council Member Horrocks. Commissioner Drinkall was excused.**

3. CONSIDERATION OF A SITE PLAN AND A CONDITIONAL USE PERMIT FOR A LANDSCAPING REDUCTION FOR L.W. MILLER LOCATED AT 95 NORTH 300 WEST. DENNIS BRADSHAW, APPLICANT.

Ali Avery stated that L.W. Miller currently owns two buildings on the property and several other properties in the City's industrial park. This application is for a warehouse storage addition to the east building on the subject lot. The addition is approximately 4,446 square feet in size, and will be designed to match the existing structure. The applicant currently exceeds the required parking spaces for both buildings. They are also asking for a conditional use permit for a reduction in the minimum landscaping requirement to allow for 6% landscaping on-site rather than the required 10% landscaping.

Chairman Klotz asked if the landscape requirements in city ordinances are for aesthetics or drainage purposes. Paul Ottoson stated that it is strictly for looks. Drainage is not an issue.

Commissioner Tidwell said there may be an opportunity to increase the number of trees along the chain link fence at Center Street and 400 West that would decrease the visibility of the owner's unsightly trailers. Mrs. Avery said that particular area is not included in the total site plan because it is a separate lot.

Phil Hancock, contractor working for L.W. Transport, stated he has been involved with many projects at this site, and with each project they have tried to meet all requirements. Because of the unique use of this site with many large trucks, the owners have tried to make sure there is no reason to have trucks stopped in the roadway. The landscaping was placed in the only conceivable available place that did not affect the movement of vehicles into and around the property. On the property's east side, there are railroad tracks, and it is blocked by the backyards of other businesses and did not make sense to landscape that area.

Commissioner Oblad asked about the percentage of landscaping. Mrs. Avery stated that they are at 6% for this particular lot, and that all of their different lots were historically approved separately from each other. Some are assumed to have met the landscaping requirements in place at the time. Paul Ottoson stated that previous planning commissions have waived the 10% requirement on deep lots where the driveways are in the front of the property.

Commissioner Cary stated that the Commission has dealt with this before, and the owner could put more landscaping by the railroad tracks, but there is no point to that. He is in favor of leaving it as it is.

**Commissioner Cary moved to approve the site plan and conditional use permit for a reduction in the minimum landscaping requirement for L.W. Miller located at 94 North 400 West with the condition that five (5) ADA compliant parking stalls must be provided on-site. Council Member Horrocks seconded the motion. The motion was approved by Commissioners Cary, Klotz, Oblad, Tidwell, Jensen and Council Member Horrocks. Commissioner Drinkall was excused.**

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A PARKING DETERMINATION FOR GET AIR TRAMPOLINE PARK LOCATED AT 415 NORTH REDWOOD ROAD. KIMBERLY GORDON, APPLICANT.

Ali Avery reported that this is the second location Get Air has considered for their business in North Salt Lake City. The Planning Commission reviewed and approved a conditional use permit for a request for a parking determination for Get Air Trampoline Park on March 13, 2012 at their previously proposed

location, 235 West 500 North. The applicant is now looking at a new location for the same use at 415 North Redwood Road (north of Kangaroo Zoo).

Get Air Trampoline Park intends to convert an existing warehouse into a trampoline park. A portion of the building would be for party rooms, a small office, restrooms, and a reception area, and the rest of the leased area would be filled with trampolines, etc.

The applicant has other locations in the state, and Mrs. Avery contacted the municipalities where two of them are located and discussed the parking situation. The building being considered in NSL is between the two building sizes of the locations in Kaysville and Roy, so staff is recommending a standard that is directly between the other cities' requirements, or one stall per 375 square feet, totaling 67 parking stalls for this location. If the staff's recommended parking standard is applied in this case, then the proposed site meets that standard.

The lighting in the area should be upgraded to provide safety of patrons and their property. Staff also recommends the temporary conditional use permit shall be effective for a one year period beginning on the date of the issuance of a City business license and shall automatically renew annually unless the business creates a parking demand that exceeds the number of off-street parking spaces provided. Also, nothing other than vehicles may occupy the parking stalls on-site. The current dumpster location must be relocated out of the parking area.

Chairman Klotz asked if Kangaroo Zoo knows they may be sharing parking spaces. Peter Gordon responded that the Kangaroo Zoo owner is aware of this plan.

**Council Member Horrocks moved to approve the conditional use permit for a parking determination for Get Air Trampoline Park subject to the following conditions: a) The lighting in the parking area must be substantially upgraded to provide for safety of patrons and their property prior to issuance of a business license, b) This temporary conditional use permit shall be effective for a one year period beginning on the date of the issuance of a city business license and shall automatically renew annually unless the business creates a parking demand that exceeds the number of off-street parking spaces provided, c) Nothing other than vehicles may occupy the parking stalls on-site. The current dumpster location must be relocated out of the parking area. Chairman Klotz seconded the motion. The motion was approved by Commissioners Cary, Klotz, Oblad, Tidwell, Jensen, and Council Member Horrocks. Commissioner Drinkall was excused.**

5. PUBLIC HEARING FOR AND CONSIDERATION OF AN AMENDMENT TO THE FOXBORO NORTH GENERAL DEVELOPMENT PLAN. WOODSIDE HOMES, APPLICANT.

Ken Leetham reported that individuals from Woodside Homes have met with the neighborhood being affected by the proposed Foxboro North general development plan. The City had a list of many concerned residents who had signed a request for notification at a previous Planning Commission meeting. The plan has been posted on the website and sent out to many people, including those who had requested notification. Mr. Leetham then showed the current proposed plan.

The proposed plan has fewer units than the current general development plan, and also is a mixed configuration of different types of land uses. It also includes an apartment component, which the

previous plan did not contain. The land use for the current Castleton West, would be changed to a subdivision plat of single family homes (rather than condos). The proposed general development plan shows 89 units less than the previously approved plan. Mr. Leetham showed a comprehensive slide outlining the current plan compared to the proposed plan.

The City included several line item changes to the development agreement language that Woodside Homes has proposed, including removing or changing the following items:

- Changing the submitted language regarding the City agreeing to implement a similar plan program (building permitting similar plans).
- Removing the submitted language regarding signage plans – City staff proposes no change to current signage regulations in the City Code, (although developer proposes 3 marketing and/or directional signs per product type within the project).
- Changing the submitted language regarding parking standards for apartments – developer proposes 1.5 spaces (1 covered and .5 uncovered) and city staff proposes 2.25 spaces (1 covered, 1 uncovered and .25 guest spaces).
- Adding the landscaping standards - City staff added the required landscaping design standards for Redwood Road from the city's Land Use Ordinance to the development agreement.

Staff recommended the following conditions, if the Planning Commission recommends approval:

- Buffering adjacent to Legacy Highway (west side) where the proposed single-family homes will be located
- Denial of "South Apartments" portion of the plan
- Include City Staff line item changes to the Conditional Use Permit Agreement (development agreement)
- No new City maintenance obligations – all future open space to be owned and maintained by the Foxboro North HOA

Peter Evans, Woodside Homes, addressed the Commission and made a presentation. He said they have asked for community input through meetings with the community, the HOA, and individual homeowners. He addressed the proposed modifications and stated that feedback is positive now, and taken as a whole, they believe they have the support for the project.

The main concerns were crowding, crime and property values. The new plan has a net decrease in density by 7% from what it is now, and an increase in open space of 16% overall. There would be a decrease in the overcrowding of schools because of the new mix of housing.

Addressing crime, Mr. Evans stated that it is difficult to quantify, but they had Chief Black come to the HOA meeting and make a presentation on crime. Through the first quarter of 2012, the police calls within the Foxboro Terrace apartments were less than in the overall Foxboro community. Mr. Evans added that they will voluntarily participate in the city's Good Landlord Program.

With the concern over property values, Woodside Homes has a large financial investment in NSL within Foxboro North, and the data they acquired does not support the concern. Mr. Evans quoted, "Multi-family rental developments do not negatively impact the sales price of nearby single-family homes" Effects of Mixed-income, multi-family housing developments on single-family housing values – MIT

Center for Real Estate. Another source states, "Recent macro-studies of census and housing data support overall conclusion that anecdotal fears are not statistically justified."

Aesthetics are also a concern. The buildings are seen as an upgrade, and the city's DRC would have a lot of input on many factors.

Mr. Evans concluded that the lower density, an increased tax base, less common area burden, an increased single-family mix, and additional HOA facilities makes this development a positive addition to the City.

Mr. Evans then said he would address staff's concerns, i.e. buffering along Castleton West. The developer feels that the number of people affected by noise would be less than the number in the previous plan. They will match what is in the prior developed area, of a six-foot high vinyl fence. He added that this development is also 200 feet further away from the highway.

Secondly, Mr. Evans addressed the recommendation of denial of the south apartment portion of the plan. He understands staff's concern about it being disconnected, but he also believes it is no more disconnected than anyone else is in Foxboro from their main HOA facilities. Unless you have a cohesive ownership throughout an area, that is a problem that would be in any area because of different land ownership. The developer feels it is an appropriate use of that property.

Mr. Evans said they will meet the parking standards of 2.25 parking stalls, per city code (1 covered, 1 uncovered, and 0.25 guest parking stalls).

Regarding signage throughout the entire development, Mr. Evans stated that with a large master plan, there are multiple model home sites, and more signs are needed to direct people to multiple locations.

Commissioner Cary asked about the apartments in Foxboro and the lower income housing complex and stated that this is the largest concern he has been hearing about. Mr. Evans said he cannot specifically address the lower income component, but the current housing proposal does not lend itself to a lower income subsidized housing component.

Patrick Scott, Brighton Homes, said they have the property under contract to purchase it – it would be a market rate apartment somewhere between \$750-800/month for a single bedroom unit, up to \$1200/month for a three bedroom unit. He said it is not intended to be a subsidized complex.

Chairman Klotz opened the public hearing at 8:21 p.m.

William Tribe, 1047 Amberly Drive, said he represents 11 residents in Foxboro North, all living in his home. They are in support of the new proposal. The residents, both for and against, should do everything in their power to prevent rental units within the Foxboro north property. The new clubhouse would be very beneficial. He said the City should be concerned about crime. Property values will be supported with the plan. If the development were built as previously proposed, the City would not have as much say. The new commitments of Woodside have all been carried out. He would highly recommend the new Woodside plan be approved and that the City continue to work with the developers to get the highest product possible.

Emily Thorne, 989 West Castleton Drive, said she also agrees with Mr. Tribe about the proposed changes. She stated she did a lot of research on the plans, and then wrote a blog about her research. She was once in opposition to the proposed changes and is now in favor. With having the apartments, there will be less density and more space, of which she is in favor. Her blog was posted for this Facebook group, and the feedback she received was overly in favor of the new proposal.

David Barss, 1023 North Amberly Drive, said the proposal seems to improve the community, and he is in favor of it.

Tony Stephenson, 1078 Allington, in North Castleton, thanked the Commission. He commended Brighton and Woodside Homes on their presentations. He said he is new to the area, but has participated in the meetings, and is in favor of the proposal given. He believes the high density of the new proposal being on the east will help the traffic rather than the original proposal. Those, with the addition to the open space, are positive changes. One other comment is that he personally likes the open area and would be opposed to an artificial barrier between the neighborhoods and the Legacy Highway, particularly between Legacy Highway and the trail.

Jeremiah Burns, 1074 Chidester, in Cambria, said he started the informal survey among residents, and a lot of the concerns were resolved, so he met with a lot of people who had concerns originally and found that that they are now strongly in favor of the proposal. He likes the proposal to reduce traffic, especially the reduction of traffic at the Fox Hollow roundabout, which he believes would be overburdened with the high density on the west side of the development. He said he does not like to see companies piece off parcels, and believes developments should stick to the master plan.

Michelle Johnson, 1118 Sutton Drive in Berkeley North, said she has been able to talk to a lot of people in the neighborhood. She is on the HOA Board for Berkeley North. Before Woodside Homes made their changes, many people were opposed to the proposal. However, having Woodside listen to the residents and make the proposed changes, is an improvement (for example, the addition of a clubhouse). She does not want condos rented out, and would rather have apartments out in the front of the development. Her thoughts would be that this is a good thing for the neighborhood, and in this economy, Woodside is trying to do what's best for their neighborhood. She also opposes a barrier between Legacy Highway and the trail, because it would make it unsafe to travel on.

Ron Whitehead, 976 North Foxhollow Drive, stated that when Woodside came to the first meeting it was a heated discussion, and about 80% of the people were against the proposal. Woodside did a great job listening to the residents and making changes. He said there are no right and wrong, but different opinions. He wants them to landscape the front of Pick'n Go. Ken Leetham responded that Pick'n Go entered into an agreement with the City to come up to code on their landscaping and have until September of this year to comply.

Chairman Klotz closed the public hearing at 8:37 p.m.

Council Member Horrocks stated that prior to being on the City Council, he was on the Planning Commission. Some of the regrets the City has had with the Foxboro development have been the lack of parking, about which the City has had many complaints, among others. He mentioned that he thinks there should be plenty of parking available for the apartments. He then talked about some of the

comments he had received in emails that were overwhelmingly in opposition to the new Woodside Plan. He mentioned that this new plan has less density, which is better. He explained the Good Landlord Program to the public. He also mentioned that the decrease in density may help with the overcrowding of schools to help bring fewer to the area.

Commissioner Tidwell asked about the City's sign ordinance regarding model homes. Mrs. Avery said the City approved some development signs for Foxboro North, including three signs and some directional signs. Currently, there is nothing in place to allow model home signs. Mr. Leetham added that there is a compelling reason to evaluate signage and market strategy in this situation, but they have not had a chance to do that with the developer at this time.

Commissioner Oblad asked Patrick Scott what it does to his project if the south parcel of apartments was not approved. He said he thinks the Thurston property may evolve into apartments as well. Mr. Scott responded that they obviously believe it is an improvement to the area and do not necessarily agree with staff's recommendation.

Commissioner Cary said all the feedback he has been getting back has been negative. He lives in the section of Foxboro near the lower income apartments, and the residents believe that the apartment problems in Foxboro South will be duplicated in the Foxboro North apartments.

Commissioner Tidwell expressed concern about traffic where all these residents in the north apartments go into the same streets, and he asked about a signal light at 900 North. Paul Ottoson responded that UDOT has said there will not be a signal light at 900 North.

Mr. Tribe (who had spoken earlier in the meeting) stated that the people in opposition do not have as much at stake, because they are primarily in the Foxboro South development.

Mr. Evans stated that they invited as many residents as possible from Foxboro South. He then stated that the timing of the complaints is an issue as well, since by and large, the negative feedback has come from the original proposal and not after these meetings and changes.

Commissioner Jensen said she works with Davis Behavioral Health helping to find housing for people with low income. There are no guarantees of not getting subsidized housing.

**Chairman Klotz moved to send a favorable recommendation to the City Council to amend the Foxboro North General Development Plan and Conditional Use Permit Agreement subject to the following conditions:**

- **Recommending denial of the portion of the general development plan for the property noted on the proposal as "south apartments."**
- **The proposed amendments to the Conditional Use Permit Agreement should include the changes noted on the attached document (in a red strike-thru and underline format).**
- **The city not take on any new maintenance obligations for open space within the new plan including the area along the north side of 900 North east of Plat 3 and all proposed open space areas in the Castleton West neighborhoods.**

- **And also with the correction of parking spaces to reflect city code of 2.25 parking stalls per unit.**

**Commissioner Oblad seconded the motion. The motion was approved by Commissioners Cary, Klotz, Oblad, Tidwell, Jensen, and Council Member Horrocks. Commissioner Drinkall was excused.**

6. APPROVE MINUTES OF PLANNING COMMISSION MEETING – APRIL 24, 2012

The Planning Commission minutes of April 24, 2012 were reviewed. **Chairman Klotz moved to approve the Planning Commission minutes of April 24 minutes as written. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Cary, Klotz, Oblad, Tidwell and Jensen and Council Member Horrocks. Commissioner Drinkall was excused.**

7. ADJOURN

Chairman Klotz adjourned the meeting at 9:25 p.m.

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Chairman

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Secretary