

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
MARCH 24, 2016

**FINAL**

Chairman Robert Drinkall called the meeting to order at 6:33 p.m. and welcomed those present.

PRESENT: Commission Chairman Robert Drinkall  
Commissioner Lisa Watts Baskin  
Commissioner Ted Knowlton  
Commissioner Kent Kirkham  
Commissioner Stephen Garn  
Commissioner Leslie Mascaro  
Council Member Ryan Mumford

STAFF PRESENT: Ken Leetham, Assistant City Manager and Community and Economic Development Director; Sherrie Llewelyn, Senior City Planner; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Denise Martinsen, Randy Cassidy, Corey Orme, Caralyn Bingham, Cobi Arnett Gulso, Neil Bingham, Bradley Madsen, Leo Thurston, Dallas Stanger, Sharon Stanger, Eric Gibson, Ariane Gibson, Scott Coulam, Andrew Coulam, Ainsley Anderson, Rob Lilyquist, Melanie Lilyquist, residents; Bill Gaskill, CSC Redwood Holdings L.C.; Wilford Cannon, Eaglewood Development.

1. PUBLIC COMMENTS

There were no public comments.

2. CONTINUED FROM NOVEMBER 10, 2015- PUBLIC HEARING AND CONSIDERATION OF AN AMENDMENT TO THE EAGLEPOINTE ESTATES SUBDIVISION PHASE 18, LOTS 1807 & 1814, ALONG WITH A VACATION OF A PORTION OF PACE LANE. SKY PROPERTIES, APPLICANT

This item has been cancelled.

3. PUBLIC HEARING AND CONSIDERATION OF A RE-ZONING TO A PLANNED (P) DISTRICT FOR FOXBORO MARKETPLACE LOCATED AT

APPROXIMATELY 725 NORTH REDWOOD ROAD. BILL GASKILL, CSC  
REDWOOD HOLDINGS L.C., APPLICANT

Sherrie Llewelyn reported that this application is for a rezone to a Planned (P) District and said that the General Development Plan was approved by the City Council on February 16, 2016. The developer revised the plan to no longer include any property south of Foxboro Drive and this rezone request requires a public hearing.

This development consists of 102 multi-family units on 5.12 acres and retail space, including Lee's Marketplace and five additional commercial buildings on 9.12 acres. The residential project consists of a clubhouse, pool, tuck-under garages, community gardens, etc. The City is acquiring property to finish Cutler Drive which will provide additional access to this property, per a previous agreement with Woodside Homes to fund the project. If the Planning Commission recommends approval to the City Council it will be considered with a development agreement that addresses landscaping, parking, signage, pedestrian access, trails, architectural design, etc.

Christopher Robinson, CSC Redwood Holdings L.C., commented that Lot 101, which was the southern parcel, was removed from consideration as the focus is on the north site at this time. He reported on the community meeting he held at the Foxboro Clubhouse and said that 60-70 people were in attendance and that they were able to answer their questions and concerns. Mr. Robinson said there has been a delay in obtaining the geotechnical reports, due to workload of the consultant, but hope to have Lee's Marketplace open by Thanksgiving of this year.

Commissioner Drinkall asked how the development was received by the public during the meeting and what feedback was given. Christopher Robinson replied that they tried to be straightforward with the plan and that while there was positive feedback for the shopping center the multi-family units were not as well received.

Council Member Mumford commented that he had attended the meeting and felt the developer was straightforward in explaining the plan and answering all the questions asked. He said the opinions of the public seemed varied as some were adamantly opposed while others were excited for the grocery store.

**Commissioner Drinkall opened the public hearing at 6:42 p.m.**

Caralyn Bingham, 1053 Manchester Drive, commented that she is concerned about the 102 apartment units and said this would lead to school overcrowding and also the issues with the plot of land north of the apartment location as it may need cleanup. She is in favor of the grocery store development. Ken Leetham responded that in regards to the Cutler Drive construction that

the City will have the area excavated and any contaminants would be removed and capped. The City does not currently have any studies that indicate whether the property is contaminated or not.

Commissioner Baskin asked if the City was purchasing the property to install the road on Cutler Drive. Ken Leetham replied that the City has an agreement with Woodside Homes for the extension of Cutler Drive. The City is purchasing the right-of-way with funds from Woodside Homes, who is also paying for the construction of the road.

Commissioner Baskin then commented that there are currently properties adjacent to the road and asked if there had been a discussion regarding possible contaminations when those properties were built. Ken Leetham said that the apartments have been there for ten years and that he did not recall that it was brought up at that time.

Randy Cassidy, CSC Redwood Holdings L.C. commented that Foxboro was developed as a federally funded project and the property was studied for air, noise and environmental impacts. He said there was one small area that had contamination and it was cleaned up.

Christopher Robinson said that they have done a recent environmental study on Lot 108 and it came back clean.

Cobi Arnett Gulso, 320 Boston Drive, commented that her concern is for the multi-family, high density housing as she feels the projected number of school age children is too low and will overfill the schools.

Commissioner Drinkall asked how many one, two and three bedroom units will be in this development. Randy Cassidy replied that there will be 4 three bedroom units, 54 one bedroom units and 44 two bedroom units.

Christopher Robinson commented that the experts they consulted do not believe this complex will be heavily inhabited by school age children.

Ainsley Anderson, Abbey Drive, commented that she is excited for the grocery store and is not as concerned about the apartments. She said the rent for the apartments is more expensive than some of the mortgages in Foxboro and that those units do not seem targeted towards families. She said the schools will be more likely to be overcrowded due to the homes in the area and the large family sizes, versus the apartments.

Commissioner Drinkall proceeded to read a letter from Brad Nelson who is the Director of Finance and Development for Spectrum Academy which is located in the Foxboro area. The letter stated the schools support for the project, stating that many of the families of students with autism commute long distances transporting their child to the school. These high quality apartments would provide an opportunity for some of these families, with higher incomes, to choose to live closer to the school, rather than commute. The school was also in favor of the commercial aspects of the development, in that it would provide close job opportunities for students in their program to learn life skills. The proximity would allow closer supervision of these students by educators.

Dallas Stanger, 922 Alton Drive, commented that he agrees with those in opposition to the high density apartments. He asked if the City has studied the emergency support that will be required for this type of housing. Mr. Stanger then said that there seems to be many calls for the transient type areas versus those populated by homeowners. He urged the City to stop the process of developing these apartments. He also asked that the developer clarify the development plan.

Christopher Robinson reviewed the location of Lee's Market, the apartments and other items of interest on the general development plan to those present. He also said there is a potential for a hardware store, multi-tenant retail and a fast food restaurant in this development.

Chief Black then addressed the concerns about emergency support in the proposed area and said that the dispatch call data does not reflect a disproportionate amount of calls for the apartment areas versus single family neighborhoods around the City. He reported that the per household call volume was equivalent. He further noted that the Good Landlord Program has been established in the City which allows the police department to work in cooperation with the landlords who want to have good tenants and neighborhoods. Chief Black said when this development plan was first presented to the City he did have some concerns regarding access inside the apartments but the developer has since made changes which allows for safer police response, should an emergency event present itself.

Denise Martinsen, 838 Somerset Drive, commented that she is opposed to the apartment complex but not the rest of the proposed plan. She said the issue is the quality of life which includes traffic concerns. Ms. Martinsen said in regards to the school that the developer does not think there will be many children but she believes that this will be an issue.

Eric Gibson, 187 Walton Drive, said he is in favor of this development as it will keep tax dollars in the City. He understands the concern with traffic issues but a grocery store is needed in the area.

Scott Coulam, 935 Hillingdon Court, commented that he is opposed to the development as it comes at a price he is not willing to pay. He said there are multiple complexes built in the City and they overwhelm the schools and decrease property values. There are already several commercial vacancies along Redwood Road and in Bountiful as there is a struggle to keep tenants in the area and he is concerned that this will occur in this development. Mr. Coulam said this type of development could potentially work in the future but he does not see the need at this time.

**Commissioner Drinkall closed the public hearing at 7:15 p.m. He then reopened the public hearing at 7:15 p.m.**

Sharon Stanger, 922 Alton Drive, commented that this development seems like a done deal but asked if the City could assure residents that no further high density housing would be built in the Foxboro area as it is a burden on the school and the City services.

**Commissioner Drinkall closed the public hearing at 7:16 p.m.**

Commissioner Drinkall said the City Council would need to review this general development plan for final approval. He said multifamily may be approved again in this area to allow multifamily. The City cannot guarantee that developers will not apply for future multi tenant developments. The market drives what is built, how the land is developed and the pricing.

Council Member Mumford commented that he opposed the Hampton Place apartments when they were proposed but was not on the City Council at that time. The City has a high density of multifamily housing and it would be hard to put another use in an area surrounded by multifamily. For example he pointed to the property north of this development with the current trucking operation. It will have multi-family housing on all three sides, therefore other uses may be incompatible with multi-family should it be redeveloped in the future. He said he does not prefer high density housing but feels the grocery store would be a big benefit to the area as it would add to the sense of community and walk-ability in the area. Council Member Mumford said that unfortunately the City cannot say that no more apartment buildings can be built as landowners have rights to request use of their property and the City cannot control the actions of future Councils.

Council Member Mumford asked the developer if a lease agreement had been signed and how long the lease is for. Christopher Robinson replied that a 20 year lease had been signed with Lee's Marketplace with three ten year renewal options. He said they are concerned about investing money and having a tenant like that leaving without consequences.

Commissioner Baskin asked why the geotechnical report was taking longer than planned. Christopher Robinson replied that the delay with the reports have to do with our vendor and that they are running behind schedule. He said they have ordered a second report from another vendor in the meantime.

Commissioner Knowlton commented that the Planning Commission administers existing law and that this will ultimately be the City Council's decision. The Commission's role is to weigh the impacts and potential negative aspects against the standards. He reviewed that the crime issue was addressed and that the bigger issue is the impact on the elementary schools and the traffic issues as this is a vacant site now and any development would increase traffic. Ken Leetham responded that this area has been pre-planned to accommodate the traffic that would be generated from these commercially zoned parcels. He said the City Engineer has stated that the roads can handle traffic volume and that the congestion during school times will be different than peak shopping times.

Commissioner Knowlton also said in regards to the resident's concerns about property values that suburban areas that lack commercial convenience could have a bigger negative impact on those values. Commissioner Drinkall also commented that while he was not a real estate appraiser or expert that property values could increase with the grocery store being built in this area.

Commissioner Baskin commented that she had driven around the property today and viewed the lay of the land. The retail and multifamily is a compatible use and the Planned District will allow it to be developed well. She said that there is an emotional backlash to having apartments because the bulk of the residents have children but that there was a time when we all lived in apartments. People have to live in apartments, and it is not fair to say that they are a transient population. Commissioner Baskin said this is a great, high quality development with a beautiful U-shaped layout. She said while she has listened to the concerns, the residents have an opportunity to have a grocery store now, which may not be available again in the future if the development is not approved. She also emphasized that the developer and grocery store owners are state residents.

**Commissioner Garn moved that the Planning Commission recommend approval of the proposed rezone from CG to P-District for Foxboro Marketplace located at approximately 725 North Redwood Road with the following findings:**

**Findings:**

- 1) The proposed P District can be substantially completed within two (2) years of the establishment of the P District.**

- 2) **The development contains phases that can exist as independent units capable of creating an environment of sustained desirability and stability; and that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.**
- 3) **The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P District.**
- 4) **The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.**
- 5) **Any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the final plan.**
- 6) **The P district is in conformance with the city general land use plan.**
- 7) **Existing or proposed utility services are adequate for the population and use densities proposed.**

**Commissioner Baskin seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Knowlton, Kirkham, Garn, Mascaro and Council Member Mumford.**

4. PUBLIC HEARING AND CONSIDERATION OF A PLAT AMENDMENT FOR  
FOXBORO PLAT 1A, LOT 108 TO CREATE FOXBORO MARKETPLACE  
SUBDIVISION (7 LOTS) LOCATED AT APPROXIMATELY 600 NORTH  
REDWOOD ROAD. CSC PROPERTIES, APPLICANT

Sherrie Llewelyn reported that Lot 108 is located in the Foxboro Plat 1A and the requested amendment is to divide this parcel into six commercial lots and one residential lot. There will be a homeowners association and agreements for cross-easement access, shared parking and maintenance of the parking lots and landscaping that will be handled at the recording of the plat. There are two items that need to be added to the plat including the correction of the language on the Redwood Road trail easement and to add a pedestrian easement and sidewalk on the south property line of lot 7.

The Development Review Committee (DRC) recommends approval of the of the plat amendment with the conditions that the plat is revised to show the corrected language on the Redwood Road Trail easement and the addition of the pedestrian easement.

Commissioner Baskin asked if the property will be sold or leased. Chris Robinson replied that CSC Redwood Holdings would own and maintain the property except Pad A which will most likely be sold due to the nature of the use.

Commissioner Baskin also asked if the back of the Lee's Marketplace building would be made to look more attractive since it is within public view. Sherrie Llewelyn replied that they would be required to comply with all the architectural standards of our ordinance which would result in the building being attractive on all sides.

**Commissioner Drinkall opened the public hearing at 7:44 p.m. There were no public comments and he closed the public hearing at 7:44 p.m.**

**Commissioner Knowlton moved that the Planning Commission recommend approval of a plat amendment of Foxboro Subdivision Plat 1A, Lot 108 to the City Council with the following findings and conditions:**

**Findings:**

- 1) **The amendment will be in the best interest of the City;**
- 2) **All lots comply with all applicable zoning standards;**
- 3) **All necessary and required dedications are made;**
- 4) **Provisions for the construction of any required public improvements are included;**
- 5) **The amendment complies with all applicable laws and regulations; and**
- 6) **The amendment does not materially injure the public or any person and there is a good cause for the amendment.**

**Conditions:**

- 1) **The plat is revised to show the following items:**
  - A. **That the corrected language on Redwood Road Trail Easement be "Dedicated 16' P.U.E with 8' Public Use Trail and Easement"**
  - B. **Add Pedestrian easement and sidewalk plan on the south property line of lot 7, for compliance with City Master Trails Plan.**

**Council Member Mumford seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Knowlton, Kirkham, Garn, Mascaro and Council Member Mumford.**

5. **PUBLIC HEARING AND CONSIDERATION OF A PLAT AMENDMENT TO RIVERBEND INDUSTRIAL SUBDIVISION, LOTS 8 & 9, 245 SOUTH RIVERBEND WAY. TOM STUART CONSTRUCTION, APPLICANT**

Sherrie Llewelyn reported that a site plan approval for this property was performed last year. Lots 8 & 9 will be combined into one property with shared access and parking and four separate condominium buildings. She also explained that the City had received an updated Plat today

which addressed the conditions from staff including Lot 16 marked as “Common Area”, correct addresses for buildings 19 & 20, removal of fire line easements and signature boxes where changed from “approved” to “recommended for approval”.

**Commissioner Drinkall opened the public hearing at 7:51 p.m. There were no public comments and he closed the public hearing at 7:51 p.m.**

**Commissioner Kirkham moved that the Planning Commission recommend approval of a plat amendment for the Riverbend Industrial Subdivision Lots 8 & 9 to the City Council with the following findings and conditions:**

**Findings:**

- 1) The amendment will be in the best interests of the City;**
- 2) All lots comply with all applicable zoning standards;**
- 3) All necessary and required dedications are made;**
- 4) Provisions for the construction of any required public improvements are included;**
- 5) The amendment complies with all applicable laws and regulations; and**
- 6) The amendment does not materially injure the public or any person and there is a good cause for the amendment.**

**Condition:**

- 1) Submit draft of CC&R’s for common area ownership, maintenance, etc.**

**Commissioner Garn seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Knowlton, Kirkham, Garn, Mascaro and Council Member Mumford.**

Commissioner Drinkall commented that per recommendation from staff, future motions could be stated as “findings as noted in the staff report” which would allow them to still be listed in their entirety in the meeting minutes.

**6. PUBLIC HEARING AND CONSIDERATION OF A PROPOSED AMENDMENT TO THE CITY’S LAND USE ORDINANCE REGARDING THE LENGTH OF DEAD-END STREETS**

Sherrie Llewelyn reported that there has been a question of interpretation of the definition of a cul-de-sac road and how the length is determined. She explained that City ordinances state that it be measured from the middle of the intersection to the middle of the cul-de-sac. Therefore if a second cul-de-sac is placed on a cul-de-sac road, a new intersection is created and the length is now measured from that new intersection. The DRC reviewed how other cities determine a cul-

de-sac and Ms. Llewelyn then presented examples from neighboring communities to the Commission, demonstrating how this was done in other areas.

Commissioner Drinkall asked if the fire department was present at the DRC meeting when the wildfire and other safety issues were discussed pertaining to cul-de-sac lengths. Sherrie Llewelyn replied yes and that these items were discussed. The main concern is for fire truck access and turnaround and that is why they also interpret the fire code access in the manner described previously. She also noted that this was not how the city had interpreted this ordinance in the past and the DRC was hesitant to interpret it this way at this time.

Sherrie Llewelyn then explained that in the process of researching cul-de-sac length the DRC learned the current 600 foot length was a requirement common to many municipal codes and stemmed from the length of firehose carried on firetrucks of 600 feet. At that time it was common practice to locate fire hydrants only at the beginning of a cul-de-sac, today it is more common to have a hydrant at the beginning and the end of the cul-de-sac. With that information the DRC felt that this information should be relayed to the Commission and Council, as it was not identified when the previous request to amend the code was considered.

Commissioner Knowlton commented that the City is basically built out and asked what areas this ordinance would impact. Sherrie Llewelyn replied that the biggest advantage to amending the ordinance would be for the Eaglewood Cove development as they are currently not allowed a longer cul-de-sac which would cause them to make excessive cuts and fills or limit the number of homes that can be built.

Commissioner Baskin asked about fire hydrant placement in a cul-de-sac. Sherrie Llewelyn replied that a fire hydrant is placed every 400 feet. She said that the DRC discussed possible issues with fire services and longer cul-de-sac length. The DRC had suggested that additional conditions could be required, such as alternating placement of fire hydrants on opposite sides of the road to minimize placing hoses across the road in the event of a fire. This may aid in evacuation if necessary.

Ken Leetham commented that both fire and police had stated that if an evacuation was necessary, they would be able to do so, similar to the evacuation of Parkway Drive when the landslide occurred.

Council Member Mumford asked if the cul-de-sac was required to be a certain size for life flight helicopter landings. Ken Leetham replied that he was unsure what the required size would be but that City staff would research this possible restriction.

**Commissioner Drinkall opened the public hearing at 8:14 p.m.**

Wilford Cannon, Eaglewood Development, commented that 1,000 feet cul-de-sacs make for a nice development and also said that they would be open to placing the fire hydrants on alternate sides of the street for safety and better access.

**Commissioner Drinkall closed the public hearing at 8:16 p.m.**

The Commission discussed the proposal and stated that they would prefer language that allowed an exception above 600 feet, under certain circumstances, rather than allowing it out right. Commissioner Knowlton commented that the motion would need to include language to limit the cuts and fills and also include the varying placement of the fire hydrants. Sherrie Llewelyn recommended that the Planning Commission table the item and give staff further direction on language.

**Commissioner Baskin moved to table this item. Council Member Mumford seconded the motion. The motion was approved by Commissioners Drinkall, Baskin, Knowlton, Kirkham, Garn, Mascaro and Council Member Mumford.**

## 7. APPROVAL OF MINUTES

The approval of the minutes of March 8, 2016 was postponed.

Commissioner Baskin asked why the agenda item for the public hearing and consideration of an amendment to the Eaglepointe Estates subdivision was postponed. Sherrie Llewelyn replied that City staff had received a request from the applicant, Sky Properties that it be postponed as they are working on settlement details.

Ken Leetham commented that the City has entered into an agreement with Eaglepointe Development during the remediation of the landslide as the City needs property and permission to do the remediation work. In exchange for this access the City will not withhold a building permit for these two lots. The issue now is what type of regulations can be required as the City cannot withhold the building permit.

Commissioner Drinkall commented that he had been asked to reconsider a pledge and prayer at the start of the Planning Commission meetings.

The Commissioners discussed the pros and cons of reciting the pledge and having a prayer at the start of the Planning Commission meetings. Thoughts ranged from increasing unity to keeping traditions and whether or not being asked to saying or participating in a prayer would make individuals uncomfortable and whether it was appropriate under separation of church and state. It

was determined that the pledge would be recited at the beginning of each meeting and a prayer or thought would be optional.

8. ADJOURN

Chairman Drinkall adjourned the meeting at 8:30 p.m.



Chairman



Secretary