

NORTH SALT LAKE CITY
PLANNING COMMISSION MEETING – PUBLIC HEARING
JANUARY 31, 2012

Commission Chairman Eric Klotz called the meeting to order at 7:10 p.m. and welcomed those present.

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

MAYOR and COUNCIL MEMBERS PRESENT: Council Members Matt Jensen, Stewart Harman, Stan Porter, Conrad Jacobson; and Mayor Len Arave.

STAFF PRESENT: Barry Edwards, City Manager; Ken Leetham, Community and Economic Development Director; Ali Avery, City Planner; Chief Craig Black, Police Chief; Linda Horrocks, Minutes Secretary.

OTHERS PRESENT: Ted Knowlton, city consultant (The Planning Center); Ben Wellman, Horizon; Liz Schultz, Todd Neff, Cody Andrew, Jennifer Galloway, Leigh Okleberry, Vicky Thomas, Audry Beebe, Joe Bowden, Kristian Wang, Brent and Kristi Overson, Michael Rawlings, Linda Sorensen, Angie Hurst, Jodi Price, Brett Taft, Troy Payne, Dan Hubrich, Levi Fisher, Mike Landheim, Brad and Lizze Mecham, Kelly Gibbons, Crystal Makin, Noelle Knight, John and Joni Morgan, Michael Ward, J.W. Christensen, Matt Page, Angela Stewart, Ki Aston, Merlin Norton, Steve Berestaum, Farley Collins, Stuart Hatch, April Ito, Andy Barfuss, Lisa Watts Baskin, Steven Aase, Steve and Linda Garn, David and Kay Lynn Hale, Lisa Northcutt, Jenn Gatherum, Allen Ackerson, Doug Keefe, Breeann Wright, Paul Porter, Caralyn Bingham, Neil Bingham, Russ Castleberry, Mr. and Mrs. Julio and Sally Gallardo, Chad Marwen and Bede, Devan Bawden, Krisanne Lewis, Kristin Anderson, Melissa Stauffer, Brenda Mumford, Ryan Mumford; Sam Mecham, Sam Simmons, Ken and Colleen Clifford, Patrick Scott, David Garrett, Gary Widders, Marianne Cone, Cynthia and Hyrum Mills, Gabe Andrasousky, Paul Hunt, Chris Robinson, Mike Jackson, Judy Hull, MaryAnn Rogers, Jaron and Kelli Green, Don and Barb Kopenhefer, Glenn Ellis, Natalie Gordon, Kevin Shipp, Aaron Christensen, Zach Gibson, Sandra Keeler, Shawn Harvey, Ryan Cooley, Karina Christensen, James Keeler, Swen Howard, Mike Taylor, residents; James Nold and Jason Barnett, Stericycle.

1. PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY'S LAND USE ORDINANCE

Ken Leetham stated that the purpose for tonight's public hearing is to receive public comment on the City's Land Use Ordinance amendments and Zoning Map amendments. He then showed a PowerPoint presentation to provide residents with additional information and recommended that the Planning Commission delay action on the rezoning along Redwood Road (RAC or FVC zoning districts) at this time in order to receive additional comments and review all options, but take action on the proposed rezoning of some properties to CG from MD and the Land Use Ordinance amendments.

The Planning Commission then asked Mr. Leetham for some clarification on the proposed plan. The southeast corner of Redwood Road and 1100 North is currently zoned M-D. The proposed recommendation is that this area be zoned to General Commercial, C-G.

Chairman Klotz asked if residential development is allowed in C-G. Mr. Leetham responded that there was a mistake in the land use table, and staff is not proposing any residential in the C-G district.

Chairman Klotz addressed the public in attendance and stated that anyone interested in having input in this proposal affecting parcels along Redwood Road should attend the public open house next Tuesday, February 7 at 5:30 p.m.

Commissioner Tidwell stated that one of the proposals showed a C-G overlay zone and asked why the updated material did not show that. Mr. Leetham stated that the City may want to do a C-G overlay at some time, but there are not regulations in place to do that now. Having a C-G overlay zone would allow property owners to take advantage of M-D or C-G zoning. Mr. Leetham invited the Commission to provide input on this issue. Council Member Horrocks stated that he would recommend an overlay zone to allow property owners more leeway, rather than just being grandfathered, since that would still impose restrictions.

Commissioner Cary asked Mr. Leetham to explain the difference in uses in the area north of Center Street and asked if businesses would have to change their use, or if they could continue with their existing businesses. Mr. Leetham stated that if properties are rezoned C-G, then the uses that are currently licensed, approved and allowed would be allowed to continue as a non-conforming use.

Mr. Leetham stated that there are many citizen concerns in this area. The elementary school has become the largest concern right now, the current crowding resulting in a change to a year-round schedule at Foxboro Elementary. Davis County School District stated they do have funding for a new elementary school in that area, and funding would be available next year for construction. The school district is looking at sites and has invited the City to participate in this process. He then told those present that there are no changes being proposed at this meeting that will affect that school.

The second concern residents are expressing is over the possible zoning for multi-family housing. Mr. Leetham then invited Ted Knowlton to discuss this. Mr. Knowlton introduced himself and said he has been working on the General Plan update project for the City. He explained that based on resident feedback acquired through previous open houses, workshops, etc., citizens in this area expressed the desire for commercial development, including a grocery store. In discussions with developers, they continually find that this area needs more "rooftops" or housing to make it a safer investment. This is the reasoning behind allowing property owners to explore the possibility of building residential housing options.

Mr. Knowlton showed some slides including the key themes from residents: add more shopping opportunities and enhance the corridors. Investors want a sound investment. He showed a graph of the trade area for a grocery store and other uses, near the Kimball property and said this is their assessment of buying power and need in this market area. He showed another slide with Wasatch Front future housing market demands, and said there is a major shift as Baby Boomers retire and reduce their housing size. When they retire, studies show they want convenient, high-end, amenity-rich housing,

near walkable retail. It is a product like condominiums, townhouses, small gated community homes. For North Salt Lake, this is an opportunity to say, how do we create a development and take advantage of an opportunity in the long-term housing department?

Commissioner Cary stated that the easiest financing for developers right now is for apartments. He asked what would prevent all property zoned this way from becoming apartments. Mr. Knowlton stated that part of it might be incentivizing products of a certain scale.

Commissioner Oblad asked what threshold, or number of rooftops would the City need for a grocer to have a good commercial investment, and with adding housing in this proposed zone, would the City exceed what is needed. Mr. Knowlton stated that buying power in and of itself is not a sufficient recipe for a grocery store on this site. They also look at ways to get cars into the City, traffic patterns, etc. He said he does not have a magic number.

Chairman Klotz asked about the RAC zoning idea, and if there are protections when writing zone definitions that could prevent them from being less-desirable apartments. Mr. Leetham stated that staff has tried, in the first draft, to put some required standards in the multi-family portion of the RAC, i.e. better exteriors, upper end finishes. He said we need to investigate more of those types of requirements, incentives, and organizational structure of proposed developments, and see what is possible. This is partly why staff wants to take more time to put safeguards in place to get the highest quality project in place.

Chairman Klotz opened the public hearing at 7:45 p.m. He stated that anyone wishing to speak should sign up, and all comments should be limited to three minutes.

Melissa Stauffer, 959 Berkshire Drive, asked how much influence the residents have in our community. When was the study done on households? Mr. Leetham stated that the study was done by the U of U, but he did not know when, and Mr. Knowlton has the reference but had to leave the meeting and was no longer in attendance. When we talk about zoning and bringing in high-end housing, how do we guarantee what kind of housing gets built? How do we secure what is going to go in there and what we're being told?

Council Member Horrocks agreed, and stated he was on the Planning Commission when the original Foxboro development was proposed. They were told that there were never going to be problems with apartments, and that stores would be built, etc. However, developers kept coming back to the City asking to approve additional housing because commercial developers needed more "roof tops."

Louisa Hansen, 939 Foxboro Drive, stated that Melissa Stauffer had addressed a lot of her concerns. They wanted to know what their options were for the Kimball Property. If you have a commercial area, is it possible to have hotels, office buildings, retail, etc.? Ken Leetham stated that the City had taken about a year to receive public comment, but is not ready to adopt anything. Open houses like next Tuesday night are a great time for the public to review different combinations of land uses. Many options for each parcel have been considered, and they have been displayed on boards at these open houses.

Council Member Horrocks stated that he sat down with the owner, at the time, of Winegars/ Associated Foods years ago, who stated that there are not enough rooftops (homes in Foxboro). The City is still being told there are not enough rooftops. The City can zone land for a grocery store; however, it cannot drive the economics required. One of the problems with the Kimball property is that there are no homes to the south, west or east of it. Developers may look at that area and feel it is risky.

Louisa Hansen asked about federal funding and if the City is being granted low-income funding for this proposed housing. Mr. Leetham stated that there are no plans in place to encourage or provide government housing.

Ben Wellman, Horizon Manufacturing, 980 West Center Street, said he owned a small parcel of industrial property and had done business in NSL for 25 years. It was in the Kimball's corner. They leased a building for 15 years. They then purchased a building with the hope to use that and expand their business and develop the remainder of the property they would not need for their business. They bought it in 2007, and were told at that time that this area would never be zoned anything but what it was then zoned. He paid to put in a new parking lot, paved the gate area to help eliminate mud traffic. At that time, he asked what else would be happening with Center Street, and he was told "nothing; you're fine. We're not going to develop the Kimball's property." And now, he stated that he received a letter about tonight's hearing and this proposal. He added that if this proposed zoning does get approved, and if you take the manufacturing zone out of there, it will stifle his business, the employees, and result in a taking of his property. He stated that he has taken a business worth \$400,000 and grown it into a \$2 million business, and now it looks like a dead end. He thinks it is a big issue if that zoning is changed. It will hurt small business in this area.

Vicki Thomas, 945 Stonehenge, stated she absolutely does not want any more apartments at the entrance of Foxboro. In spite of the police dispatch numbers reported earlier that only one in eight calls are generated from the apartments, she noted that this is because more of the calls are being originated from the nearby homes, but they are a result of activities at the apartments.

Shane Moser, 839 Southampton Drive, feels the addition of apartment complexes brings transient, lower income residents, burden community services/public safety, increase traffic, and overtaxes the local schools. He grew up next door to an apartment complex and later lived in one. He said he is a paramedic working out of Station 7 in West Valley City. He sees many assaults, overdoses and psychiatric calls and knows these drain cities' resources, including police and fire. The NSL Police Department already has too few officers. Apartments decrease the desirability of an area, so it has to affect quality and value. He mentioned another complex in SLC and how it was originally built nice, but has since deteriorated. The same developers built an upscale condo development nearby, and because of all the problems in the area stemming from the apartments, the condos have turned into rentals and experience the same problems.

Kevin Shipp, 176 Boston Court, stated that like several other residents, they are very concerned about rezoning the area to allow multi-family homes and the provision that allows 30 households per acre. He said his parents or grandparents would not want to retire in a three or four story building, or even along Redwood Road. He expressed concern over the 18-24 homes per acre, and stated that stacked flats are not what we want in this City. He thanked everyone for listening and asked the City to please make sure that residents are notified of any future proposals.

Ryan Mumford, 197 Boston Drive, said he is very concerned about the RAC and FVC zoning that would allow multi-family use. He is especially concerned about 30 households per acre in the RAC zone. He does not believe his grandparents would want to retire on Redwood Road or in a building with multiple floors. The proposal of 30 units per acre is not that. He expressed concern about the minimum provision of 18-24 units in the FVC zone next to the Spectrum Academy. They are concerned about what that would bring since there are already 11 apartment buildings and stated that stacked flats are not what we want in our city. He thanked the Commission for listening and asked that the City please make sure the residents are notified of any proposals.

Brent Overson, speaking on behalf of Amcor, stated that they are opposed to any rezoning from M-D to C-G. He added that without having an opportunity to confer with Amcor, they may be interested in the overlay provision that provides them some flexibility in the future as needed.

James Nold, Stericycle, stated that there have been many concerns voiced by residents about multi-family dwellings and their need for commercial properties. He said he is here to tell the Commission that Stericycle is very concerned about the livelihood of their business. Stericycle feels like they are being planned out of existence; however, they employ 55 people and put over \$7 million dollars into the local economy. They provide a much needed, legally-compliant service to the medical community. They have grave concerns to the City's proposals and asked the Commission to please take their comments under advisement, and at the very least, exempt Stericycle from the rezoning. The C-G zone would be very problematic for them, and added that the incompatibility of multi zones in the area would cause more issues. Stericycle has lived in coexistence with the Foxboro development, and has been a good neighbor. Mr. Nold added that Stericycle may be forced to pursue legal action.

Sam Simmons, 842 Cambridge Drive, asked about the graphs/charts, etc. that were shown earlier by Mr. Knowlton. He then asked if a crime study had been done and looked at the scenario if additional apartments are built. Mr. Leetham responded that a crime study had not been done.

Mike Landheim, 331 Alford Court, said he is not in favor of high density housing. They bought in the area because they liked that their neighborhood was in a semi-rural area; however, he acknowledged that progress does come. He expressed concern about having a much denser traffic flow/traffic pattern in the Center Street/Redwood Road area. Mr. Landheim then stated that development is going to happen because the property is privately owned. The residents of the area need to come to grips with what we want, and have some say in what goes on that property. He suggested extending the moratorium to understand the ramifications both ways.

Brad Mecham, 904 W. Cambridge Drive, agrees with the previous comments. He works with cities and understands much of what is going on.

Commissioner Oblad stated that all of the meeting minutes are available on the City's website, and residents can read them at any time.

Michael Ward, Amcor, 333 South Redwood Road, appreciates that they have changed what has been presented for rezoning. They bought their land 40 years ago and built the plant they are still operating

today. He reported that Amcor recently expended \$7-8 million dollars to update their operations, and they want to continue doing business on their property.

Liz Schultz, 590 Wellington Circle, and Foxboro Elementary PTA president, stated that their school is looking at the possibility of going year-round, and noted that they estimate having ten kindergarten classes next year. She stated that the City should really not look at zoning anything residential in the Foxboro area until infrastructure is in place. She said she will continue to follow up with the school district. There are people in this meeting from Woods Cross and other areas that are impacted by this zoning. Mrs. Schultz then stated that as citizens in the Foxboro area, they would forgo a grocery store if the only way to get one is by adding multi-family housing/apartments.

Judy Hall, 1038 West Foxhollow Drive, said she represents the Baby Boomers, and she would not purchase a new home where she had to go up and down flights of stairs. She asked that people consider child abuse rates, neglect and dependency with apartment living. There are little kids with no place to go because parents both have to work, and an increase in foster homes and kinship caregivers because of this type of housing. She asked if the City has looked at the cost of additional police officers to patrol this area, and added that it already takes too much time to get officers to people. She said she has called with life threatening situations, and hasn't heard from anyone for hours. She represents the Division of Child and Family services.

Natalie Gordon, 1046 North Foxhollow, stated she was serving as a Planning Commissioner eight years ago when the Foxboro developers presented a plan showing beautiful apartments, ensuring the best background checks, and best management company. She said the City was sold a bill of goods, and she is worried that the City is opening a door just like Commissioner Cary referred to earlier. Yes, we want really nice condos for our parents when they retire; however, we're not going to get them on Redwood Road. She cautioned the Commission to be careful with infrastructure and schools, etc., as the City does not need more trouble. Woods Cross can have the grocery store; let's continue to look at the areas that need a good rezone – but please don't consider high density rental apartments in our neighborhood.

Dan Hubrich, 154 Walton Court, agreed with what everyone has said. He also likes the landscaping proposal for Redwood Road, and the idea of widening it and making it safer. He asked where funding would come from. Ken Leetham stated that the City would expect that developers would first make the improvements as development or redevelopment happens along Redwood Road, and the City could connect the sections. There are also some grants that may be available. Mr. Leetham stated that standards are being considered tonight so that from this point forward, these standards would be met and eventually result in a nice, improved area.

Ben Wellman, Horizon, stated he just moved out of their large house, and bought a single-family home in a gated community. He would not want a "big box" store next door. Commissioner Drinkall asked for Mr. Wellman's opinion about the overlay zone. Mr. Wellman stated that it is better than going straight C-G, and he would be open to looking at the concept.

Mayor Arave stood and stated that he had the impression that the residents think there is some motive by the City pushing multi-family housing. However, the result is from citizen feedback showing the desire for more commercial development. In order to get that, the area needs more residential housing,

or “rooftops.” This was the only motivation for the City staff and elected officials to investigate and consider rezoning the area for more homes.

Gabe Andrasousky, 1052 Oldham drive, said a lot of what he has to say has been addressed. His concern is the multi-family development. He lived in Foxboro when it was first being developed and wanted to get away from the commercial growth going on in West Bountiful. Right now the Foxboro neighborhood does not have the base to support a grocery store. He has no problem going to Woods Cross for his groceries. He would rather have the land around Foxboro developed less densely than include multi-family dwellings. He would rather see schools, parks, or other types of retail without high density living. There are problems with crime, lack of fire protection, police, etc. He said he is concerned about some of the statistics, and asked about a crime study. He said there is not a problem with setting us apart as a family community.

Chairman Klotz closed the public hearing at 8:42 p.m.

Ken Leetham stated that because of some of the recommended document changes between the last meeting and this one, he suggested reviewing those. All references to RAC and FVC have been removed, and there are several references to the code. The definition of master development code in Chapter 1, and a description of those zoning districts in Chapter 9 has been removed. In Chapter 11, the residential zoning districts located in the ordinance have been removed as well as the supplemental regulations for RAC and FVC zoning. They took RAC and FVC out of the land use table and their purpose statements out of Chapter 11.

Council Member Horrocks asked if Eaglewood Village would be exempt. Mr. Leetham responded yes, because their development was approved under a different code with a development agreement. Staff included landscaping requirements and new code language that talks about treating a residential development adjacent to Redwood Road. In that section, there is a requirement to place a solid wall, but not a requirement for height, so they added a 6-foot height requirement in those instances.

Mr. Leetham stated they have added a paragraph in chapter 11 that simply states all development adjacent to Redwood Road and Highway 89 is required to follow landscaping requirements for Redwood Road. The main change in chapter 11 is the consolidated land use table. Staff would like the Planning Commission to take action on the proposed zoning changes, excluding the Kimball property and Foxboro entry parcels (proposed RAC and FVC zoning districts).

Council Member Horrocks asked if there was not an option 5 on the zoning map. If he was reading it right, the option before them is to consider the areas on the west side and east side of Redwood Road to be rezoned to C-G without the consideration of an overlay zone. Mr. Leetham stated that this is his recommendation, and the Planning Commission has the choice of what to recommend to the City Council.

Chairman Klotz moved to send a favorable recommendation to City Council for the Land Use Ordinance text amendments as presented here. Commissioner Cary seconded the motion.

Commissioner Tidwell asked about parking changes. Ali Avery said that now applies to all businesses, not just in the RAC and FVC zones. Commissioner Tidwell then asked about the landscaping proposals

for Redwood Road and expressed concern about the trees and sod and the salt/snow being thrown on them in the winter, as there have been issues along Highway 89 in the past. Ken Leetham stated that staff spoke with T.J. Riley, the City's Urban Forester, about some tree species recommendations. However, the City has not gone through any process to actually evaluate specifics on landscaping. This proposal just recommends dimensions, not species. Ali Avery stated that the current code would allow for drought-tolerant landscaping.

Commissioner Oblad asked about the driveway requirements and the portion that requires driveways to be three feet from the side property line. He said his driveway apron does not comply, and asked if there is flexibility for a situation like his. Ali Avery responded that this is the standard that has been in the code for a long time. It refers to where you cut into the curb, but you can have an RV pad that goes closer to the property line.

The motion was approved by Commissioners Cary, Drinkall, Klotz, Oblad, Tidwell, Jensen and Council Member Horrocks.

2. PROPOSED AMENDMENTS TO THE CITY'S ZONING MAP

Chairman Klotz suggested breaking up the zoning map and discussing it piecemeal. Council Member Horrocks said he is not in favor of infringing upon any property owner's rights and proposed they wait until an overlay zone is an option.

Ken Leetham stated that there has been a lot of interest in the vacant UPS building on the southeast corner of Center Street and Redwood Road (currently zoned M-D). He expressed concern that a proposal for an industrial use could come in after the moratorium ends on February 15th, that is contrary to what the City wants to do in that area. Council Member Horrocks said they have a fiduciary duty to the citizens not to get involved in a lawsuit. Mr. Leetham said they have had conversations with the city attorney. He then stated the Commission has no more meetings before the moratorium is lifted, so these proposals would go to the City Council at their meeting the following Tuesday.

Mr. Leetham reported that the vacant Utah Paperbox parcel is another area with development interest. Commissioner Drinkall asked if the Commission takes action to rezone those two parcels C-G, could they be included in the overlay zone once it is created. Mr. Leetham stated that the discussion about the C-G overlay would apply to property not zoned C-G, so we would not need to use it on those he mentioned.

Chairman Klotz moved to recommend approval to the City Council of a change in the zoning of the southeast corner (UPS property: south of Center Street, east of Redwood Road) to C-G. Council Member Horrocks seconded the motion. The motion was approved by Commissioners Cary, Drinkall, Klotz, Oblad, Tidwell, Jensen and Council Member Horrocks.

As noted earlier in the meeting, Commissioner Tidwell suggested City staff create the document to provide a C-G overlay zone. The Commission and Council Member Horrocks agreed.

Council Member Horrocks moved to deny changes on all other parcels in the proposal. Commissioner Oblad seconded the motion. The motion was approved by Commissioners Cary, Drinkall, Klotz, Oblad, Tidwell, Jensen and Council Member Horrocks.

Ken Leetham stated that this item will be on the City Council's agenda next week, although it will not be a public hearing. James Nold, Stericycle, asked about the process going forward and if the written comments would be forwarded to the Council. Mr. Leetham responded that all comments are passed along to the Mayor and Council.

Council Member Horrocks stated that the Planning Commission, staff, Mayor, and City Council had to look at the City and ask, "How do we want the City to look in the next 20-30 years?" This is why the City is going through this process right now. He complimented Ken Leetham and Ali Avery on all their hard work. It is not an easy process, and everyone has their own idea of how they want the world to look. The good news is North Salt Lake is a great city, and if we do nothing, it is still a great place to live.

3. ADJOURN

Chairman Klotz adjourned the meeting at 9:20 p.m.

Chairman

Secretary