

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-REGULAR SESSION  
JANUARY 3, 2017

**FINAL**

Mayor Arave called the meeting to order at 7:01 p.m. Council Member Brian Horrocks offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave  
Council Member Brian Horrocks  
Council Member Stan Porter  
Council Member Matt Jensen  
Council Member Ryan Mumford  
Council Member James Hood

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Chief Craig Black, Police Chief; David Church, City Attorney; Brent Moyes, Golf Course Director; Linda Horrocks, Deputy Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Lorna Koci, Bountiful Community Food Pantry; Taylor Spendlove, Nate Pugsley, Brighton Development Utah; Sidney Price, Bill Price, Doug Fadel, residents; Bill Gaskill, Chris Robinson, Foxboro Marketplace Development; Cory Merrell, Steve Merrell, SandBar.

1. CITIZEN COMMENT

There were no citizen comments.

2. PRESENTATION: JUST SERVE-VOLUNTEER RECRUITMENT TOOL, LORNA KOCI, BOUNTIFUL COMMUNITY FOOD PANTRY

Lorna Koci reported that along with being the Director of the Bountiful Food Pantry she is also a representative for the LDS Church and their Just Serve program. She then explained that Just Serve is a great volunteer recruitment tool that can be used to encourage volunteering, service and supporting communities. The first aspect of this program is that families, individuals, and businesses can participate. The second component is finding organizations in the community that need volunteers such as food pantries, non-profits, schools, and cities. It can be used for events, clean-up or any other volunteer opportunities the City might need. The website is

[www.JustServe.com](http://www.JustServe.com) and shows volunteer opportunities as well as the ability to list the need for volunteers.

Ms. Koci then thanked the City and the Youth City Council for the support they have given the Bountiful Food Pantry.

3. CONSIDERATION OF ORDINANCE NO. 2017-01: AN ORDINANCE REZONING REAL PROPERTY FROM C-H TO P-DISTRICT RELATED TO CHESHAM VILLAGE LOCATED GENERALLY AT 260 EAST 350 NORTH

Ken Leetham reported that this project, approved last year, now requires a rezoning process from Highway Commercial (C-H) to a P-District. The property is approximately five acres in size with a portion of the property to remain C-H as it may be combined with other property and used for commercial purposes in the future.

Council Member Horrocks asked about a small portion of the property on the east side which is zoned C-H. Ken Leetham replied that the property is currently a hair salon and will remain C-H. There is also a condition that the zoning change is not effective until the General Development Plan is approved by the City Council. A public hearing was held December 13<sup>th</sup> and the Planning Commission is recommending approval.

Council Member Mumford commented that residents may be upset about the development of the current open space. He said that residents need to be aware of the development and the overall scope of the project for that area.

Mayor Arave asked if there would be fencing or another type of separation of the open space with the residential development. Ken Leetham replied that there is some proposed fencing on the east and south sides of the project.

Taylor Spendlove, Brighton Development Utah, commented that fencing could be placed along the parking area and the road.

Council Member Jensen suggested that when this project is marketed to homebuyers that the map of the community should show that the open space will be future commercial development and will not remain open. Taylor Spendlove commented that the open space will be maintained by Brighton Development until it is developed into commercial.

Council Member Mumford asked about the luggage company currently located there. Taylor Spendlove replied that they would be deeding a portion of the property to them with an easement so they can access the back of their building.

Council Member Mumford also asked about the hair salon and their current lease of 16 parking spaces on a portion of the proposed property. Taylor Spendlove replied that they are looking at options for continued access for parking.

Ken Leetham suggested that the General Development Plan and the Development Agreement should show “future commercial development” rather than open space.

**Council Member Porter moved to adopt Ordinance No. 2017-01: An ordinance amending the City of North Salt Lake zoning map by changing the zoning of the property located generally at 260 East 350 North within the City of North Salt Lake, State of Utah, from Highway Commercial, CH to Planned (P) District, establishing an effective date and with the following conditions:**

- 1) Redline site plan corrections: inclusion of ADA loading areas and correction of site triangle note at 350 North;**
- 2) Approved fencing material shall be Trex Composite Fencing, with decorative elements such as brick or stone columns at property corners;**
- 3) Approval of a development agreement as required by City Code for all P-District projects.**

**Council Member Horrocks seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

**4. CONSIDERATION OF DEVELOPMENT AGREEMENT 2017-01A FOR THE  
CHESHAM VILLAGE GENERAL DEVELOPMENT PLAN LOCATED  
GENERALLY AT 260 EAST 350 NORTH**

Ken Leetham reported that this is the next step of approval for the Chesham Village project. The project consists of 83 multi-family residential units in 17 buildings. The phasing plan consists of 51 units to be completed in Phase 1 and 32 units in Phase 2. He then presented the exhibits for the plan including landscaping, building standards, signage, architectural standards and an example of the fencing material and the requirement for brick pillars. The Development Review Committee (DRC), including the fire department, recommends approval of the proposed development agreement. Mayor Arave asked about road repair and replacement for the development. Taylor Spendlove replied that in the CC&Rs for the development that the cost will be added into the closing cost each time the home is sold. A portion of the HOA fees will also go into a reserve account each month to be used for these types of items.

Taylor Spendlove then asked for the option to install gates at the entrance to the project. Ken Leetham replied that the City would not be opposed to the addition of gates at the entrances.

Nate Pugsley, Brighton Development, said that after speaking with Council Member Hood, it seems that there is a crime issue with the neighboring development and the gates would be one way to protect residents. They are currently working on obtaining pricing for the gates and would like the option to add them to the development.

Council Member Mumford commented that several residents had expressed concern with the proposed development such as traffic and multi-family and that a gated community would help with some of these concerns.

Council Member Porter commented that gates may cause issues with fire and emergency access. Chief Black said that he would like to consider potential issues and said that gated communities can be a detriment as police are unable to easily patrol those areas.

Council Member Jensen expressed concern that the zoning was changed along Highway 89 to promote walk-ability and by adding gates around the developments would limit that. He said he envisions commercial development nearby which would allow for easy access for residents and is the reason the City is developing Highway 89 in a certain way. Mayor Arave suggested that gates could be installed for residents to access the commercial areas.

Council Member Hood commented on delivery access in gated communities and said that the gates help reduce package theft. He said many gated communities have a callbox or code box for deliveries. It was also discussed that the code for the gate could be given to emergency personnel for access to the community.

Ken Leetham asked the developer if the traffic volume for 83 units would be an issue. Taylor Spendlove replied that the entrances will be setback to allow for staging and that with two entrances there should not be an issue.

**Council Member Horrocks moved to approve the development agreement for Chesham Village in North Salt Lake allowing for gates and to change all the exhibits in the agreement to reflect the notation of the future commercial parcel. Council Member Hood seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

5. CONSIDERATION OF THE CHESHAM VILLAGE PRELIMINARY DESIGN PLAN, PHASES 1 & 2 LOCATED GENERALLY AT 260 EAST 350 NORTH

Ken Leetham reported that this application is for the preliminary design plan and is a code requirement in the subdivision ordinance. Once the preliminary design plan is approved the final plat will then come before the City Council. The preliminary subdivision plat consists of Phase 1 with 51 units and Phase 2 with 32 units.

Council Member Horrocks commented that there appears to be two car garages on the back of the units and Council Member Jensen asked if there was a drawing of the rear elevations. Ken Leetham replied that there are two car garages and that he would obtain the back elevations to show the City Council.

Nate Puglsey commented that they had considered offering the option for a rear deck but that the cost would be high. He said that the colors would vary along with a few architectural features to provide interest.

Council Member Hood asked where the addresses would be located on the units. Nate Puglsey replied that they would be numbered by the front door as well as above the garage.

**Council Member Mumford moved to approve the proposed preliminary design plan for Chesham Village, Phases 1 & 2 located at approximately 206 East 350 North with the following conditions:**

- 1) Engineering corrections of civil drawings prior to final plat approval and construction**
- 2) Redlines: correction of label and note 2 for lots 152 & 153 as commercial lots**

**Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

**6. CONSIDERATION OF A GENERAL DEVELOPMENT PLAN FOR FOXBORO MARKETPLACE SOUTH LOCATED GENERALLY AT 555 NORTH REDWOOD ROAD**

Ken Leetham reported that this property is located south of the Lee's Marketplace Development. The developers and property owners have been working on a land use plan for some time. The neighboring residents have shown concern for additional multi-family units in this area. It is proposed to be zoned to a P-District with commercial pads along Redwood Road and the western 3.6 acres of the property to be developed as 40 residential units. Changes have been made to reduce the number of units, addition of open space, and the addition of a tot lot. The DRC finds

that this level of residential development is not incompatible with the surrounding land uses and that single family development would be difficult in this location as it is adjacent to commercial.

Mayor Arave asked what type of uses would be built in pads F and G of the General Development Plan. Ken Leetham replied that those pads would most likely be developed as fast food establishments.

Council Member Horrocks asked if the multi-family units would be owner occupied or rental units. Ken Leetham replied that there could be a restriction in the HOA CC&Rs that restricts the number of rental units that could be owned. He said there seems to be more issues with the rental of single family homes in the Foxboro area.

Council Member Porter commented on the issues with owner occupied units versus rental units and said that if it is specified in the CC&Rs that the HOA can then enforce it.

Ken Leetham commented on land use and said if the area remains zoned CG (General Commercial) then four story commercial buildings would be allowed and would generate more traffic than residential uses. He said the proposed residential properties would only be a two story building.

Chris Robinson, Foxboro MP Development L.C., commented that he is also representing Center Street Company and the intent for the Foxboro Marketplace South development is to sell the four retail pads on the east side. They will retain ownership of most of the northern marketplace pads. They have a builder for the residential development who has prepared the elevations that were presented to the City Council.

Council Member Mumford asked which retailer would be in pad H. He asked if each pad will be built to suit. Chris Robinson replied that there are two potential parties. He said pad F has a potential buyer that will have a more imminent sale. He also said that the storm drain, wet/dry utilities, sidewalks and easements would be installed and the rest would be left for the buyer unless they request that everything is completed.

Council Member Mumford asked if the detention would be shared between the buyer and the residential units. Chris Robinson replied that there would be an agreement for the storm water detention and maintenance. He also explained that each townhome will be separately platted and that they would prefer that there be an agreement on how many each individual can own.

Council Member Mumford asked about requiring the commercial to be constructed before the residential is done. Chris Robinson replied that an agreement could be made that some the

parcels be sold to a developer before the residential is done but said it is hard to control the timing on the completion of those commercial buildings.

Council Member Jensen commented that this proposal will be controversial in Foxboro and that residents should be given an opportunity to express their opinion before this item is voted on by the City Council. Ken Leetham commented that the public hearing does not occur until after the City Council acts upon the development plan.

Mayor Arave explained that the process is General Development Plan approval and then rezoning of the property. Ken Leetham commented that this is not an irreversible decision but that the public input comes at a later point in the process which may seem out of order.

Council Member Mumford commented that many times public comments are made which may promote changes or other considerations and that the public becomes upset when approval is done first without public input.

David Church said that the Planned District is a way for the developers and City Council to come to a development agreement and then adopt a zone that binds both parties. He said that the required public hearing is at the zoning stage but there is nothing that prohibits public input at the general development planning stage.

Council Members Mumford and Jensen expressed concern with the project, preference for an office building or an assisted living facility in place of the residential, and the need to obtain public input at an earlier stage.

Mayor Arave commented that there needs to be a plan that is workable which would then be presented to the public for their input. He said that before the property is rezoned to a P-District that the plan needs to be approved by the City Council. Ken Leetham suggested that the City ask the developer to present the plan to the public and get input now. The City would then have a public hearing for the zone change.

Mayor Arave said that this item would be tabled until the developer does some public outreach concerning the residential development of the project.

**Council Member Horrocks moved to table this item and invite the developer to engage the public in an open house. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

7. CONSIDERATION OF ORDINANCE NO. 2017-02: AN ORDINANCE AMENDING THE CITY'S LAND USE ORDINANCE, SECTION 10-1-43: BUILDING DESIGN STANDARDS AND SECTION 10-1-44: DEFINITIONS RELATED TO METAL BUILDINGS. REQUESTED BY STEVE MERRELL, SANDBAR LC

Ken Leetham reported that the City Council previously requested an amendment to the City code that would prohibit the use of metal as principal exterior building material. An applicant has approached the City about a possible amendment to the code to allow metal to be used. New technology has been utilized to create a better metal material. The DRC proposed the following amendments to the code:

- 1) Defines required roof variations for buildings with roof structures other than flat roofs
- 2) Adds a requirement for defined entryways
- 3) Allows architectural metal panels to be permitted when the panels are designed and mimic the appearance of tilt-up concrete, stucco, brick, or similar material

These amendments would establish standards for the use of metal panels.

Mr. Leetham then presented examples of buildings with metal building materials.

Council Member Jensen asked if the use of metal would be cheaper or if the applicant was going for a certain look. Steve Merrell, co-owner of Sand Bar, replied that these panels are used on many high-end car dealerships in the valley and that they are durable and look nice. The panels have a high insulation rating and are energy efficient. He said if they are required to use different materials it would affect the energy efficiency of the building and that it makes architectural and energy sense to have the building made of the same material overall.

Ken Leetham commented that he has reviewed buildings similar to the one proposed and that the code amendments have been written to allow metal buildings in a specific way that is appropriate and would improve the quality and look of commercial buildings.

Council Member Horrocks commented that 30 years ago metal buildings were not well insulated and the technology has improved since then. Ken Leetham also said that it appears that these metal panels are a superior material in regards to energy efficiency.

Council Member Jensen expressed concern that if the amendment is approved that going forward the City may see metal buildings that are not as attractive as the proposed building. Ken Leetham replied that the City would require certain architectural materials and other requirements. He said

that language could be added to the code so that the Planning Commission would need to approve the appearance of the building.

Steve Merrell commented that they would want the panels to look a certain way. He said that when he started the application he didn't know that metal buildings were not allowed. They then considered stucco but find that it cracks over time, cost more, and is less durable than the metal architectural panels.

Ken Leetham recommended approving the code as written. He said that the City has professional planning staff, the DRC, and the Planning Commission who would review each proposed building.

**Council Member Jensen moved to approve Ordinance No. 2017-02 adopting certain amendments to the City of North Salt Lake Land Use Ordinance Sections 10-1-43 and 10-1-44 related to building design standards for metal buildings and establishing an effective date. Council Member Mumford seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

8. CONSIDERATION OF ORDINANCE NO. 2017-03: AN ORDINANCE AMENDING THE CITY'S LAND USE ORDINANCE, SECTION 10-1-33: FENCE STANDARDS & 10-11-3: USE REGULATIONS

Mayor Arave recommended continuing this item until a future date.

9. APPROVE CITY COUNCIL MINUTES: NOVEMBER 15, 2016, NOVEMBER 29, 2016, DECEMBER 13, 2016

The City Council minutes of November 15, 2016, November 29, 2016 and December 13, 2016 were reviewed. **Council Member Horrocks moved to approve the minutes for November 15, November 29 as amended, and December 13, 2016. Council Member Porter seconded the motion. The motion was approved by Council Members Horrocks, Porter, Jensen, Mumford and Hood.**

10. ACTION ITEMS

The action items list was reviewed. Completed items were removed from the list.

11. CITY COUNCIL REPORTS

Council Member Hood reported that the Youth City Council has booked their annual trip to Logan for the Leadership Council. He said that there would be 20 individuals attending this year and that the Mayor and his wife are invited to attend the banquet.

Council Member Mumford commented that he had received complaints about cars not being ticketed when they are left on the streets during a snowstorm. He said that City code needs to be enforced as it is an issue for the snow plows. Chief Black replied that they have been warning those individuals but that impounding can cause issues due to liability and risk. He said that a large snowstorm could cause public safety issues and that they may have to impound at that time. Currently they are issuing citations but have experienced some difficulty when it is a company vehicle.

David Frandsen also commented that this is an issue throughout the City and staff has been instructed to be more proactive about taking action.

#### 12. MAYOR'S REPORT

Mayor Arave had nothing to report.

#### 13. CITY MANAGER'S REPORT

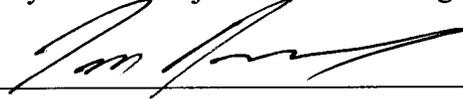
Ken Leetham had nothing to report.

#### 14. CITY ATTORNEY'S REPORT

David Church reported that after the end of the fact finding and discovery period of the Eaglepointe landslide litigation there will be expert reports and then a trial. He said that the Questar lawsuit has been consolidated into this case. The Eagleridge Swim and Tennis Club and the Evans family have made motions to add GeoStrata and Bingham Engineering as defendants in the case as they did work on the property prior to the slide. They are currently the City's expert witness and it would cause problems if they are named as defendants. He said that this case may go to trial later this year.

#### 15. ADJOURN

Mayor Arave adjourned the meeting at 9:40 p.m.

  
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Mayor

  
\_\_\_\_\_  
Secretary