

NORTH SALT LAKE CITY  
PLANNING COMMISSION MEETING  
JULY 22, 2014

**FINAL**

Chairman Bruce Oblad called the meeting to order at 6:31 p.m. and welcomed those present.

PRESENT: Commission Chairman Bruce Oblad  
Commissioner Kim Jensen  
Commissioner Robert Drinkall  
Commissioner Lisa Watts Baskin  
Commissioner Stephen Garn  
Commissioner Ted Knowlton  
Council Member Ryan Mumford

STAFF PRESENT: Ken Leetham, Assistant City Manager and Community and Economic Development Director; Paul Ottoson, Public Works Director and City Engineer; Ali Avery, City Planner; Jim Spung, Administrative Planning Technician; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Taryn Apgood, Compass Development; Mike Duke, CSV, Big West Oil; Preston Wood, Bryce Johnson, BryceWood Development; Wilford Cannon, W Scott Kjar, Shandell Smoot, Eaglewood Development; Steve Coulie, Glade Nelson, residents; Patrick Scott, Brighton Homes; Chris Jensen, Think Architecture; Russell Lee.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING FOR AND CONSIDERATION OF AMENDMENTS TO THE CITY'S LAND USE ORDINANCE.

Jim Spung reported that the Development Review Committee (DRC) is requesting to make a few minor changes to the City Code which would include the length of a cul-de-sac. The current City Code limits the length of a cul-de-sac to six hundred (600) feet. The DRC believes that in some circumstances a longer cul-de-sac would better preserve the natural terrain and vegetation, especially in hillside regions of the City. The proposed ordinance would allow the City Engineer to recommend approval of longer cul-de-sacs but all other regulations regarding cul-de-sacs would remain in place.

The second change requested would remove a section of the code that requires a restricted lot obtain a Conditional Use Permit prior to building any type of structure on the lot. A restricted lot is defined as any lot with an average slope greater than 15%. The DRC has found the preliminary , concept, and final plat processes as well as the building permit process are sufficient to permit building on restricted lots.

The third modification includes the standards for lot sizes as the current City Code prohibits any lot five (5) acres or less to be created which is three (3) times as long as it is wide. The DRC also finds that an exception from this requirement would better preserve the terrain and environment in some areas.

The DRC recommends that the Planning Commission recommend approval of these code amendments to the City Council.

Commissioner Baskin questioned if the language on Ordinance 10-7-7.K.4(L) would include both provisions of twenty (20) lots and not more than six hundred feet (600') long in regards to permanent cul-de-sac streets. Jim Spung replied that the wording would be changed to include one provision or the other.

Commissioner Baskin also commented that a lot of authority is put in the hands of the City Engineer and asked how Mr. Ottoson felt about this. Paul Ottoson replied that City staff had reviewed the Eaglewood Cove area for many years to determine the best design as it is a steep area. Staff feels that the plan to be discussed tonight is the best use of the area. He also said the DRC feels that allowing him to make the decision for this subdivision is the right decision due to his experience.

Ken Leetham clarified that Paul Ottoson doesn't approve streets by himself and that the City Council ultimately approves streets. The effect of this change would be that the City Engineer could approve subdivision requests which would then allow the applications to proceed through the Planning Commission and City Council. He would not have the authority to approve and accept a public street, but only to make a recommendation which would then be approved by the City Council.

Commissioner Baskin commented that by repealing the language in the City Code there would be no protection for restricted lots in terms of not building above an average grade of 15% without special permit. Paul Ottoson replied that there are plenty of lots, in the City that are built up to 30% and one of the reasons this condition was adopted was to reduce the front yard setback on these steep lots. A home on a restricted lot can be built closer to the street than other lots to provide a larger buildable area.

Commissioner Baskin said the issue is street safety, land security and the stability of the soil at higher grades. If the code is repealed what protection does the City have regarding elevations of lots. Paul Ottoson replied the protection would be the required geotechnical reports from the developer.

Ken Leetham commented that the City is not removing the classification of a restricted lot but just the process which is redundant on a special restricted lot. The subdivision process is defined as a conditional use and must be approved through the Planning Commission and City Council.

Council Member Mumford commented that in the past the subdivision process satisfied the City Code. Ken Leetham replied that by definition subdivisions are conditional uses as it was reviewed by the City Council and Planning Commission.

Ali Avery said that if a subdivision was approved before the restricted lots requirements were in place the City Engineer now has to make an individual determination on the lot to see if it is a restricted lot and would warrant a reduced front yard setback. In these situations, per current code, the DRC would have to bring the lot before the Planning Commission for a Conditional Use Permit to get a reduced front yard setback. Commissioner Baskin replied that on a case by case analysis of each lot would require a Conditional Use Permit. She stated further that there will be restricted lots in subdivisions and that this has already been accounted for in the approval of the subdivision. Ali Avery replied that this is how the City Code is set up now.

Ken Leetham said if the City Council adopts the proposed code amendment, the DRC would not present individual lots for a conditional use process regardless if the lots are determined to be restricted after the fact or not. If the code is adopted there will be a definition of what a restricted lot would be and that it could be created in two ways: it could be approved with a subdivision or if not previously designated through the subdivision process, the City Engineer could determine that a lot meets the definition of a restricted lot and that lot would then be developed under the rules of a restricted lot.

Commissioner Oblad asked how many areas in the City would be affected by this code amendment. Paul Ottoson replied that there is a three acre subdivision to be developed in Eaglewood that could have some restricted lots and the south end of Granite Ridge. Ali Avery said it would also include the older subdivisions that were platted before the City's current restricted lot provisions were put in place.

Council Member Mumford asked if the main reason for this exception would be to maintain cuts and fills and the natural vegetation and if the proposed amendments to cul-de-sac length were approved by the fire marshal. Paul Ottoson replied that the intent is to protect the environment

and that the fire marshal approved of the amendments as long as the proper turnaround was available in the cul-de-sac.

**Commissioner Oblad opened the public hearing at 6:49 p.m. There were no comments, and he closed the public hearing at 6:49 p.m.**

Council Member Mumford asked if the lot is three times as wide as it is long in addition to being as long as it is wide if this was a concern as well. Ali Avery replied that the intent of the lot depth requirement is a public safety issue especially if the home is set too far back for an emergency vehicle to reach. The lots that are currently longer than they are wide would be legally non-conforming and would need to meet safety provisions to receive a building permit.

Council Member Baskin commented that while she supports the work and expertise of the current City Engineer, that going forward and for future City Engineers that it be required that each determination of a restricted lot be in writing and that this requirement be placed in the wording of the proposed amendments.

**Commissioner Baskin moved that the Planning Commission recommend approval to the City Council of the proposed amendments to the Land Use Ordinance related to cul-de-sac length, building on restricted lots, and lot standards as amended in Section 10-7-7.K.4(L) after the word “lots” remove the comma in the first line and delete “and” and insert “or”. In the second line after the word “unless” new language “unless, in the written determination of the City Engineer”. In new code subsection 10-1-20 with the inserted new language “unless, in the written determination of the City Engineer”. Council Member Drinkall seconded the motion. The motion was approved by Commissioners Baskin, Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford.**

3. CONSIDERATION OF A CONCEPT PLAN FOR THE BRYCEWOOD DEVELOPMENT LOCATED AT APPROXIMATELY 99 NORTH HIGHWAY 89. PRESTON WOOD AND BRYCE JOHNSON-BRYCEWOOD DEVELOPMENT LLC, APPLICANTS.

Ali Avery reported that this property is located at 99 North Highway 89 which is in the highway commercial zoning district. The applicant is requesting concept plan approval for the construction of ten (10) townhouses on the site. Multi-family dwellings are permitted in the C-H Zoning District and are in compliance with the goals for the Town Center & Highway 89 district in the City’s General Plan. The General Plan indicates that residential use is allowed along the Highway 89 corridor and clusters the commercial at the major intersections. The code currently requires that any residential along Highway 89 must be

500' away from the center point of the Highway and Center Street or Highway 89 and 350 North intersections. This proposal is in compliance with the aforementioned requirements. The developer will be required to install landscaping and sidewalk along Highway 89 in compliance with the cross section that has been adopted. This will include a 14' wide landscaped area with 6' wide concrete sidewalk and an 8' wide park strip with improved and irrigated landscaping. Street trees will be planted in accordance with City Code.

The typical size of each of the townhouse units will be approximately 880 square feet in size with two car garages and four guest parking stalls at the south end of the site, which is in compliance with the City's parking requirement. The townhouses are proposed to be 3 stories in height which is in compliance with City Code. There is currently no driveway access to this lot as Highway 89 is a State road. The developer worked with UDOT to get highway access but they were required to install a median in the center lane to restrict left turns into the property or share driveway access with the property to the south (Chaparral). In order to share a driveway with Chaparral they were required to construct a retaining wall to ensure the driveway wouldn't fail but this proved to be too expensive. The developer purchased a small piece of property from the North Towne Station HOA to develop the site and was under the impression that driveway access would be granted on North Towne Lane. It appears that this access was never granted but because the developer won't be vested until preliminary design plan approval, the DRC recommends that the concept plan be processed regardless of driveway access at this time. An environmental notice was sent out, as is required for all concept plans, asking for any information or concerns regarding certain topics. Two written concepts were submitted in regards to the driveway access issue on North Towne Lane.

Commissioner Drinkall asked how long until the preliminary plan would be presented? Ali Avery replied that they would like to break ground as soon as possible.

Commissioner Drinkall also asked if the City could possibly take responsibility for the private road. Paul Ottoson replied that if the City does take over the street it would include the entire street and that those streets were currently not in good condition.

Commissioner Baskin commented that the Planning Commission is considering a concept plan and that this will come back before the Commission for the preliminary design plan approval. Ali Avery replied that the preliminary design plan and also the final plat approval would come back before the Planning Commission.

**Commissioner Knowlton moved that the Planning Commission recommend approval of the concept plan for the Brycewood Development located at 99 North Highway 89 with no conditions. Commissioner Jensen seconded the motion. The motion was approved by**

**Commissioners Baskin, Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford.**

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR BIGGE EQUIPMENT CO. LOCATED AT 510 WEST 100 NORTH. JEFF POBANZ-BIGGE EQUIPMENT CO, APPLICANT.

Jim Spung reported that this is a conditional use permit for construction equipment and rental leasing in the Manufacturing-Distribution (M-D) zone. Bigge Equipment plans to purchase the property and will be relocating their current business from 25 East Pacific Avenue to this location. This location will serve as an office, shop and storage space for their equipment. There are currently 16 striped stalls with one ADA stall on-site. As the total requirement for parking on this site is 21 stalls, the applicant would need to stripe 5 additional stalls on-site. Outdoor storage must meet the City screening requirements with a six foot (6') high fence or wall. This can include a chain-link fence with slats as an acceptable screening device as long as landscaping improvements are completed. The current landscaping does meet the City's landscaping requirements. The storage areas on site consist of dirt, weeds and gravel so the applicant would be required to provide an asphalt, cement or dustless surface in those areas to comply with the Land Use Ordinance.

The DRC recommends approval with the following 3 conditions: that the storage area be resurfaced, that the outdoor storage be screened, and that 21 parking stalls with 1 ADA stall be provided on-site prior to the issuance of a business license.

Commissioner Baskin commented that it was great that this type of company is moving to this North Salt Lake location but a recent fencing ordinance states that no barbed wire would be allowed along the top of new fencing. Jim Spung responded that the fencing ordinance was only for residential fencing and that the updates to the fencing ordinance had not yet been adopted.

Commissioner Baskin also commented that the outdoor storage could be screened by a high solid fence or wall or fence slating. She also asked if the electric fence was allowable in the City. Jim Spung replied that the ordinance states that any outdoor storage area shall be screened from view by a minimum six foot (6') high wall constructed of or finished with materials to match or complement the main building material on site. Traditionally, the Planning Commission has allowed chain-link fencing with slats in conjunction with landscaping improvements to help screen the view of the fence. Mr. Spung said electric fences are allowed in the MD zoning district according to the current City Code.

Commissioner Drinkall asked if the applicant would be willing to do the slats in the fence and install landscaping and if this would cause an issue with visibility when moving equipment in and out of the lot. Jeff Pobanz, Bigge Equipment, replied that the gate clearance is big enough to move the equipment and they were not opposed to adding additional landscaping.

Commissioner Oblad commented that the applicant is being asked to pave a large area and add landscaping and that they may be required to add irrigation. Jeff Pobanz replied that they would be installing dustless gravel in the storage areas.

Commissioner Baskin commented that it would create a nicer image for the applicant to do solid fencing along the street frontage instead of the chain-link fencing with slats as this would set a standard for the area. Mr. Pobanz replied that all of the company's other facilities have chain-link fencing but they could look into installing solid fencing at this location.

Council Member Mumford asked if the applicant would need to submit a landscaping plan to City staff for approval. Jim Spung replied that it would depend on the type of fencing that is installed on the site. If the applicant installs the solid fencing they would not be required to do any additional landscaping improvements since the current landscaping meets the City code for landscaping. If they install the chain-link fencing with slats then landscaping improvements would need to be addressed along the street frontage and could include street trees and shrubs.

**Commissioner Knowlton moved that the Planning Commission approve a conditional use permit for Bigge Equipment Co. at 510 West 100 North subject to the following conditions:**

- 1) The storage areas be surfaced with an asphaltic or portland cement or other binder pavement or dustless gravel, as approved by the City Engineer, to provide a dustless surface prior to issuance of a business license.**
- 2) Outdoor storage shall be screened from view by a minimum six foot (6') high solid fence or wall. Chain-link fencing with slats is an acceptable screening device if extensive landscaping improvements are made to screen the fence. If slats are used, a landscaping plan shall be submitted to City staff for approval prior to the installation of improvements. Screening shall be completed prior to issuance of a building license.**
- 3) Twenty-one (21) parking stalls, including one (1) ADA accessible stall, be provided on-site in compliance with City standards prior to issuance of a building license.**

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

5. CONSIDERATION OF A CONDTIONAL USE PERMIT FOR NEW CONCEPT MOVING & STORAGE LOCATED AT 425 NORTH 400 WEST, UNIT 1B. CARLOS RIVAS-NEW CONCEPT MOVING & STORAGE, APPLICANT.

Jim Spung reported that this conditional use permit request is for a used household and office goods moving company in the Manufacturing Distribution (M-D) zone. New Concept Moving & Storage currently has four trucks and offers a variety of moving services along the Wasatch Front. This location would serve as office space and storage for the vehicles when they are not in use. There will be two (2) full-time office employees and eight (8) movers with minimal customers visiting the site. The applicant is proposing to lease a portion of Building 1 and will be required to have 6 parking stalls with 1 ADA stall. There are currently 69 shared parking stalls on-site which satisfies the minimum required number of parking stalls but there are currently no striped ADA accessible stalls. The DRC recommends a minimum of one (1) ADA stall be striped for Building 1 in compliance with City standards. The outdoor storage area, which the applicant will use to store the moving trucks, will need to be improved with dustless gravel.

The DRC is recommending approval of this application with two conditions: that the storage areas be surfaced with a solid surface or dustless gravel and that one ADA stall be striped adjacent to Building 1.

**Commissioner Garn moved that the Planning Commission approve a conditional use permit for New Concept Moving & Storage at 425 North 400 West, Unit 1B subject to the following conditions:**

- 1) The storage areas be surfaced with an asphaltic or portland cement or other binder pavement or dustless gravel, as approved by the City Engineer, to provide a dustless surface prior to issuance of a business license.**
- 2) One (1) ADA accessible parking stall be provided for Building 1 (the northeast building) in compliance with City standards prior to issuance of a business license.**

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

6. CONSIDERATION OF A SITE PLAN FOR A NEW STORAGE BUILDING AND GUARD SHACK LOCATED AT APPROXIMATELY 333 WEST CENTER STREET. MICHAEL DUKE-COMMERCIAL SERVICE UNLIMITED, APPLICANT.

Jim Spung reported that Big West Oil is requesting to build a storage building and a guard shack at this location. The storage building will be 5,000 square feet with some improvements to the site around the proposed building. This will be impacting the impervious surface on the property so the City Engineering Department will conduct a site visit to confirm the existing storm drainage and detention systems are functioning as originally designed. The guard shack will be approximately 240 square feet and will be located approximately 530 feet south of the main entrance on Center Street. These building additions will not necessitate additional parking or landscaping requirements and will only require Planning Commission approval for the site plan.

Commissioner Baskin asked if it was anticipated that there would be increased amounts of crude oil due to the increased size of the building and expressed concern for crude oil being trucked through neighborhoods. Michael Duke, Commercial Service Unlimited, replied that he is the contractor for the project and that this will not be a pipe or processing expansion but will be miscellaneous storage for the facilities there.

**Commissioner Jensen moved that the Development Review Committee recommends approval of the site plan for Big West Oil storage building and guard shack located at approximately 333 West Center Street subject to the following condition:**

- 1) The City's Engineering Department will verify that the existing storm drain and detention basins for the disturbed areas are functioning as they were originally designed, prior to issuance of a building permit.**

**Commissioner Jensen moved to amend the motion to replace "the Development Review Committee recommends approval of the site plan" to "The Planning Commission moves to approve the site plan". Commissioner Oblad seconded the amended motion. The motion was approved by Commissioners Baskin, Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford.**

**7. CONSIDERATION OF A FINAL PLAT FOR GRANITE RIDGE PHASE 1 LOCATED AT THE WEST END OF EDGECREST LANE. PATRICK SCOTT-BRIGHTON HOMES, APPLICANT.**

Ali Avery reported that this development is located directly west of the Edgewood Estates development and north of the property owned by Granite Construction. The preliminary design plan for Phases 1-3 was approved by the City Council on April 15, 2014. The developer is now asking for final plat approval for Phase 1 of the Granite Ridge development. Phase 1 includes 20 single-family lots with an average lot size of 9,228 square feet. All the lots in this subdivision are considered "regular lots" and will be subject to the "Architectural Rules, Design Standards &

Construction Guidelines for Regular Lots” which were established in the development agreement with the regulations enforced at the building permit level. The minimum lot size for the “regular Lots” is 6,000 square feet with a lot width of 60 feet and a depth of 95 feet. Every lot must have 35 feet of street frontage at the right-of-way line. The front yard setbacks will be 15 feet to the living space or side-loaded garage with a 20 foot long driveway. On corner lots, the 2<sup>nd</sup> front yard will have a minimum depth of 10 feet for single story homes and 15 feet for two-story homes. The rear yard setback is 20 feet to the living space and 10 feet to any covered patio. The side yard setbacks are 5 feet minimum with a total combined width of 15 feet. All of the proposed lots are in compliance with the development regulations.

In order to stub the utilities and roadway to the development, the developer must cross the Kern River and Questar easements and do some grading through the easements. So far the City has not received the approvals submitted by either agency so the DRC is recommending those approvals be submitted prior to commencement of construction on the project. The City will work with both agencies to receive an encroachment agreement for the trail but will need approval from the agencies for the utility lines there.

The developer has indicated their intention is to start work on the subdivision and complete all of the construction work for the roadways and utilities before they record the subdivision plat. This is an allowance in the State Code that gives developers the right to begin construction prior to bonding for the work. City Code requires that a bond be submitted and all impact fees be paid prior to recording of the subdivision plat. It is also required that the subdivision plat be recorded within 30 days of approval. The developer is asking for an extended period of 1 year to complete the construction work without a bond and will then record a subdivision plat. They will still be responsible to bond for the amount listed as a warranty which will be held for 1 year after completion of the project but they are not required to bond for that amount until they desire to record the subdivision plat. The developer would not be allowed to sell any properties or construct any homes until the plat has been recorded.

A portion of Parcel C is located in two other subdivision plats. This is an open space parcel which will be dedicated to the City upon recording of the plat. The City Council has the authority to vacate a portion of a subdivision and a public hearing will be held at the August 5<sup>th</sup> City Council Meeting to vacate a portion of Parcel #1 and will enable the developer to dedicate all of Parcel C to the City when the plat is recorded, so the City can install the full length of the trail along the parcel.

The DRC finds that there are some minor changes which have since been addressed so the DRC recommends that the Planning Commission approve the final plat for Granite Ridge Phase 1 subject to the following conditions: the subdivision plat must be recorded within one-year of

approval provided that construction activities do not cease for any longer than 60 days at a time, and that proof of approval from Kern River Gas Company and Questar Gas Company to install utilities and a roadway through their easements must be submitted to City staff prior to commencement of construction.

Council Member Mumford asked the applicant when they proposed to break ground on the project. Patrick Scott, Brighton Homes, responded that they had initially planned to pave this year but the construction climate is very busy right now so they have elected to begin grading at the end of August, pipe work during the winter and paving in the spring.

**Commissioner Garn moved that the Planning Commission recommend approval of the final plat for Granite Ridge Phase 1 to the City Council subject to the following conditions:**

- 1) The subdivision plat must be recorded with Davis County within one-year of approval provided that construction activities do not cease for any longer than 60 days at a time.**
- 2) Proof of approval from Kern River Gas Company and Questar Gas Company to install utilities and a roadway through their easement must be submitted to City Staff prior to commencement of construction.**

**Council Member Mumford seconded the motion. The motion was approved by Commissioners Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford. Commissioner Baskin voted in opposition to the motion.**

**8. CONSIDERATION OF A SITE PLAN FOR EAGLEWOOD LOFTS APARTMENTS PHASE 2 LOCATED AT APPROXIMATELY 325 SOUTH ORCHARD DRIVE. BEN LOWE-EAGLEWOOD LOFTS II, LLC, APPLICANT.**

Ali Avery reported that this Phase is located on Lot 5 of the Eaglewood Village Subdivision and will consist of 196 apartment units. Phase 1 is located directly south on Lot 4 of the Eaglewood Village Subdivision. The apartments will be three stories with garages below the units with 119 one bedroom units, 78 two-bedroom, and 39 three-bedroom units in this phase. There are many different private amenities in this phase including two large grass play areas, a running track, volleyball court, play equipment, pavilion, dog park, community garden and clubhouse. There will also be a public fishing pond located at the northeast end of the site.

The parking requirements in the development agreement include 402 parking stalls with 196 covered parking stalls with 6 parking stalls for public access to the fishing dock. The fishing

dock installation and surrounding landscaping was designated as an obligation to the developer in the development agreement so there will be public access easements on private roads for pond access and the Division of Wildlife Resources will stock the pond with fish. The pond and any improvements installed on the property will be owned by the City.

The landscaping percentage is 75% and includes native landscaping of the entire hillside area and the trail. Without including the hillside area there is approximately 16% landscaping for the property.

The approval of the site also approves of the fishing dock and improvements around the pond which will include spreading of native seed, planting trees and extending the ADA compliant sidewalk to the boardwalk. It is anticipated that the developer will be breaking ground on the project this summer and the DRC recommends approval with no conditions.

Council Member Mumford asked if an access easement could be placed on the road in between the two developments and for the public parking stalls. He also asked if there would be additional phases in the development. Ali Avery replied that the public easement could be put into the motion. She also said that this is the last residential phase but that retail and office space will be added in the future.

Commissioner Baskin commented that on the development agreement there is a plan for commercial and retail and originally it was to be developed with the residential. Ken Leetham replied that the City Council amended the agreement to allow the residential to be built first.

Commissioner Baskin asked if dogs would be allowed off leash in the dog park. Chris Jensen, Think Architecture, replied that this was a property management issue but that since it is a fenced area the dogs may be allowed to run. He also said that in regards to the 6 public parking stalls and creating an easement that it was already defined in the development agreement and that it was not necessary to record an easement on top of a development agreement. It is also not necessary to put a public easement along the middle of the two buildings as there is parking backing out onto the road. Mr. Jensen said in his opinion that this would be creating a hazard for more traffic in a pedestrian area and that there is already an easement around the outside of the project for access to the pond. Taryn Apgood, Compass Development, commented that the middle road is part of Phase 1 and is not applicable to Phase 2.

Commissioner Jensen commented that she agrees that public access should not go through the pedestrian walking area but that it does not seem like enough parking spots for fishing. She also asked when the project would begin. Chris Jensen replied that the intent is to break ground in mid August with a 14 month build and that leasing is going extremely well with high rent rates in

the 1<sup>st</sup> phase.

Commissioner Baskin commented that this development does not look like she had anticipated and that the higher rent cost does not seem to match the appearance of the apartment buildings.

**Commissioner Drinkall moved that the Planning Commission recommend approval of the site plan for Eaglewood Lofts Phase 2 to the City Council with no conditions.**

**Commissioner Knowlton seconded the motion. The motion was approved by Commissioners Jensen, Oblad, Drinkall, Knowlton and Garn. Council Member Mumford and Commissioner Baskin voted in opposition to the motion.**

9. CONSIDERATION OF A CONCEPT PLAN FOR EAGLEWOOD COVE PHASES 13-15 LOCATED APPROXIMATELY AT THE EAST END OF TANGLEWOOD LOOP. SCOTT KJAR-EAGLEWOOD INVESTMENT, LLC, APPLICANT.

Ali Avery reported that in 1992 a preliminary design plan was approved by the City Council which included the property now referred to as Eaglewood Cove 13-15. The subdivision was approved with several conditions but due to some redesign of the hillside area, the developer is asking for a new concept plan for the remaining phases of Eaglewood Cove. These three phases of development will be some of the last developments on the hillside. Most of the conditions from the 1992 approval are related to the hillside ordinance which was previously in the City Code but is no longer in the code. The hillside ordinance included preservation of natural terrain and vegetation, minimizing cuts and fills, and providing proper drainage on the site. The City does have some regulations regarding grades of roads and safety concerns for the hillside.

The DRC is recommending all relevant conditions from the 1992 approval be applied to this approval, as well as some additional conditions including: acceptance of the geotechnical report prior to concept plan approval from the Planning Commission, vegetation is to be preserved where practical, cuts and fills will be kept to a maximum of 20 feet with two small exceptions for better roadway design, disposal of trees upon approval of staff with no on-site disposal allowed, and code amendments regarding cul-de-sac length and length of lots must be approved prior to final approval of the concept plan.

Mrs. Avery said that other requirements include all proposed roads to be kept within a 12% grade and that all the proposed roads within the project area are in compliance with this requirement per City Code. The drainage plan will be approved with the preliminary design plan, but the City Engineer has reviewed and approved the concept design. Testing reports must be submitted to verify that compaction is being done properly. Soils engineers must address perched groundwater areas with this condition to be imposed during construction of the project with City

staff to ensure compliance.

The proposed concept plan includes 75 single-family lots with an average lot size of 46,035 square feet or 1.06 acres. The average “buildable area” in the subdivision is 16,263 square feet per lot with the total acreage for the site being 94.73 acres. All of the lots in the subdivision are “restricted lots”, unless otherwise indicated, which means that the average slope of these lots is greater than 15%. A reduction in the front yard setback is granted with setbacks of 20’ in the front yard for restricted lots, 8’ in the side yard with 20’ combined and 25’ rear yard unless otherwise indicated. There will be three parcels in the subdivision dedicated to the City for public facilities. Parcel A will include two existing water tanks. Parcel B will be a future storm water detention area and Parcel C will be a future access road/trail leading up to the water tanks for this subdivision. The DRC has asked the developer to include six parking stalls along the access road in anticipation of a trail connection to the Bonneville Shoreline Trail.

Parcels “MRF Agricultural Parcel A” and “MRF Agricultural Parcel B” are landlocked and will not have street access to the properties. The property owner is aware of this development and has an agreement with the developer to acquire some of the properties in the development. It is not a violation of City Code to landlock these parcels because the City is not obligated to provide the property owner a greater amount of access than their property currently has.

Commissioner Oblad asked if Parcel B would require a wall or dam to retain water. Paul Ottoson replied that no plans had been submitted yet but a berm would need to be added to the west end.

Commissioner Oblad also commented that per the map there is an area with only one access road. Ali Avery replied that the fire marshal had reviewed and approved the concept plan.

**Commissioner Baskin moved that the Planning Commission recommend approval of the concept plan for Eaglewood Cove Phase 13-15 to the City Council subject to the following conditions:**

- 1) The geotechnical report must be accepted by the City Engineer prior to review of the preliminary design plan by the Planning Commission.**
- 2) Vegetation in the area will be preserved, where practical.**
- 3) Cuts and fills will be kept to a maximum of 20 feet, with the exception of the two small areas indicated in the concept plan which are necessary for the road alignment.**
- 4) Disposal of trees will be upon approval of staff.**
- 5) The code amendments regarding cul-de-sac length and the length of lots must be approved prior to final approval of the concept plan.**

**Commissioner Baskin amended the motion to add “No on-site disposal of trees will be allowed.” to the beginning of condition number 4. Commissioner Drinkall seconded the amended motion. The motion was approved by Commissioners Baskin, Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford.**

Commissioner Knowlton commented that there were two very different developments discussed during this meeting. The first being the apartment development of 200 units on 25 acres with private roads, which would have minimal fiscal impact on the City. He then said the development on 94 acres would have a large fiscal impact on the City due to difficulty in plowing the roads and the amount of infrastructure per unit.

#### 10. APPROVAL OF MINUTES

The Planning Commission meeting minutes of June 24, 2014 were reviewed and approved.

**Commissioner Oblad moved that the Planning Commission accept the minutes of the June 24<sup>th</sup> meeting as drafted. Commissioner Drinkall seconded the motion. The motion was approved by Commissioners Baskin, Jensen, Oblad, Drinkall, Knowlton, Garn and Council Member Mumford.**

#### 11. ADJOURN

Chairman Oblad adjourned the meeting at 8:29 p.m.

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Chairman

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Secretary