

WOODS CROSS PLANNING COMMISSION
APRIL 24, 2012

MEMBERS PRESENT:

Leo Beecher, Chairman
Jennifer Bassarear
Dan Bradford

Brent Page
Curtis Poole
Gary Sharp
Matt Terry

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
Jill Evans, City Council Member

VISITORS:

Pat Blackley
Chad Salmon
Annie Swinton
Jeff Price

LeGrande Blackley
Larry Barnedt
Jonathan Swinton
Nick Brady

Nate Shipp
Scott Gillett
Kim Price

PLEDGE OF ALLEGIANCE:

Brent Page

APPROVAL OF MINUTES

The Commission reviewed the minutes of the Planning Commission meeting held April 24, 2012. After their review, Commissioner Bradford made a motion to approve the minutes as written with Commissioner Page seconding the motion and the motion carried.

CITY COUNCIL REPORT

Council Member Jill Evans was at tonight's meeting representing the City Council. She reported on the City Council Meeting held April 17th, 2012. Please see the minutes of that meeting for the details of her report.

OPEN SESSION

Chairman Beecher then opened the meeting for public comments regarding issues that were not on the agenda. There were no public comments and Chairman Beecher closed the open session.

**PUBLIC HEARING: VALENTINE ESTATES TOWNHOMES PHASE 6 FINAL PLAT—
1950 WEST 2295 SOUTH—NATE SHIPP**

Mr. Tim Stephens, the Community Development Director, reviewed this item with the Commission. He noted that Mr. Nate Shipp had recently approached the City Council and requested an amendment to the development agreement with the City. The requested amendment would have added 3 additional townhomes in the open space grassy area in the northwest portion of this plat in addition to the twelve units. Several homeowners of Valentine

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Estates were opposed to eliminating this grassy open space for the 3 additional townhomes even if their construction would eliminate a sizeable debt the HOA has incurred over the last several years. Mr. Shipp has submitted the phase 6 plat without the additional units. The proposed units will be constructed in the same style and manner as previous phases and will complete the final phase of townhomes for property owned and controlled by Development Associates.

Chairman Beecher then opened the public hearing for public comments.

Ms. Annie Swinton appeared before the Commission. She said she lives at 2294 South 1950 West and would be living across the street from this new phase of townhomes. She said she loves living in the neighborhood and is looking forward to having the neighborhood finished. She did however have some concerns regarding the amendment to phase 6.

She gave the Commission a Google map image showing where the townhomes would be located in relationship to her home and the other homes located adjacent to the project. She said the new proposal would take away half of the road. She expressed her feeling that this should not be done because the road is a private road belonging to the HOA. She said the developer does not have the right to change the width of the road because it is private road. She said there is a dangerous corner on 1950 West that you can't see around when turning and if the road was widened it would help make this corner less dangerous. She said she does not want the phase 6 final plat to be accepted.

Mr. Nick Brady then appeared before the Commission. He said he lives at 2306 South 1950 West across from the driveway that would be constructed to the townhome area. He said he echoed the thoughts of Ms. Swinton and the width of the road is of great concern to him. He said it would impact his home and parking issues were a big concern for him. He said people would park on the street here and if the road was not wide enough it would cause another safety issue. He also said during the summer, there is even a greater parking issue with many people wanting to visit the pool and there is nowhere to park therefore they park on the street. He said he did not see the logic in narrowing the road.

Ms. Kim Price then appeared before the Commission. She said she lives at 2312 South 1950 West. She said she was told when she chose her lot that 1950 West would be a double wide road. She said she felt like she had been misled. She said the townhomes homes would be located too close to her home if the road was made narrower and that the same corner spoken of earlier is very unsafe. She said she has some physical limitations and it is more difficult for her to drive and that backing out of her driveway is quite difficult for her to do. She said she thought it would be easier for her to back out of her driveway with the double wide road in place.

Mr. Jeff Price then came before the Commission. He said things were changing from what he was led to believe when they moved into the area. He said they have five children and they wanted the extra space in the area for their children to have fun and be safe. He also noted there are certain issues between the HOA and the residents and they have had previous problems. He

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went on to say the Mr. Shipp has changed things arbitrarily because he is the President of the HOA as of right now.

The Commission asked if any of these issues had been addressed with Mr. Shipp.

Mr. Price said they had, but Mr. Shipp is the developer as well as the President of the HOA and he has control of what happens in the subdivision.

Mr. Jonathan Swinton appeared before the Commission. He said the plats they were shown originally had 10 townhomes planned and that at the last minutes there were two more thrown in for the developer to make more money. He asked that this proposal be reconsidered.

The Commission discussed the dates of the first occupancy of the homes in the subdivision which seemed to have taken place in October of 2009. They also discussed how the development agreement was outlined and what the rights of the developer were in regards to the development agreement.

Joseph Price then appeared before the Commission. He said he lives in the corner home on 1950 West and he doesn't like the proposal because of the danger it might cause in making the road narrower, especially on the corner. He also noted that there are too many townhomes; it makes the neighborhood less attractive to potential buyers.

There was some discussion on the number of townhomes that were originally proposed here and how the townhomes had been proposed to be rotated to face a different direction.

Mr. Price then said these particular townhomes were never meant to be rotated that it was just the ones that have been recently finished in Phase 5 that were rotated to face a different direction.

There was then discussion on how wide the road was supposed to be. It was noted if the road was left to the wider width it would be about 55 feet wide and if it was made narrower, it would be half that width.

Mr. Nick Brady then came forward. He expressed concern over 12 units being built in the area and the fact that there would only be one driveway for all of the people living in the 12 units to use. He said it would be very inconvenient to have 12 garbage cans lined up along a very narrow road. He also expressed his concern over the noise and the traffic that would be in this area if there were 12 townhomes built and the road was made narrower because of adding more townhomes.

Mr. Nate Shipp then appeared before the Commission. He noted that he is the developer of the project and is also now serving as the President of the HOA. He said the HOA committee from Valentine Estates had recently met and didn't want to burden the homeowners with some of the issues. He briefly discussed the requirement for front landscaping and said it was an option

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offered to the homeowners, but they did not have to landscape their front yards if they preferred not to. He said for a small cost they could have their front yards landscaped if they desired to.

The Commission asked Mr. Shipp when he would no longer be the President of the HOA. Mr. Shipp said when the last lot is sold he would no longer be acting as the HOA President. He said they were very close to selling the last lots. He also went on to say he felt like he was trying to be sensitive to the needs of the residents in the subdivision but that everyone has their own opinion on how things should be done. He did say that as per the development agreement he has the right to build as many townhomes as were agreed upon in the development agreement. He said he did want to build 12 units but that some of the other residents in the area wanted to create more parking for the pool so he decided to only build the 10.

He went on to say that he and the HOA committee met and discussed various issues and options for the area and he said he was willing to do what the residents decided. He said he was willing to try and re-engineer the area but in doing so it will create new problems. He also noted that they are in excess of their green space agreement.

The Commission asked about the proposed additional 15 parking spots. They wanted to know if the parking is not put in, where would the people park? Mr. Shipp said they would be parking on the street if the parking spots did not exist. Mr. Shipp said he sees that it is a choice between either a wider road or more parking spots.

The Commission asked Mr. Shipp if the pool was used in the subdivision. He replied by saying he did not know because he did not live in the neighborhood.

Chairman Beecher said he believed Mr. Shipp would like to be relieved of being the HOA President so the residents could take over the decision making for the subdivision. He suggested that the residents meet with Mr. Shipp and discuss the issues at hand.

One of the residents said they had been in a meeting and they were not allowed to speak.

Mr. Shipp replied to the comment and said he felt threatened at this meeting because he was told he could be sued.

One resident said that was not a true statement and there was no mention of anyone being sued.

Mr. Shipp said he did not think that sitting down with the residents again would solve any of the problems and the Commission had the proposal before them and he would like them to make a decision tonight and act on the proposal.

Commissioner Bassarear said that as the acting President of the HOA Mr. Shipp needed to address the problems. She said she had received a lot of feedback from people in the neighborhood and many people said they did not get what they were promised when moving into the area.

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Mr. Shipp said he had done all he was asked to do but he didn't feel like the City had stepped up to help out with some of the issues facing the project.

Commissioner Bradford pointed out that the owner of the development has the right to build how he wants as per the development agreement. He said there were pros and cons to each of the arrangements discussed and he would like to see the residents get together and be given the two choices between the wider road or more parking and have a vote with the majority vote choosing which proposal they would like to see happen.

The Commission asked Mr. Stephens what actions might be considered by the Planning Commission regarding this item. He said they could forward the matter to the City Council for their approval, they could deny it or they could table it to get more information regarding the matter.

It was noted there are some questions that if this proposal is approved as it stands, would it be a legal action to change the road if the road belongs to the HOA and is a private road. Mr. Stephens said he did not know the answer to that question and it would need to be discussed with the City Attorney.

There was one further suggestion by Mr. Josh Hobbs. He suggested taking 20 feet out of the green space between phase 5 and phase 6 and then moving the phase 6 townhomes twenty feet back, adding that area to make more room for a wider road and more parking. Mr. Shipp said it would be difficult to do because the residents in the completed phase 5 townhomes were promised this green space and he would have to get a letter signed by each of them saying they would be willing to give up the twenty feet of green space in order to make this change that Mr. Hobbs is suggesting.

There were no further comments and Chairman Beecher closed the public hearing.

Chairman Beecher then restated he felt like the best solution would be for the homeowners and Mr. Shipp to sit down and have a civil discussion on how these issues could be resolved.

There was no further discussion and Commissioner Sharp made a motion to table this item until Staff can gather further information from the City Attorney and until further discussion can be had between the residents and Mr. Shipp. Council Member Poole seconded the motion and the motion carried.

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SALMON STORAGE CONDITIONAL USE—1460 WEST 500 SOUTH—CHAD SALMON

Mr. Stephens reviewed this item with the Commission. He said that at the last Planning Commission meeting this item had been tabled because the application indicated the subject property was less than the required 2 acre minimum for a self service storage facility. Mr. Salmon has begun the process of acquiring a sliver of adjacent property by quit claim deed.

Mr. Stephens then went on to say that a few years ago the City amended its general plan to update the future land use of the area of 500 South, Redwood Road and Legacy Parkway. The development and completion of the Legacy Parkway and the interchange at 500 South have created a new front door to the community and new opportunities for development and future land use in this area. The City has begun rezoning the area in question to conform to the General Plan vision. The proposed rezone would change this section of 500 South and the applicant's property from I-1 Light Industrial to Legacy Gateway Neighborhood/Mixed Use. The proposed zoning would not permit self service storage facilities. However, Mr. Salmon's application has been received before the rezoning so his property is still zoned I-1. Last week the City Council adopted temporary zoning regulations for the subject rezone area. The City will not accept any new applications for the next 6 months. The City finds that such a restriction is necessary or desirable to promote proper land use and development of the area and to allow for rezoning of the property to bring it into conformance with the City's General Plan.

Mr. Chad Salmon appeared before the Commission and said he is currently a business owner in the City of Woods Cross. He said he has owned the property that will be discussed at this evening's meeting for about 10 years and it has been used for open storage for equipment, vehicles and excess materials. He said he does not particularly like the way the property looks but it has been a difficult piece of property to try and develop because it is 670 feet deep.

Mr. Salmon went on to say that he has been trying to decide how to develop this property and thought that he could build retail on the frontage and do storage facilities behind the frontage buildings. He mentioned that he had just finished building a facility like this in West Valley City and it turned out very well. He noted that things have changed so much over the last few years in the storage facility industry and now storage facilities are state of the art with 24/7 onsite living facilities and cameras and equipment that can monitor who comes into the facility and what time and for how long.

There was some discussion with Mr. Salmon entering into an agreement with the City in regards to adding an access roadway through this piece of property in the future were other pieces of adjacent property to develop.

The Commission asked Mr. Salmon if he resolved the 2 acre property issue. Mr. Salmon said he did resolve that issue.

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The Commission then asked Mr. Salmon about the back piece of property shown on his preliminary drawing and if it would be left vacant. Mr. Salmon said this piece of property at the back of the development would be left open as a turnaround space for larger moving trucks and for space for snow removal.

The Commission asked what would happen to the street face if the other access roadway would be added in the future. Mr. Salmon said he would need to modify the buildings and install landscaping if the road was put in. The Commission reminded Mr. Salmon that if an agreement was not reached with the City in regards to the roadway, his agreement would be in violation with the conditional use permit. He said he did realize that and he would work things out with Staff before the final review of the project.

The Commission asked Mr. Salmon if he had reviewed the conditions that were connected to his proposal and Mr. Salmon said he had and he felt they were pretty standard and did not have any problems with them.

There were no further questions and Commissioner Sharp made a motion to approve the conditional use permit for Salmon Storage and Mr. Chad Salmon with the following conditions:

1. Applicant shall face the 500 South frontage of the project with commercial or office space designed to reflect the goals of the Woods Cross General Plan.
2. An agreement be entered into between Woods Cross City and Mr. Chad Salmon that both parties agree to regarding access management.
3. All exterior walls visible from off-site shall be decorative split face block or other quality exterior materials as approved by the Planning Commission.
4. All exterior walls at property lines shall be architecturally articulated to break up long uninterrupted facades. Variations of material, projections, expressed joints and details, surface relief, color, texture and roof line variation can be used to break up large building forms and long wall surfaces. Large, monolithic expanses of uninterrupted facades will not be permitted.
5. First floor elevations of the building, facing the 500 South public right-of-way, shall be 60 percent transparent. All fencing shall be decorative and secure. Chain link fencing and outriggers will not be allowed. Materials and colors for fences and walls shall be compatible with the building architecture.
6. All lighting used shall promote safety and visibility. Lighting levels shall be scaled back to the minimal levels needed to achieve its purpose. Lighting elements shall be hidden or utilize full-cut-off shields to eliminate or minimize shining, glare and light trespass beyond the property boundaries.

Commissioner Terry seconded the motion and the motion carried.

At this point it was requested that the open session be re-opened for a public comment.

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Chairman Beecher reopened the open session so that Mr. Larry Barnedt could address the Commission. He said he had a similar piece of property as Mr. Salmon and would like it to be considered for a similar project as the one that Mr. Salmon is proposing.

The Commission recommended to Mr. Barnedt that he write a letter to the City Council with his proposal to see if they would consider allowing it. Mr. Barnedt was reminded that the temporary zoning had already been put into place and the City Council would be the ones who would have to review the request.

Mr. Barnedt said he would like to clean up the area and make it look nicer and as his property is grandfathered, he would like to do a similar project to Mr. Salmon's.

There were no further comments and Chairman Beecher closed the open session.

GENERAL AND PENDING

Mr. Stephens outlined the next Planning Commission meeting for the Commission saying there would be consideration for amendments to the A-frame sign ordinance, the Urban Chicken ordinance, the rezoning of the Legacy Gateway area and the possibility of allowing outfield signs at the ball parks.

He also said Mr. Shipp may be back to the next meeting.

ADJOURNMENT

There being no further business before the Commission, Commissioner Bradford made a motion to adjourn the meeting at 8:10 P.M.

Leo Beecher, Chairman

Bonnie S. Craig, Secretary