

**NORTH OGDEN CITY COUNCIL & PLANNING COMMISSION  
JOINT WORK SESSION MEETING MINUTES**

October 6, 2015

The North Ogden City Council convened in an open meeting on October 6, 2015 at 6:30 p.m. at the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on October 2, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor
	Kent Bailey	Mayor Pro Tem
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	James Urry	Council Member
	Eric Thomas	Planning Commission Chairman
	Don Waite	Planning Commission Vice-Chairman
	Scott Barker	Planning Commissioner
	Brandon Mason	Planning Commissioner
	Dee Russell	Planning Commissioner

STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director
	Annette Spendlove	City Recorder/HR Director
	Jon Call	City Attorney
	Matt Hartvigsen	City Engineer
	Rob Scott	City Planner

EXCUSED:	Steve Prisbrey	Planning Commissioner
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VISITORS:	Chase Freebairn	Kimberly Freebairn	Jack Berrett
	Gunnar Langhus	Spencer Tibbitts	Mayor Toby Meleski

Mayor Taylor welcomed those in attendance and stated that the regular meeting has started and the Council will conduct a few business items then move into the Joint Work Session with the Planning Commission

Board Member Swanson offered the invocation and led the audience in the Pledge of Allegiance.

**CONSENT AGENDA**

- 1. CONSIDERATION TO APPROVE THE SEPTEMBER 8, 2015 CITY COUNCIL MEETING MINUTES**

**Council Member Bailey motioned to approve the minutes of the September 8, 2014 City Council Meeting. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS**

There were no public comments.

### **2. DISCUSSION AND/OR ACTION TO APPROVE ORDINANCE 2015-20 ADOPTING THE NORTH OGDEN DOWNTOWN COMMUNITY DEVELOPMENT PROJECT AREA (CDA) PLAN, AND RELATED MATTERS**

City Attorney Call noted this is the technical document that formally establishes the CDA Project Area; it is similar to the document passed by the Redevelopment Agency (RDA) Board for the same purpose.

**Council Member Satterthwaite motioned to approve Ordinance 2015-20 an Ordinance adopting the North Ogden Downtown Community Development Project Area (CDA) Plan and related matters. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**3. DISCUSSION AND/OR ACTION TO CONSIDER AN INTERLOCAL AGREEMENT BETWEEN NORTH OGDEN CITY AND THE REDEVELOPMENT AGENCY OF NORTH OGDEN CITY**

City Attorney Call noted the Redevelopment Agency and North Ogden City are considered two independent entities and it is necessary for the City to approve the execution of an agreement to allow the RDA to oversee the creation and management of a CDA.

Mayor Taylor noted that North Ogden City is agreeing to pay 75 percent of the City's share of the tax increment from the project area for a 15 year period; it is necessary to correct page three, paragraph one, line one to change the percentage from 50 percent to 75 percent. He explained that for every new dollar generated by the CDA, \$.75 will go to the CDA and \$.25 will go to the City's general fund for a 15 year time frame. He stated it is a big commitment, but is necessary to make the project work.

Council Member Urry asked if City staff is responsible to track revenue and disbursements being made by all entities that have entered into interlocal agreements with the RDA for the CDA project. Mayor Taylor answered yes and noted that in the past, staff has actually found inaccurate disbursements and it was necessary to work with the County to correct such issues. He added the agreement includes a trigger from tax years 2017 to 2019 to start the CDA 15 year period; this will provide a buffer during the time when development is occurring but no tax increment is being generated. Council Member Bailey asked if the RDA will decide upon the actual trigger date, to which Mayor Taylor answered yes, but noted it will be based upon increased property values due to development.

**Council Member Satterthwaite motioned to approve Interlocal Agreement A34-2015 between North Ogden City and The Redevelopment Agency of North Ogden City with the correction on page 3, paragraph 1 in the first sentence from 50% to 75%. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**4. PUBLIC COMMENTS**

There were no public comments.

**5. COUNCIL/STAFF COMMENTS**

There were no additional Council or staff comments.

**6. ADJOURNMENT**

**Council Member Swanson motioned to adjourn the reconvene in the RDA meeting to amend a previously approved agreement. The Council will then reconvene in a joint City Council/Planning Commission work session meeting. Council Member Bailey seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 7:01 p.m.**

**WORK SESSION AGENDA – CONVENE 7:04 P.M.**

**1. PUBLIC COMMENTS**

**Council Member Satterthwaite motioned to move all the Public Comments, Planning Commission Comments, and City Council Comments to the end of agenda. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**2. DISCUSSION ON THE VILLAGE AT POMINENCE POINT, PHASE II**

Mayor Taylor invited the developer to provide the group with a presentation regarding the updated site plan for the project; he provided each member with the most recent site plan, indicating it includes adjusted unit and parking count numbers. He noted the ultimate goal of this meeting is to develop a direction in which to move regarding this project in order to develop a final plan and development agreement that can be brought back to the City Council later this month for final consideration. The Planning Commission has recommended approval of the project, but before the Council can grant final approval it is necessary to adjust the site plan and formalize a development agreement.

Jack Berrett, Developer of Village at Prominence Point, invited his architect, Gunnar Langhus to provide the group with information regarding the updated site plan.

Mr. Langhus noted that the site plan received approval from the Planning Commission, but after hearing comments that the City Council had about the site plan, he has made additional changes. The site plan that was presented two weeks ago had 25 apartment buildings and that has been reduced to 22; the total number of units was initially 350 and that has been reduced to 339. He has tried to find a balance between the number of units and parking in an effort to achieve the 2.25 parking space per unit ratio without sacrificing the livability of the site. The previous parking ratio was determined using the anticipated vacancy rate for the development, but that has been removed. The number of parking spaces on 1700 North has been increased from 50 to 70, increasing the total parallel parking spaces on the site to 140. It was also necessary to utilize space previously dedicated to a mountain bike pump track for parking. He then referenced the location of smaller apartment buildings on the site plan and noted they have been adjusted to reduce unit numbers. He referenced the road that runs through the development and noted it has been straightened somewhat to achieve additional parking space; however, this resulted in decreasing the size of one of the retail buildings. He asked the property manager for the project, Spencer Tibbitts, to expound on parking ratios.

Mr. Tibbitts stated he is a property manager for Alliance Residential based in Phoenix, Arizona, but noted his office is in Sandy, Utah. Mayor Taylor asked if Alliance will definitely be the management company for the project. Mr. Berrett noted that he hired Alliance for consulting purposes, but no final management decision has been made as the project has not received final approval. Mr. Tibbitts then provided a brief overview of his professional background and the background of his company. Council Member Urry inquired as to projects Alliance has managed in the area. Mr. Tibbitts noted the most recent project his company managed in the area is the Mountain View development in Riverdale; it sold in December to a new owner and that new owner hired a new management company. A project that his company is still managing is East Gate at Grey Hawk, located on State Road 193 near Hill Air Force Base; the project is two years old. Alliance also manages Villas on Main in Layton and Park Lane Village in Farmington. Nationwide, Alliance manages 80,000 units.

Council Member Stoker asked how often these types of developments are sold and the reasons they are typically sold. Mr. Tibbitts stated that some owners build these types of developments to sell them, but other sales are based on market demand. However, 90 percent of the time owners work on these types of projects with partners that will keep the project long term or they have plans to keep the project long term themselves. Council Member Urry asked Mr. Tibbitts if

his company has any ownership in the project, to which Mr. Tibbitts answered no. Council Member Bailey asked if Alliance does own any projects. Mr. Tibbitts answered yes, but noted that the company does not own any projects in Utah. Council Member Urry asked if an employee of the management company will live on-site. Mr. Tibbitts stated that is not planned, but it has happened in the past. Council Member Urry asked if the manager would live in the area, to which Mr. Tibbitts answered yes.

Council Member Bailey stated these types of projects are classified as A, B, and C types of projects and he asked if Alliance exclusively manages A properties. Mr. Tibbitts answered no and stated that his company has managed transitional projects as well; some older projects cannot receive an A rating.

Council Member Satterthwaite inquired as to who purchased the Riverdale property that was recently sold. Mr. Tibbitts stated a buyer from California purchased it and it is now being managed by a new management company. Council Member Satterthwaite inquired as to the rating of that property. Mr. Tibbitts stated it was a transitional property that had a B minus rating initially. Council Member Urry asked if some properties transition downwards from A to B. Mr. Tibbitts stated that Alliance works to prevent that, though it largely depends upon the budget made available to the management company by the owner. Mr. Langhus noted that he has found that off-site managers are better for this type of project because it is a job to them and they are on-site between 8:00 a.m. and 5:00 p.m.; if the manager is not performing they can be replaced. Discussion then centered on the manner in which the management company and project owner agree upon a budget for a project, with Mr. Langhus noting it is imperative to build a high quality project from the beginning so that it is not so difficult for a property management company to keep a project from deteriorating.

Council Member Urry stated that he was under the impression that a portion of the buildings at the project would be independently owned condominiums rather than just apartments; he asked if that is incorrect. Mayor Taylor stated the initial plans included townhomes, but there were no plans for those to be independently owned; the plan is for one owner to own all units and rent or lease them. He noted that the projects that he has visited that have one owner and a project management company look much nicer than projects with individual owners. He added that Mr. Berrett has plans to develop the project and then sell it to an institutional owner, perhaps a property management company or another individual who will hire a property management company. Mr. Berrett agreed that is correct and noted there are many others that are better suited and have the desire to own and manage the project. Council Member Urry stated it is important that the owner or the management company be local and easily accessible so that they can respond to urgent needs at the site. Mr. Tibbitts noted Alliance has 125 Utah employees and 30 local projects, which mean there are roughly four employees dedicated to each project. Mr. Berrett stated that it is important to hire a property management company that has an appropriate ratio of employees to the number of units. Mayor Taylor agreed and noted that one of the projects the City Council visited in Draper had full-time employees on-site and that is what he would prefer at this project. Council Member Urry stated he would like to receive information about the property management companies that are managing various projects in the area so that the Council can visit those properties and determine if the property management company is doing an adequate job. Council Member Urry communicated that the Council does not want a

high-density development in the community that quickly deteriorates because of lack of maintenance or appropriate property management. Mr. Tibbitts stated he will provide information about some of the projects that he manages, after which the Council and Mr. Tibbitts engaged in a discussion regarding how a property receives its grade of A, B, or C; Mr. Tibbitts stated it is largely dependent upon project age, building materials used, and general construction practices.

Council Member Bailey asked if property management companies perform their own market analysis of a project before determining whether to take a project on. Mr. Tibbitts answered yes and stated there are some projects that Alliance will not take on for various reasons, specifically the owner's philosophy regarding management or the market demand for the project. Council Member Satterthwaite stated he would be interested to understand the components of a contract for property management that make it attractive to both the project owner and the management company. Mr. Tibbitts stated that he does not negotiate those contracts, but he noted that contracts are short-term to allow for an owner or property management company to easily terminate if the relationship is not productive. Council Member Satterthwaite asked if contracts include incentives for the property management company to keep occupancy high, to which Mr. Tibbitts answered yes; on-site staff is eligible for quarterly bonuses if they achieve certain occupancy rates and stay on budget.

Council Member Bailey asked if the number, size, and style of the units to be included in the proposed project will be accepted by the market. He stated that the Council visited a project in Draper that had larger, townhome style units and there was a demand for those. Mr. Tibbitts stated that he does see projects like that, but the number of such units in such developments is typically smaller and residents do not live in those units long term. Council Member Bailey stated that one of the concerns he has about the proposed development is that the bulk of the parking is not covered; the area experiences high snow levels in the winter months and he wonders if that will impact the marketability of the units. Mr. Tibbitts stated that a blend of unit types and parking options is appropriate and in other projects where residents have access to garages, some of the garages are not rented. Council Member Bailey stated that may be because other projects are located in close proximity to transit options and that will not be the case in North Ogden.

Mayor Taylor stated that there are other townhome projects being built in the City and in neighboring communities, but no other city in the area has a high-end apartment project. Mr. Berrett refocused on the agreement between himself and the property management company and noted that he would be willing to provide it to the City to ease the Council Members minds. Council Member Bailey stated he would love to see that, but his concern is that everything with the project seems to be transitional because Mr. Berrett does not plan to own the project for long and there is no guarantee that Alliance will be managing it in the future; the City has no control of those types of things. The City can start out hoping that the project will be great and will be an asset to the community, but there is a lack of control in the future. City Attorney Call was asked if these concerns can be addressed in the development agreement for the project. Mr. Call noted the City can assert control over design and construction of the project, but not ownership or management. Mayor Taylor stated the initial build quality is very important as it will dictate future sale prices and management of the project.

Planning Commission Waite asked Mr. Tibbitts if he can recommend building materials or construction standards that would reduce the amount of future maintenance needed at the project. Mr. Tibbitts stated there are materials that require less maintenance, but there is nothing that is maintenance free. He stated he would recommend that vinyl siding not be allowed; cementitious or rock materials are higher quality and require less maintenance. He stated that stucco is acceptable, but requires maintenance. Council Member Bailey stated that the City has one shot at getting the project right at the onset and it is important to develop a high quality project from the onset.

The Council, Planning Commission, and Mr. Berrett then engaged in a discussion about the list of likes and dislikes that have been developed regarding the project. Mr. Berrett provided the Council with an update regarding the work being done to recruit commercial and retail entities to the project in the future. He has been very selective about the types of businesses he has reached out to because he would prefer local quality businesses that provide a benefit to the entire community. Now that retailers understand the population in the area could increase by 1,300 they are much more interested in moving to the area; this includes a credit union, eateries, a local bike shop, professional uses, and a hardware store. He is working on a full-on marketing plan for the site, but his main goal is to get approval for the residential components of the project so that he can communicate factual and honest information in that campaign.

City Planner Scott then used the aid of a PowerPoint presentation to review the parking standards and ratios used in other communities along the Wasatch Front. He concluded the point of his presentation is that based on a requested parking ratio of 2.25 spaces per unit, the developer has indicated they will provide 763 parking stalls, but if the existing ordinance were followed the developer would be required to provide 848 stalls; he is not recommending a certain number of parking stalls for the development; rather, he is simply informing the group that there is a range of parking ratios used in other communities and they can be used for comparison.

Mayor Taylor then reviewed a PowerPoint presentation that provided a comparison of the other developments visited in other cities. Commissioner Waite noted that the 2.25 parking spaces per unit came from the Park at Day Dairy in Draper, but the units in that development are much larger with a great number of bedrooms and that is where the higher parking ratio came from. Mayor Taylor stated that may be accurate and noted that a different apartment complex similar to what is being proposed had 628 parking stalls for 330 units; however, many of those parking spaces are in garages or covered spaces dedicated to units. Their parking ratio is roughly 2.0 parking spaces per unit, but they are also located in close proximity to a Trax transit station. The final project is located in Logan and the residential component is evenly split between apartments and townhomes; the townhome units have garages or covered parking spaces. The parking ratio is 394 parking stalls and 168 garages for a total parking count of 562, which is a 2.25 parking ratio. The one difference in this project is that it also includes commercial uses so there may have been a demand for a higher parking ratio for the commercial space. Commissioner Waite stated it appears that a parking requirement of 2.25 spaces per unit is the highest required in other communities.

The group then engaged in a discussion regarding parking accommodations at the proposed development, with a focus on the fact that the commercial and retail spaces were reduced in size to provide additional parking spaces. Council Member Swanson noted that the other three developments do not allow for on-street parking to be included in their parking ratio calculation; if the on-street parking at the proposed development were removed from the equation, the parking ratio would be 1.93 spaces per unit or 2.1 if the parking at the bike park were removed from the equation. He added that shared retail parking is also not included in the parking ratios for the other developments. Commissioner Mason stated he feels it is warranted to use the shared retail parking in the ratio because the City has heard from other project managers that the peak parking time for the residential component is between 7:30 p.m. and 8:00 p.m. nightly and that is when the demand for retail parking is low. Mr. Langhus stated that the proposed parking ratio for the development only contemplates sharing a small number of retail parking spaces. Council Member Swanson stated he is not necessarily opposed to sharing retail parking spaces; he simply wants to 'compare apples to apples' when considering parking ratios for other developments. Discussion of the parking ratio continued with a focus on reconfiguring various parking areas and open space, with Mr. Berrett noting that it is necessary for him to consider how the site will relate to potential future development on the property to the north still owned by Grace Hancock; he has an option to purchase that property in the future and wants to ensure property connectivity.

Mayor Taylor asked that the group focus their thoughts regarding parking and try to reach a consensus regarding whether what Mr. Berrett is proposing is acceptable or needs to be amended. Council Member Urry stated he does not feel it is appropriate to include the parking located near the detention basin/bike park in the ratio because the area is too far for tenants or visitors to walk from in order to get to the actual apartment units. High level and philosophical discussion continued with brief focuses on items such as on-street parking on 1700 North, the number of carports and garages on the site, parking area lighting, and overall aesthetics and quality of the development. Mr. Berrett and Mr. Langhus stated that they have relied upon people who are experts in their field to determine the amount of parking that is needed at the project. The group ultimately concluded they are comfortable considering a parking ratio of less than 2.25 spaces per unit, but they want more time to consider this issue. Council Member Satterthwaite stated he would like to know what the parking ratio is of the townhome development located east of the movie theater.

Mayor Taylor stated that another item of discussion among the City Council was the layout and classification of the north/south road running through the development. Concerns dealt with on-street parking and the width of the road as well as whether the road should be public or private. Mr. Scott stated that City ordinances prohibit backing onto a public street from a private parking area, but that could be dealt with via the development agreement for the project. Mr. Langhus stated that Mr. Berrett would prefer that the street be a private street and that the garages be allowed to face the street, otherwise it will be necessary to eliminate garages or reduce density at the development. Planning Commission Chairman stated he is comfortable designating the street as a private street so that the City is not required to maintain it; he added he does not feel the road will be heavily used by the general public and that, instead, it will be used by residents in the development. Discussion centered on the fact that the road would still need to meet fire and other development codes even if it is allowed to be a private street. Mr. Langhus reviewed the

site plan and identified the location of the garages that will front the street, reiterating they would be lost if the City decided against allowing the street to be a private street. Council Member Bailey asked if the length of the street, whether it is private or public, complies with the City's ordinance relative to the maximum block length and connectivity. Mayor Taylor answered yes. Council Member Urry inquired as to what the speed limit would be on the road. Mr. Langhus noted there are round-a-bouts along the road, which will require a low speed limit of 20 or less. Mayor Taylor stated that will further reduce public traffic on the road. Chairman Thomas stated that it would be his preference that the road be a private road. Council Member Bailey stated he does not disagree with allowing the road to be a private road, but he wants to ensure that the road and all infrastructure in the right-of-way is compliant with City ordinances. The entire group reached a consensus that they are comfortable with the design of the road and allowing it to be a private road.

Mayor Taylor then led a very brief discussion regarding the density of the project, at the conclusion of which the group communicated they were comfortable with the proposed density on the most current site plan. Mayor Taylor then referenced the orientation of buildings on 1700 North, noting that Mr. Berrett has provided front doors on 1700 North so that the design is aesthetically pleasing. The group indicated they are pleased with that design element. Mayor Taylor referenced building height and noted that the proposed building height is currently 1.5 taller than allowed by City ordinance; the group indicated that issue can be addressed in the development agreement and they are comfortable with the proposed building height. He then noted the City and Mr. Berrett will work closely with one another relative to building elevations and the quality and design of building materials. Mr. Scott noted that the City Council has expressed concerns regarding cultured stone and he asked Mr. Langhus to provide the group with more information about the building material. Mr. Langhus noted that cultured stone is a brand name, but it is a cementitious building material that is high quality and durable. He stated that the product could fade with constant moisture, but the landscaping at the project will be designed in a manner that irrigation water will not be hitting the material. He stated that he can include details regarding the product in the development agreement to ensure that high quality building materials are being used in the project. Mayor Taylor stated there will be an emphasis on using high quality building materials throughout the entire development agreement. Mr. Scott then noted the Council has asked for an assurance that appropriate maintenance or future upgrades will be accommodated in the long-term operation of the project. Mr. Langhus stated it may be possible to set aside a 'rainy day' fund for long-term maintenance. Mr. Tibbitts added that most lenders for this type of project require an escrow fund that would provide for replacement or refurbishment of components of the project; that fund would be in place for the full term of the loan. Council Member Bailey stated he would like some information from the lender to include in the development agreement. City Attorney call stated the agreement could include proof that a reserve account has been created, but the lender for the project could change throughout the term of the loan.

Mayor Taylor then noted there were concerns expressed regarding the timeframe for the commercial/retail component development and Mr. Berrett has indicated that will be dictated by the market. He asked the group if they are comfortable with that response and not including a deadline for commercial/retail development in the development agreement, to which the group answered yes. Mayor Taylor then asked Mr. Berrett if he is willing to share his market study or

proforma for the project. Mr. Berrett stated that is considered to be an intellectual project and he does not want it to be made public to his competitors; he wouldn't mind providing some data from the documents, but not the entire report at this time. Council Member Bailey stated the Council's greatest concern is that the project be a quality project and that Mr. Berrett is not simply trying to maximize density to make as much money as possible; he wants some assurance that the market will bear the project. Mr. Berrett stated he can provide some information from the market study to prove that the market will bear the project, but he reiterated he cannot provide the entire report for his competitors to examine.

Mr. Scott then noted that there is a list of items that Mr. Langhus needs to address relative to development standards and he will be working with Mr. Langhus to ensure those items are being met; that will aid him and Mr. Call in finalizing the development agreement for the project. Mayor Taylor noted the City Council will hold a public hearing regarding the project at their next meeting with the goal of considering the development agreement at the following meeting of the City Council. He asked that any member of the group express their concerns or recommendations for the development agreement now or in the near future so that they can be addressed or incorporated into the development agreement.

**\*\*Item four was moved ahead of item three on the agenda.\*\***

#### **4. DISCUSSION ON FRUITLAND DRIVE ACCESS OPTIONS**

A staff report from City Planner Scott explained the General Plan calls for Fruitland Drive to be a collector road with a 66-foot right-of-way. Several subdivisions are working toward final approval with the understanding that there are some design challenges to building a standard cross section. The design issues include the slope along both sides of the roadway, power poles, and the setbacks of existing homes. On June 21, 2015 one of these adjoining subdivisions, the Fernwood Subdivision received preliminary approval with the understanding that Staff would bring back design options for the Fruitland Drive cross section. Subsequent to the June 21, 2015 Planning Commission meeting a coordination meeting was held on June 25, 2015 with Staff, the applicants, their consultants, and adjoining property owners to identify Fruitland Drive design options. Two options were identified for Fruitland Drive; a 66-foot standard cross-section and a modified standard with a 60-foot right-of-way. The City Engineer has since prepared four options to present to the City Council and Planning Commission, along with the pro's and con's for each option. These options could possibly include a trail, bike lanes, turn lane, parking, curb, gutter, and sidewalk. The memo concluded staff recommends the City Council consider the Fruitland Drive cross section options and identify any desired modifications as well as proceed to host an open house to receive public comment and then make a final decision for the cross section of Fruitland Drive between 2100 North and 1700 North.

Mr. Scott reviewed his staff report and stated that he has been made aware of the scheduling of a transportation open house in November and he feels it will be very appropriate to discuss issues related to Fruitland Drive at that time. He reviewed various photographs of different areas of Fruitland Drive to identify the characteristics of the different cross-sections of the road.

City Engineer Hartvigsen stated there are areas of the road between 1700 North and 2100 North where a 66-foot right-of-way has been preserved, however at this time it may be more feasible for developers of property in that area to construct a more narrow pavement section. He stated he is comfortable with that because requiring construction of the full 66-foot right-of-way in that area would result in cutting off existing driveways for residences on the road. He noted that the road is essentially a country road and it could be left that way, but as undeveloped properties along the road continue to develop, traffic levels will increase and it is necessary for the City to address that. He then identified the driveways on the road that would be negatively impacted if the roadway were widened to a 66-foot right-of-way. He added others are currently very steep and would be made steeper upon road widening.

Planning Commission Chairman Thomas reported that in recent land use training he attended the instructor talked about forcing land developers to build infrastructure for the City that is not necessarily their burden; he used an example of a developer being prevented from building lots that fronted onto a specific road while being required to improve that same road. He stated that the presenter stated that the city would be forcing too much upon the property owner to develop City roads. Commissioner Waite agreed and noted the required improvements were not proportionate to the development being constructed and requiring a developer to improve both sides of a road when they will not receive a benefit from that road falls into the classification of disproportionate costs.

Discussion then shifted to traffic counts on various roads throughout the City, with Mayor Taylor noting that Fruitland Drive has one of the higher traffic counts of roads throughout the City. He then provided the group with a map identifying projected future development and the accompanying road improvements in the City. In the future, Mountain Road is expected to have higher traffic counts than Fruitland Drive over the next 10 years, but at build-out the traffic counts on Fruitland Drive are expected to triple. He noted that this information will be reviewed in more depth at the upcoming transportation open house. Discussion centered on immediate transportation needs on Fruitland Drive related to developments that may occur sooner rather than later, with Council Member Bailey noting it is important for the City to decide what it wants Fruitland Drive to be in the future. Planning Commission Chairman Thomas stated that was the 'million dollar question' for the Planning Commission when considering a recent development application with a road connecting to Fruitland Drive. Commissioner Waite agreed and stated there were not many other areas in the City to compare the section of Fruitland Drive impacted by the development to and it was a very difficult application for the body to consider.

Council Member Swanson asked Mr. Hartvigsen what his preference would be for improving Fruitland Drive. Mr. Hartvigsen stated that he would recommend a standard 66-foot right-of-way, but only construct a 47 foot wide pavement area to allow for a road shoulder for mailmen or other delivery vehicles. Council Member Bailey stated now is the opportunity to widen Fruitland Drive and he feels it should be done similar to what was done on Mountain Road near the Greystone development. Chairman Thomas stated he can agree with preserving the property for a 66-foot right-of-way, but to build that right-of-way it would be necessary to take up to 20 homes on the road to allow for that type of project. He added, however, that if there are no plans to widen the road in the next 15 to 20 years there is no purpose in requiring a current developer to widen the road in one 300 or 400 foot section. Council Member Bailey stated that requiring

the road widening on a 300 or 400 foot section would improve safety on that section of the road and set a precedent for future development. Chairman Thomas stated that the precedent would be set for the City to complete the improvements because the majority of the road is already developed and any future widening would need to be done at the City's expense. Council Member Bailey stated he understands that, but noted there are grant opportunities for these types of projects and he feels that the transportation section of the City's master plan should be followed. He stated there will be many more connections on Fruitland Drive in the future and improvement is needed. Council Member Urry argued that the road could be left as it is. Council Member Bailey stated that future development will occur and people will use Fruitland Drive and it is not wise to leave the road as it currently is. High level discussion and debate ensued regarding future transportation needs of the City after which the group refocused on the appropriate cross-section for Fruitland Drive. Commissioner Mason stated that he feels a four-foot sidewalk is too narrow for the road because it is heavily used by pedestrians and bicyclists. Council Member Stoker agreed; she noted she feels it would be appropriate to reach a compromise that would maintain the rural feeling of Fruitland Drive while still allowing for development of raw ground adjacent to the road.

Kent Freeman of Ivory Homes noted that those that will be developing property in that area need to know what the City will be requiring relative to right-of-way dedication, road width, and curb, gutter and sidewalk. He stated the costs associated with those improvements can escalate quickly; it is possible to spread those costs among all the lots in the development, but at some point the cost per lot will be too high to make the project feasible. Chairman Thomas stated he does not want the City to do something that will make it impossible for a property owner to develop his property. Council Member Bailey stated that the value of the land will only continue to increase so at some point in time it will be feasible to comply with the City's request to widen the road.

Mayor Taylor stated it is essential to reach a decision regarding what the City would like to see regarding the improvements associated with the Ward Farms Subdivision. Commissioner Mason asked if it would be an option to build the trail or sidewalk at a level lower than the road. Mr. Hartvigsen stated that would be an option and the road and trail could be terraced. Council Member Urry stated that his biggest concern relating to Fruitland Drive is safety; if the developer is not required to widen Fruitland Drive on either side of the connecting road, he does not believe the developer should be required to construct the road. He stated the necessary work should be done now rather than waiting to complete it in the future. He wants to ensure that the improvements required will improve safety on the road. Commissioner Waite suggested an option that would eliminate landscaping in a park strip and, instead, run the sidewalk to the curb of the road; this would eliminate about one foot of fill material, but the same amount of pavement would be present. Council Member Bailey stated he would be comfortable with that option, after which Mr. Hartvigsen recommended that the sidewalk be six feet in width. Mayor Taylor suggested the construction of an asphalt trail rather than a sidewalk. Discussion then shifted to the condition of other sidewalks and trails in the City that are the responsibility of the City. Council Member Bailey noted that if developers are being required to install quality sidewalks or trails the City should be required to do the same on City property. Chairman Thomas then noted that if the trail built on Fruitland Drive in association with the Ward Farms Subdivision will not have any connectivity to the north or south, it should not be advertised as a

pathway and the developer should not be required to bring the path up to grade; it should only serve as an area for pedestrians or bicyclists to get out of the traffic.

Mayor Taylor asked that the group to come to a conclusion regarding the improvements that will be required for the Ward Farms subdivision; he summarized that everyone supports the 66-foot right-of-way with a pavement width of 36-feet (which is six or seven additional feet for the developer to construct), with curb and gutter and an area left undeveloped, but brought up to grade for future construction of a sidewalk or trail by the City. The group stated they can support that way forward.

**3. DISCUSSION ON THE SUBDIVISION VARIANCE PROCESS**

This item was not discussed.

**Council Member Stoker motioned to table discussion of the subdivision variance process. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**5. PUBLIC COMMENTS**

There were no public comments.

**6. COUNCIL/MAYOR/STAFF COMMENTS**

There were no additional comments.

**7. ADJOURNMENT**

**Council Member Stoker motioned to adjourn. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

