

**TREMONTON CITY CORPORATION**  
**LAND USE AUTHORITY BOARD**  
**September 17, 2014**

Members Present:

Steve Bench, Chairman/Zoning Administrator  
Chris Breinholt, City Engineer  
Shawn Warnke, City Manager  
Paul Fulgham, Public Works Director  
Linsey Nessen, Deputy Recorder

Chairman Bench called the Land Use Authority Board Meeting to order at 9:10 a.m. The meeting was held September 17, 2014 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager Shawn Warnke, Director Paul Fulgham, and Deputy Recorder Linsey Nessen were in attendance. Director Marc Christensen was excused.

1. Approval of agenda:

**Motion by Director Fulgham to approve the September 17, 2014 agenda.** Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

2. Approval of minutes: August 27, 2014 and September 3, 2014

**Motion by Engineer Breinholt to approve the minutes of August 27, 2014 and September 3, 2014.** Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

3. New Business:

a. Discussion of I-84 Frontage Road – David Kerr and Brandon Bales

Mr. David Kerr stated that he is the real estate agent for Mr. Brandon Bales and Mr. Bill Fransen is the real estate agent for the Sorensen family. Mr. Bales is currently looking at purchasing a ten acre parcel of property from the Sorensen family just south of the new Ashfield Apartment complex. Mr. Bales stated that he runs a trucking company and would like the location between I-84 and I-15 for a maintenance shop to service his fleet and would like to bring truck traffic off the freeway onto the Frontage Road to the shop. Manager Warnke asked about the scale and size of the operation. Mr. Bales stated that it would be a 12,000 square foot building similar to Transport Diesel. The business would be pretty much private, but they might accept repairing outside trucks if they weren't too busy. Manager Warnke asked about the size of Mr. Bales' fleet. Mr. Bales stated that he currently has forty

trucks with thirty more on the way. Everything would pretty much be kept inside the building and Freightliner would probably join up with them and do warranty work out of part of the building also. Manager Warnke asked Mr. Bales where his company is based out of. Mr. Bales stated that they are based out of Logan, Utah and are currently outsourcing all of their truck repair work. Manager Warnke asked about the hours of operation. Mr. Bales stated that they would be operating twenty-four hours a day, seven days a week.

Manager Warnke asked what the zoning of the parcel is. Mr. Kerr stated that he spoke with Chairman Bench earlier and found that the parcel is not currently zoned to handle something like this and they acknowledged that is an obstacle they will have to face. Mr. Kerr stated that they are here to figure out what obstacles they will face and what the process is to get this accomplished. If the zoning could be changed, the next step would be to improve the Frontage Road and get access off the Frontage Road to that parcel. Mr. Kerr stated that if Tremonton City was on board with that, their next obstacle would be working with the Utah Department of Transportation (UDOT), which it was explained to him by UDOT that they would have to obtain a permit to work in the UDOT right-of-way because of the connection to Tremonton City Main Street. Mr. Kerr also stated that he was told by UDOT that when the Frontage Road was turned back over to Tremonton City, that there was some sort of agreement or terms that came with that between the City and UDOT. Director Fulgham stated that he has never seen anything on it. Manager Warnke asked Director Fulgham if UDOT gave responsibility of the Frontage Road to the City. Director Fulgham stated that the Frontage Road is not listed on the City's street inventory. Mr. Kerr stated that UDOT turns over all Frontage Roads to the local entities to maintain and have responsibility for.

Director Fulgham stated that his biggest concern is whether UDOT will let them have access off and make improvements to the Frontage Road. Mr. Kerr stated that they will be having a meeting with UDOT on September 30, 2014 to discuss this proposal with them. Mr. Bales is not contracted with the property yet and they are trying to do their due diligence first. Manager Warnke asked Engineer Breinholt about the City's Master Road Plan for that area. Engineer Breinholt stated that the plan is showing the road coming on the north side of McDonald's and the gas station and connecting to 2300 West rather than off of Main Street so the City can maintain control over it. The City sees that area as a commercial, retail type area with a fair amount of traffic. The goal was also for 2000 West to be the heavy, industrial traffic area since there are homes on 2300 West.

Engineer Breinholt stated that his biggest concern from an engineer's point of view is access. Engineer Breinholt stated that he is fairly certain that UDOT won't approve that kind of traffic that close to the interstate on and off ramp. The best solution would be tying into 2300 West.

Manager Warnke stated that there are other parcels of land in the City that may work. Mr. Bales asked what area in the City would be a better fit for this project and asked what the zoning would need to be for it. Chairman Bench stated that it would be allowed by a Conditional Use Permit in the Commercial General Zone, but it is a permitted use in the MD, MD-B, and MD-G zone, which are industrial zones. Director Fulgham stated that this project would be a great fit up by the State road sheds on 1000 North, which is also right off the interstate exit. Chairman Bench suggested talking to the Taylor's about property on 2000 West also. Mr. Kerr stated that they will explore some other options and meet with UDOT and meet with the City again at a later date.

b. Discussion and consideration of a Master Site Plan at 400 West – Micah Capener

Mr. Micah Capener stated that they want to start developing on the corner of 400 West and that is what will be included on the subdivision plat while they wait to find out what UDOT is going to allow them to do. Mr. Capener presented some ideas for a road design done at a development similar to his in South Jordan including angled parking down the main entrance. Engineer Breinholt advised against having angled parking that close to an intersection because of the large amount of traffic through the area.

Engineer Breinholt stated that one item that needs to be addressed on the site plans is how the storm water will be handled and the areas for detention. Mr. Capener stated that a lot of that will be handled in the park strips and landscaping areas. Chairman Bench stated that it isn't showing on the current design. Engineer Breinholt stated that he would be surprised if the area slated for the detention basin will be big enough and asked if the designer is working off of the City's storm water policy. Mr. Capener stated that it is the same company that did O'Reilly's Auto Parts designing. The designer's plan is, on a building by building basis, to figure out how to control the storm water as close to the building as they can with the landscaping. Engineer Breinholt stated that the parking lots can't be used as detention areas. Mr. Capener stated they will be using the landscaped areas, not the parking lots.

Engineer Breinholt asked if all the parking stalls on the plan are needed for the apartments. Chairman Bench stated that two parking spaces per dwelling unit are required plus .25 spaces per multi family dwelling unit for visitor parking. Mr. Capener asked if the on-street parallel parking would be counted towards that. Chairman Bench stated that it would not. Mr. Capener stated that they are planning to have covered parking next to the buildings and detached garages and storage units, which aren't shown on the plan. The garages and storage units won't belong to a particular unit, but can be leased by tenants. Mr. Capener stated that they have also added a walkway between the apartments through the commercial area to create walkability through the development.

Mr. Capener stated that he was hoping to move the concept on for approval to the Planning Commission. Chairman Bench stated that the Planning Commission doesn't approve site plans; they will approve the subdivision plat. The Land Use Authority Board reviews the concept plan but doesn't do a formal approval for concept plans. Manager Warnke stated that the approvals needed are: 1) the approval of a rezone of the property; 2) the Master Site Plan approval; 3) the individual site plan approvals; and 4) subdivision. All of the approvals start with making application and paying the fees.

Chairman Bench stated that the current plan being presented is the concept site plan. Mr. Capener stated that he emailed all the details discussed in previous meetings to his designer and wanted to keep the City in the loop as they make adjustments so that it will all work as they get to the Master Site Plan. Engineer Breinholt stated that his biggest concern that could throw a wrench in the layout is the storm water and detention/retention areas and if more area is needed to hold the storm water. Storm water areas have to be open space and the City needs to see more detail to say whether what they are proposing will work or not.

Chairman Bench stated that the Master Site Plan needs to show the detail that is required; the drainage, the depth of the drainage, the square footage of the drainage, etc. Mr. Capener asked if the Master Site Plan is only needed for the first phase they are planning to develop since they don't necessarily know what the rest of the development will be at this point. Chairman Bench read from the Code, "When sites are proposed to be built in phases, the Master Site Plan approval is required prior to approving the individual site plans within the project and the submission of an application for a building permit. The Master Site Plan application shall address the following issues for the entire site: land use, open space, landscaped areas, architectural guidelines, buildable square footage, parking requirements, access and circulation of pedestrian and vehicle requirements, utilities, easements, storm drainage, and all preliminary calculations for infrastructure improvements and traffic impact mitigation related to a Traffic Impact Study, if required. The Master Site Plan application and accompanying documents shall be reviewed using the same procedures as any Site Plan application excepting that the development agreement shall include provisions that address phasing and timing of improvements."

Engineer Breinholt stated that the Master Site Plan, according to the Code, is construction level plans for the entire site, which can't be done here because there are too many unknowns to do a Master Site Plan to the level of detail the Code is asking for. Those requirements are what are needed for the Site Plan for Phase 1, however. Chairman Bench stated that they won't be able to do the drainage for the entire site at this point. Engineer Breinholt stated that it would be wise to have a concept plan for the entire site, which has been presented. Mr. Capener stated that they are only ready to develop the first phase and asked what needs to be done to meet the Master Site Plan requirements. Manager Warnke suggested the City look at changing the Code. Engineer Breinholt suggested requiring the Master Site Plan to

be a little more generic. Manager Warnke agreed with Engineer Breinholt. Engineer Breinholt stated that this part of the Code should remain the same because there are developments that will come in and know exactly what they are doing and be able to do a Master Site Plan to this level of detail. The question is what level applies to what project.

Mr. Capener asked if they were to bury the canal and have the area landscaped if they could use that area as a retention basin, if the canal company would allow it. Engineer Breinholt stated that the area is probably too shallow to do that once the canal is piped. Director Fulgham stated that he didn't think the canal company would allow it.

Chairman Bench stated that he is proposing to create a Mixed Use Downtown Zone (MU-DT) that would only include this forty acre parcel and would not interfere with other zones. Chairman Bench asked Mr. Capener to submit the Site Plan documents a week in advance of the meeting so the Board has time to review them and to also complete the Subdivision Application and Site Plan Application and pay the fees. Mr. Capener stated that he is only subdividing the property and the potential business that will be building on that parcel will be completing the Site Plan Application process. Chairman Bench asked how many acres Mr. Capener is subdividing. Mr. Capener stated they are only subdividing four acres.

Mr. Capener stated that he will have details added to the design such as sewer, water, and storm drain in general. Engineer Breinholt stated that the storm water needs to show how the detention is going to be handled. Mr. Capener stated that he will also add the actual square footage of the hard surface and actual footprints of the building. Engineer Breinholt stated that just totals are needed.

Chairman Bench recapped that the Board is going to propose to amend the Code and add a paragraph that talks about having a total Site Plan sufficient enough to move forward with phases; Mr. Capener is going to make the Site Plan meet this paragraph and submit that to the City; and Mr. Capener is also going to submit the subdivision plat that will go through the subdivision process.

Mr. Capener asked what he needs to do for the rezone of the property. Chairman Bench read from the Code, "Only property owners or their duly authorized agents that make application to rezone property as per Chapter 4 Powers and Duties of Planning Commission, it is the Planning Commission's duty to make recommendations to the City Council on adopting and amending land use ordinances and zoning maps. As such, the rezoning of property and submission of the application shall only be made by the property owner or the authorized agent on forms approved by the Zoning Administrator. Rezoning of property that is initiated by the Planning Commission is exempt from the submission of an application. No rezoning of property shall be processed without the submission of application and

supporting materials as required by this Chapter.” Chairman Bench stated that he would also get an application to Mr. Capener for the rezoning of the property.

- c. Discussion and consideration of a concept plan for a subdivision at 400 West – Micah Capener

Mr. Capener stated that the subdivision plat has been tweaked slightly so it isn’t ready for this meeting. Item was tabled until a future meeting.

- d. Walk ins\*

No walk ins.

4. Comments/Reports:

- a. Chairman/Zoning Administrator – Steve Bench

No comments.

- b. City Engineer – Chris Breinholt

No comments.

- c. Recreation Director – Marc Christensen

Director Marc Christensen was excused from the meeting.

- d. Public Works Director – Paul Fulgham

No comments.

- e. City Manager – Shawn Warnke

No comments.

5. Public comments: Comments limited to five minutes.

No public comments.

6. Adjournment:

**Motion by Shawn Warnke to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 11:32 a.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes of the Land Use Authority Board Meeting held on the above referenced date. Minutes prepared by Deputy Recorder Linsey Nessen.

Dated this 1st day of October, 2014



Darlene S. Hess  
Darlene S. Hess, RECORDER

\*Utah Code 52-4-202, (6) allows for a topic to be raised by the public and discussed by the public body even though it was not included in the agenda or advance public notice given; however, no final action will be taken.