

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD**

March 9, 2016

Members Present:

Steve Bench, Chairman/Zoning Administrator

Shawn Warnke, City Manager

Paul Fulgham, Public Works Director

Cynthia Nelson, Deputy Recorder

Chairman Bench called the Land Use Authority Board Meeting to order at 9:00 a.m. The meeting was held March 9, 2016 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Manager Shawn Warnke, Director Paul Fulgham, and Deputy Recorder Cynthia Nelson were in attendance. City Engineer Christ Breinholt and Parks & Recreation Director Marc Christensen were excused.

1. Approval of agenda:

Motion by Director Fulgham to approve the March 9, 2016 agenda. Motion seconded by Manager Warnke. Vote: Chairman Bench – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

2. Approval of minutes: February 10, 2016

Motion by Manager Warnke to approve the minutes of February 10, 2016. Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

3. New Business:

a. Site Plan review for Station Assisted Living located at 53 North 775 East – Lora Burrell

Chairman Bench asked those involved or interested in Station Assisted Living to introduce them self. Those present were: Joe Beck, Project Architect for Station Assisted Living; Lora Burrell, owner of Station Assisted Living; Justin Burrell, husband to Lora Burrell; and Teresa Sandall, homeowner next to proposed site for Station Assisted Living. Chairman Bench noted that when Station Assisted Living applied for a building permit, the property is zoned as Commercial Zone/Mixed Use Zone which talks about residential facilities for elderly persons as a permitted use. Manager Warnke explained that residential living for the elderly is not in the code but could be allowed and proposed to the Planning Commission and City Council for approval.

Chairman Bench stated that definitions would be added noting the differences between assisted living and nursing homes. Manager Warnke stated that State Legislature made it clear that individuals can come together and help elderly people live together

voluntarily. Chairman Bench said that change will be adjusted city wide because there are assisted living facilities and nursing homes in Tremonton.

Ms. Sandall asked if Station Assisted Living will resemble apartments and would be used as apartments if the business fails. Mr. Beck noted that the building will not resemble an apartment building. It is a single story structure with a residential looking roof with a proposed Porte-Cochère's, covered entry, on the front that a car can drive under to offload. It will have all brick façade and residential windows. It is similar to what is at Western Ag Credit or a residential scale commercial building. Ms. Burrell stated it was designed to fit in with the surrounding homes and not stick out. Ms. Sandall has read that when assisted living facilities fail they are often turned into an apartment complex. Mr. Burrell noted that the building would not have the ability to be turned into an apartment complex because it has communal living. There are separate bedrooms but the residents will sit and eat together.

Mr. Beck stated that the building could have a business use with the room suites and bathrooms being turned into large offices with some common space. Without serious adaptation, Mr. Beck does not see the building being used for anything but what it is intended. Mr. Beck noted that this type of facility is the hottest thing in the architectural world right now because the need is growing.

Ms. Sandall would like to see a picture of what the facility will look like. Mr. Beck noted they are close to developing those pictures. Ms. Sandall commented that the light and the illuminated sign at Western Ag Credit are on all night as well as the light on the flagpole. Ms. Sandall noted that the light should be on the flagpole if they are leaving the flag out overnight but she was told that the lights would be off at night. Chairman Bench spoke with Western Ag Credit and was told that the lights would go off at night. He will follow up with them again. Ms. Sandall explained that when building her home, it was designed to not have any windows on the west because of the commercial building but the outside deck is on the east of her home where Assisted Station Living will be located.

Ms. Burrell likes it to be dark when she sleeps so the plan is to only have necessary lighting on at Station Assisted Living. Mr. Beck shows two (2) pole lights in the parking lot on the south end. They are only fifteen (15) feet high and don't splay wide only put light down. The lights would be designed to be on a time clock and come on at 6:00 or 7:00 a.m. and go off sometime between 10:00 p.m. and 1:00 a.m. There is a flagpole designed on the east of Station Assisted Living that Ms. Sandall would not even see. Ms. Sandall is not opposed to flagpoles and the way they are lit, but it is annoying at 3:00 a.m.

Chairman Bench asked if the parking could be switched to the north side of the property. Mr. Beck said it would work for the parking lot, but the outdoor use space would not be beside the highway. Manager Warnke noted there is an assisted living on 9400 South and Highland Drive in Sandy that has the green space and tables up by the

road. Mr. Beck noted that the property is right on the line of mixed use and residential. The green space will help provide the transition to the residential property. Ms. Sandall stated there are only two lots that are commercial and wondered how Station Assisted Living could fit with part of the property being residential. Manager Warnke noted there is an interpretation when a zoning district splits a property. Chairman Bench commented that the first two (2) lots are commercial with the third one being residential; however, the residential facility falls into fall zones. City Engineer Breinholt stated previously to Chairman Bench that the third lot would need to be combined with the other lot to build the site as submitted.

Chairman Bench read from City Code about property that is divided by Zoning District Boundaries. The use regulations governing the portion of the lot located in the more restrictive zone as interpreted by the Zoning Administrator shall govern the use and development of the entire lot unless legislative decision has been granted by the City Council waiving this requirement except for legally existing non-conforming uses and buildings on the lot and except where the lot can be legally subdivided into two (2) or more legal lots. Mr. Beck noted that the more restrictive for all three (3) parcels would be the Mixed Use which is how they've proceeded. Ms. Sandall and Mr. Beck both proposed that the parking lot be on the south side.

Manager Warnke noted there is a requirement that a landscape architect work on the landscaping. Western Ag Credit has a lot of rock and without a lot of plants. A site looks well with greenery. Mr. Beck said the name has Station in it and the Burrell's are horse and ag people. They have an interest in the property archetypally. The outside will be more like a stage coach station with a western flare and desertscape. The landscape is similar to Western Ag Credit with green on the west side behind the building and to the north in the green space with grass and trees. There is more of a desertscape around the perimeter. Kristofer Kvarfordt with Cache Landmark Engineering is the landscape designer. Mr. Kvarfordt will have a nice mixture of green and some blossom. There are also some annual flower beds adjacent to the building.

Chairman Bench would like a listed of the variety of trees, grasses, shrubs, and flowers that will be used. Manager Warnke hoped that whatever product is brought in will look good. Mr. Burrell said there will not be actual stage coaches but real antiques. The ones in question are around 1880 freight type wagons. Mr. Burrell would like something that will stand the test of time and not fall apart. The freight type wagons are in full use and are not dilapidated or run down. Ms. Burrell said the wagon is intended to be tasteful and be aesthetically pleasing to the front of the building. Mr. Burrell said they will be the extent of the horse drawn equipment.

Chairman Bench asked about signage. Ms. Burrell noted there will be a sign at the road. She prefers stone signage with letters attached or etched into it as opposed to a lit sign. Chairman Bench noted that only one sign is allowed but a decal can be on the door. It is not required but is allowed. A monument sign would need to be approved. Mr. Beck stated that he typically does signs under a separate permit.

Ms. Sandall asked if the property will be fenced. Ms. Burrell would like to match Ms. Sandall's fence material within reason. Chairman Bench asked if the fence is over the property line. Ms. Sandall stated that the measurements are different depending on which direction the survey starts. Ms. Sandall noted that Johnston Engineering did the survey. Chairman Bench would like everyone to be okay with the fence location. Ms. Burrell stated she can work with Ms. Sandall and do a fence line agreement. There will be a survey as part of the construction process. Mr. Beck has submitted a proposal for the survey to the Burrell's but there has not been any further action. The plat provided was very new and the corners are staked. Ms. Sandall thought the stakes were redone when Western Ag Credit built.

Director Fulgham stated that because there are three (3) lots there are probably three (3) water meters. Chairman Bench noted there would need to be at least a one (1) inch going into the building. Mr. Burrell spoke with a plumber and the sprinkler system would require a two (2) inch. Director Fulgham noted the line will need to be re-tapped in the street. It was suggested to save one of the meters for outdoor usage. Because it is a commercial use, anything going through the meter gets billed for water and sewer. The remaining line could be capped off if it is not used. The existing meters are probably $\frac{3}{4}$ inch because they were put in for residential and the sewer laterals are four (4) inches. Chairman Bench will need to make a determination on sewer laterals based on the number of bathrooms.

Director Fulgham noted that two of the meters could be used for outdoor use. Mr. Beck stated there would be no need for two meters for outdoor use because of the xeriscape used. Director Fulgham explained that if the $\frac{3}{4}$ inch is big enough, it may be cheaper to use two (2) $\frac{3}{4}$ inch pipes than cutting and patching the road to put in a one (1) inch.

Manager Warnke wondered if there will be food delivery vehicles. Ms. Burrell stated she will be picking up the groceries weekly. There will not be big delivery trucks. There was discussion about the requirements for the driveway.

Mr. Beck noted that the back of the dumpster will be 15 feet from Ms. Sandall's fence. The dumpster will have a block enclosure with a gate on the front. Chairman Bench wondered what time of day the dumpster will be emptied. Ms. Sandall stated the dumpster being emptied won't be worse than the newspaper being delivered at 3:00 a.m. It was noted that the dumpsters will have a top to help control the smell.

Chairman Bench reviewed Engineer Breinholt's comments/concerns: 1) Site plans need to be engineered and submitted; 2) Dimensions need to be added to the parking lot. Off-street parking will need to conform to the City's Land Use Code. Chairman Bench noted there should be one (1) parking space per room plus two (2) more for employees. Mr. Beck explained that based on the ordinance there should be eleven (11) parking spaces and they have fifteen (15). Chairman Bench referred to Engineer Breinholt's notes stating the approach should have the address should align where possible. City

Code requires the driveway to be a minimum of 150 feet from intersection. The code allows the engineer a little leeway to reduce the distance. The driveway at Western Ag was reduced to around 75 feet from the intersection. As long as the driveway has continuity with Western Ag's driveway it should be fine and the one-way drive should be good.

Chairman Bench noted the Storm Water Improvement Plan (SWIP) and Storm Water Detention are not needed. Mr. Beck stated there will be some retention on the front because of the drainage of the circle drive. Mr. Burrell will put hay on the west side of the lot temporarily during construction to prevent anything from going to Ms. Sandall's property. Chairman Bench spoke of Main Street Improvements such as curb and gutter and sidewalk that will need to be completed. The City has a Trails Plan that requires an eight (8) foot sidewalk. Director Fulgham stated that Western Ag did the sidewalk from back to curb (monolithic) which can be matched. Ms. Burrell said that Lyle Holmgren is responsible for the sidewalk as part of the purchase agreement. Chairman Bench remarked that the corner of the sidewalk must be ADA compliant.

Another item on Engineer Breinholt's notes included a detail and location of plants, trees, and bushes on landscape plan as well as irrigation and non-irrigation areas. There was also a question on the signage requirements.

Manager Warnke asked if there is a streetlight at the corner of the intersection. Director Fulgham noted there is a power pole on Western Ag's side that can have a cobra head installed that would match what has been going in on Main Street. Manager Warnke thought streetlights were part of the subdivision requirements. It was clarified that the developer is responsible for the streetlights. Chairman Bench said the streetlights are about fifteen (15) feet tall. Director Fulgham noted they are not decorative and shine straight down to illuminate the intersection.

There is a fire hydrant across the street by Western Ag. Ms. Burrell explained that fire sprinklers are required. Mr. Beck stated they are low grade sprinkler systems that do not require a riser and FDC (Fire Department Connection). Chairman Bench noted that a sprinkler system would need to be approved through the State and meet their requirements.

Chairman Bench stated there is a Public Hearing coming up at the Planning Commission at 5:30 on March 22nd. Manager Warnke noted the Public Hearing on the 22nd will be for code amendments on uses. It would be nice to review the definitions on nursing home, assisted living, and residential elderly. Chairman Bench said the Planning Commission will make a recommendation for the City Council and it could go on the City Council agenda for April 6th. Ms. Burrell would like to have the Station Assisted Living built by the end of the year.

Mr. Beck reported that the Public Hearing will not change the zoning but noted the three (3) parcels will need to assume the most restrictive of the uses which is the Mixed

Use. Ms. Burrell asked if the Porte-Cochère will be discussed at Planning Commission on March 22nd. Chairman Bench confirmed it will.

Chairman Bench asked if anyone had any other concerns. Ms. Sandall said she does not want it to look like an apartment building and noted she is not happy about having commercial next to her house. Chairman Bench asked about air conditioners. Mr. Beck said it was considered to have window mount air conditioners but opted to look at something else that will be quieter on the inside and outside.

b. Discussion and consideration of AutoZone Site Plan

John Losee asked about the storm water, it shows retention. Chairman Bench noted that where it is less than an acre they can run it to the street. Micah Capener received a copy of Engineer Breinholt's comments and spoke with Adam Mackelprang from Alliance Consulting Engineering. Chairman Bench reviewed Engineer Breinholt's comments for Mr. Losee: Drive aisles 25 feet, islands ten (10) feet, fifteen (15) foot bumpers that can be reduced. Sidewalk in front of the store should be stubbed into the parcel per design guidelines. Utilities on the site labeled on the plats or construction drawings as private, easements, telecommunications conduit.

Mr. Capener called Adam Mackelprang to join the discussion on the items in question. Mr. Mackelprang noted parking was at 24 feet so it was shifted so there is a seven (7) foot bumper which is higher than the five (5) feet on the south. The landscape island has been moved to ten (10) feet and moved the parking on the west closer to the boundary. The sidewalk on the front has been extended three (3) feet. Basically all the utilities will be in a public utility easement so they were not going to be labeled as private. A manhole was added so the sewer line goes directly west, north of the dumpster, into the Dollar Tree site then jogs out. Mr. Mackelprang added a phone line where the power line comes from the northeast corner and jogs down to the building. There is a communications line going in and out. The total area and the product area will be added to the landscape plan.

Chairman Bench noted there is no retail general in this zone. That will be corrected at the Public Hearing for the Planning Commission on March 22nd. The code had nothing for a dollar store and auto part store and general retail.

Chairman Bench stated the trash enclosure, building lighting, and fire hydrant were good. Mr. Mackelprang noted he put a pad where a building could go and everything else is considered a Public Utility Easement (PUE) with right of way easements. Anywhere there is parking or landscaping they have a right to put a utility. It has been noted on the plat. Chairman Bench read that public easements are all of the lots less the building pads. Mr. Mackelprang made the building pads bigger than the buildings. This item will be on the agenda next week for review and consideration.

Chairman Bench noted there must be a correct trash receptacle, bike rack, and bench included on the plat. Mr. Mackelprang said the bike rack is site specific. The bench is a six (6) foot wingline or equivalent and the model number is called out on the D3. The dumpster enclosure shown on E4 is the one they like to use.

Mr. Capener noted that ShopKo did not put in the same type of benches and he is not sure about Results. Chairman Bench said if they are equivalent they should be noted equivalent. Manager Warnke noted that the idea of consistency was to have it look like a master plan commercial development. The bike style specified in the design guidelines was more linear which takes a lot of room. The bike style AutoZone is looking at is a vertical loop style. It may be good to have two different styles.

Director Fulgham explained that the City compromised by having more parking stalls and bigger islands so tree roots do not disturb curbs. There are fewer islands for easier snow removal. Mr. Capener noted there have been some minor modifications to the Design Guidelines and Standards and it has been generally approved by AutoZone and Results. ShopKo is not generally okay with the declaration of restrictions. They will probably be excluded from parts because the requirements/restrictions were not required until after ShopKo was up. ShopKo sent the agreement back asking to be excluded from everything but the sign before they would sign the agreement. Mr. Capener said the idea is for everyone to take care of snow removal.

Chairman Bench asked about the landscape plan. Mr. Capener noted that Paul Keeler is doing the landscape plan for both and will tie it together with the updated design. Mr. Keeler did the original plan but it has been changed because the canal company won't approve the trees on top. The landscape plan needs to be available by Monday to have it on next Wednesday's meeting or it will need to be pushed back. Chairman Bench asked when Rupp's will be able to put in the first box and head west. Director Fulgham said they hope to have the boxes show up mid to late March. Ensign Development is waiting for money and once the boxes are in the money can be returned. Mr. Capener said the box on that agreement is already in. Chairman Bench said there must be another box put in before the money can be sent. Mr. Losee said the box should be in within two (2) weeks.

Chairman Bench said the fees need to be paid. Mr. Capener noted they are filled out and will be taken care of. Mr. Losee asked if there is a \$150 charge twice. Chairman Bench confirmed there is a fee for the preliminary and the final. Manager Warnke asked if the six (6) lots will have all the improvements and the UDOT requirements. Mr. Capener and Mr. Losee stated they will be and are in motion. Some of the lots have been sold but three (3) of the lots will be leased. It is waiting to be recorded. AutoZone, Tom Greer, and Dollar Tree are ready to move forward.

There was talk about the parking and signage which has been presented to the Planning Commission and is waiting to go to City Council. Mr. Capener asked Director Fulgham if sewer is public or private. Director Fulgham said it will be done private as much as it

can. Parts have been ordered for Tremonton Place and it looks good. It was designed properly and is high. Mr. Losee wondered how water will get in it as it is high but noted it looks good.

- c. Discussion regarding Holmgren East Phase 4 escrow bond and fee in lieu requirements – Lyle Holmgren

Director Fulgham asked about street lights. There should be street lights but there are not any. Chairman Bench is not aware of any money being paid for street lights in Phase 3. There should be a light at Main Street to match the first phase and one or two more. Manager Warnke remembered a previous conversation about if they put in a street light they would not need a parking light and they opted not to. The utilities all came in higher than planned. The City is doing a lot such as sidewalk and delaying the frontage improvements or right of way improvements. During a discussion with Mr. Holmgren last night, Manager Warnke noted it was discussed that the light should go on the corner by the trail head. Director Fulgham stated the City will have a building with power and can do a decorative street light in that area. Manager Warnke said the City could possibly split the cost with Mr. Holmgren. Next week the LUAB can discuss parking lot orientation and lighting. Director Fulgham remarked there can be a light on the building and one at the street. Manager Warnke would like a light in the parking area. The grant will need to be reviewed to see if lights were included or kicked out. Director Fulgham said lights at night are just for security as the trail will be marked for daytime use only.

- d. Walk ins:*

There were no walk ins.

4. Comments/Reports:

- a. Chairman/Zoning Administrator – Steve Bench

No comments.

- b. City Engineer – Chris Breinholt

Engineer Breinholt was excused from the meeting.

- c. Recreation Director – Marc Christensen

Director 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 Director Fulgham to adjourn the meeting. Motion seconded by consensus. The meeting adjourned at 10:28 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 Cynthia Nelson.

Dated this ____ day of _____, 2016

Darlene S. Hess, City 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.