

6.1 Review and recommendation regarding the Preliminary Plan for the Spring Creek Townhomes project proposed on the southwest corner of the intersection of 1130 South and 1700 West in the South Meadows Planning Area (7:03 p.m.)

Commissioner Cowan stated the public hearing for this item was held previously.

Staff Presentation:

Jill Spencer reported the project is located at 1130 South and 1700 West. The status of the project included a zone change from the A-5-H, Annexation Holding Zone to the RMF-10, Multi-Family Residential Zone. The commission recommended approval of the zone change on March 8th, and the council will address the zone change at a future meeting. The request is for a preliminary subdivision, which was addressed on March 8th and remanded back to staff for additional information. The application has to be in compliance with city regulations including site planning, engineering, public utilities, land use transition, etc. Staff still needs information on the CC&R's and HOA bylaws. A development agreement is also required. Several items were remanded back to staff and the applicant has provided additional information to justify his requests. The items on remand included the following:

- Modifications and waivers to ordinance requirements.
- Off-street parking requirements. The original proposal showed all units having two car garages, which was not the case. The applicant has modified the plans to show 42 units with two-car garages while 11 units will have a single-car garage with a second stall as the driveway. Visitor parking has been provided and is consistent with the ordinance.
- Detailed project amenities information was requested from the applicant and has been provided on the plans and a response sheet. There is still additional information needed to finalize the development agreement. The applicant has requested that this information be provided at the time of final plat approval.
- Project fencing was discussed previously on the type of fence, materials, location, and timing of installation. The applicant is looking at a precast masonry fence and is requesting to delay installation of the fence along the west property line until phase 2. Staff has requested it be installed with phase 1 because of concerns raised by surrounding property owners. An additional request is to waive the fencing requirement along the south property line. The South Meadows Plan suggests the property to the south could be rezoned to RMF-10 to accommodate a similar type development. The privacy fencing for the backyard areas will consist of six-foot vinyl fence. The applicant needs to address the proposal to require a certain percentage of the units to be owner-occupied, which was brought up at the last meeting. The applicant also needs to address the potential flooding of basements (high water table), storm water system (retain on site), potential contamination of drinking water well, and streets and access with turning radius, snow pushouts, etc. The public hearing was conducted and closed on March 8th. The property owners were notified of this meeting at the request of the commission, but additional comment is at the discretion of the commission. Any motion should address the modifications and waivers requested by the applicant and include findings for the recommendation to the city council.

Applicant Presentation:

Evan Nixon stated since the last meeting the drainage system has been completely redesigned to move the infiltration basins, which are now on the north and east side of the development. There are

no state regulations that required this, but it was done so they aren't close to the Simonson's well. The sump on 1130 South was moved to the entry to the project so it is 200 plus feet away from the well. The ground water was an issue from the last meeting. The geotechnical engineer stated ground water elevations occur during winter and early spring. Therefore, the water level has been measured over the last couple months and was considerably higher from previous measurements last fall. The ground water was higher on the west side than the east side so the water is flowing away from spring creek and dry creek. He doesn't think there will be an issue with storm water. The surface water runs through swales and grass to collect pollutants so pollution of the culinary wells is not a problem. He still wants to put in basements, and there are half basements in the area already. To accommodate basements, a land drain will be installed around the perimeter of the project. A cfs of 0.2 would be the peak discharge at any time. Sump pumps would discharge into dry creek. Although there were not concerns expressed by staff, the 24-foot wide street for this type of development throughout the valley is standard. He studied the radiuses for emergency vehicles, and those met the requirements. He would like the perimeter fencing to be the SimTek product and feels it meets the intent of the code. It reduces sound by at least 90%, but the code requires a visual barrier and not a sound barrier. It carries a warranty of 30 years. South of the property is pasture and could be developed in the same planning area as this project so he would like a waiver to not install that fence.

Commission Discussion:

Commissioner Beecher stated he wants to make sure there is a clear barrier between the sewer and storm lines. He has concerns with the drain fields (perforated pipe and gravel) going through 1740 West, 1160 South, and 1210 South, which have a tendency to settle. He would prefer a solid pipe in these street sections. He has concerns with the 24-foot roads, which are essentially a parking lot driveway and compared the speed in a parking lot to a street when passing. If a waiver is given on the drain fields as part of the open space, the road could be increased to 30 feet, which makes the roads much better to use and operate on.

Evan Nixon stated that widening the roads would shorten the driveways, which are currently 21 feet. A 24-foot width road is standard. This is the same proposal made for Springside Meadows at the previous meeting. There are developments with wider streets, but they allow parking on the street. A better solution is to provide 24 feet and not allow parking by using signage and red curbing. It would also be written in the HOA documentation. The fire chief has reviewed the road widths several times and is okay. There was one issue with the phasing plan for a hammer head on 1210 South because of the number of units. He will either reduce the units in phase 2 or construct all of 1210 South with phase 2.

Jill Spencer clarified that the roads in Springside Meadows are 29 feet. Also in asking the fire chief if he is comfortable with this, he would prefer 40-foot wide roads. The question raised to him was, how narrow can the roads be and still allow access for fire apparatus in the development.

Evan Nixon stated it's not how narrow but are they adequate. A vast majority of similar-type projects have 24 feet of asphalt or a little less. They also have shorter parking stalls. His parking stalls are at 19 feet while others are at 16 feet. A 24-foot road is more than adequate to provide circulation and emergency access. Next he would like all the limited common area fencing waived. He would like to only fence it in at the owner's request.

Commissioner Nichols stated he is concerned about the long-term durability of the SimTek. Also he is concerned with not fencing the south side because of the likelihood of children going into the pasture and getting hurt because there is no fence.

Commissioner Warner stated he is concerned about not doing the fence on south side. The problem is not knowing what will happen with the Sperry property down the road. The city has one shot at getting this development enclosed and set up in the right way.

Commissioner Beecher proposed fencing the west side in phase 1 and fencing the south side in phase 3.

Commissioner Frisby stated language could be added to the development agreement stating that if the property is zoned something other than multi-family then the fence has to be completed by the developer. A bond could be posted to ensure it gets done. The west fence is needed to block vehicle lights.

Evan Nixon stated regarding the south fence, the children will just go around and isn't sure there is a solution. He doesn't believe a masonry fence provides more security than a good horse fence. He has talked to the property owner and will do whatever the property owner wants. If required to bond, he would just install the fence.

Commissioner Warner stated he is concerned with not putting in RV parking. Every developer would prefer to build and not provide RV parking. It sets a precedence for future developments. He questioned how big a deal the commission thinks this is. There is RV parking available close to this development. He questioned if it's really important to provide RV parking or let them all find a commercial place to park an RV. His point is if the commission recommends a waiver here, then it ends the requirement of having real teeth in the ordinance.

Commissioner Nichols stated that a previous developer wanted to get rid of the RV parking as well. If it's done for one, then why not for others.

Commissioner Hiatt stated the Ridgestone RV parking is only half full. People are downsizing or starting out. If someone has an RV, trailer, or motor home, they anticipate having to store it somewhere. They don't want it in their yard or showing. They like the commercial storage because it's safer.

Commissioner Cowan stated this project or future projects that don't want or can't provide RV parking, could contract with one of several self-storage facilities to provide RV parking off site. He questioned if this would be a viable alternative.

Evan Nixon proposed not requiring RV parking for smaller projects and requiring it for larger projects. The size could be the justification. He does provide garages and driveways to park an RV. The ordinance states, each project shall address the provision of recreation vehicle parking and storage. The location, size, and design of the parking/storage area shall be dependent on the project mix, availability of enclosed garages, and other factors. He believes there are mitigating factors to allow the waiver.

Public Comments:

Reed Ekins stated he is concerned with running a drain under the road to Dry Creek. He questioned if it has a check valve so nothing can flow back. We are still in a drought so the ground water is way down. He has a stream that runs through his property, and it has been dry for four years. When the stream runs, the water table comes up four feet. He has a huge concern with the water table.

Verlyn Ekins stated everything the commission decides for this project should allow everyone else with acreage by right to do the exact same thing. There could be 40 different compounds. She is against the small roads. She has pulled people out of the ditch. The roads are too small for a motor home and car to go down. Everything decided will affect them all. Also she has pictures of dry creek full, and the pasture flooded this year.

Paul Simonson stated he appreciates the cooperation from the developer with questions and answers. His concern is with the elimination of the sewer line on 1130 South. If his property were developed, it could drain out that way. Other properties wouldn't be able to develop until a line goes to the west. He wants to make sure everything goes in up front.

Further Discussion:

Jill Spencer stated the applicant is requesting to waive sewer along 1130 South because the South Meadows Planning Study indicated that the Simonson's property and properties to the west would not flow back to this line making this section unnecessary. The plan shows these properties flowing to the west and then north. Mr. Simonson believes his property could flow to the east because of the elevation. If that were the case, Mr. Simonson would have to pay for the sewer in 1130 South in front of this project.

Evan Nixon clarified 1130 South will widen about 12 to 14 feet. The land drain around the development will take care of the ground water.

Jill Spencer stated based on the applicant's presentation to not fence the limited common area, one item needs to be added. She recommends the limited common area should be fenced. It is owned and maintained by each property owner. It should be a standard, typical fence.

Discussion regarding building setbacks and trying to increase the street widths.

Jill Spencer stated the commission is reviewing a project proposed by the applicant. If there are issues such as road width, the recommendations need to include those issues. It is then up to the applicant to make the modifications. The commission can request to see those modifications prior to making a recommendation to the city council or can make a recommendation including those modifications. It's not up to the commission to modify the application.

Commissioner Cowan stated he is concerned with the road widths and eliminating the RV parking. He doesn't want to set a precedent. He feels it creates an enforcement nightmare for the HOA with parking.

Commissioner Frisby stated he doesn't want to waive the review fees. He could go either way on the road widths. There should be RV parking because of the type of development. He would prefer

sticking with a masonry fence with installing the west fence in phase 1 and the south fence in phase 3. He is okay waiving the sewer line in 1130 South. The limited access common areas need to all be fenced.

Commissioner Warner stated the applicant has done a great job responding to questions from the last meeting. He agrees with commissioner Frisby's comments.

Commissioner Beecher stated he has an issue with the width of the private roads. There is a possibility of making at least 1740 West wider. The other roads are short and probably fine. If garages are provided, they can count for the RV parking. He likes to see RV parking in multi-family projects because it's always used. The city council can make the determination on development fees. He agrees with commissioner Frisby's fencing requirements, and agrees with waiving the sewer in 1130 South.

Commissioner Hiatt stated she doesn't want to waive the development fees. With roads 1740 West needs to be wider because of the length. This isn't a large enough project to require RV parking, which can be accommodated in commercial RV parking throughout the city. She doesn't have a preference on the fence materials, but there needs to be a fence on the south for safety. The common area fencing can be left up to the property owner.

Commissioner Nichols stated the common area fencing can be stated in the HOA documentation as to type and allow the property owner to install it if they want it.

MOTION – Commissioner Beecher - To recommend to the city council approval of the preliminary plan if several conditions are met. The development fees are up to the city council. The roads, to recommend that the applicant try to widen 1740 West if possible to whatever can be done somewhere between 24 and 30 feet wide. Sidewalk only on one side is recommended for the interior only. RV parking and storage, to recommend the applicant try to find a place to put some RV parking and storage in some form or another. Project fencing, to hold to the masonry unless there is better data on the SimTek and it be installed with phase 1 and 3 from west and south respectively. And to match staff's recommendation on the fencing of the limited common areas. To recommend waiving the requirement for the sewer line in 1130 South.

Motion seconded by Commissioner Warner. Those voting yes: Kirk Beecher, Ryan Frisby, Taresa Hiatt, Harold Nichols, Blair Warner. The motion carried.

7. Commission and Staff Reports (8:53 p.m.)

The city hired Daniel Jensen as a Planner II. He will be at the next meeting, which will be June 14th.

Project updates were sent via email last week.

There is a 400+ unit development coming to the northeast part of town that may be discussed conceptually by the city council on May 31st, which is the 5th Wednesday. The commission will be invited.

8. Adjournment