

**TREMONTON CITY CORPORATION
DEVELOPMENT REVIEW COMMITTEE
MARCH 13, 2019**

Members Present:

Steve Bench, Chairman/Zoning Administrator
Chris Breinholt, City Engineer
Marc Christensen, Community Services Director—excused
Paul Fulgham, Public Works Director
Shawn Warnke, City Manager
Linsey Nessen, Recorder

Chairman Bench called the Development Review Committee Meeting to order at 9:03 a.m. The meeting was held March 13, 2019 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Director Paul Fulgham, and City Manager Shawn Warnke were in attendance. Director Christensen was excused.

1. Approval of agenda:

Motion by Director Fulgham to approve the March 13, 2019 agenda. Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, Manager Warnke – aye. Motion approved.

2. Approval of minutes—February 6, 2019

Motion by Engineer Breinholt to approve the minutes of February 6, 2019. Motion seconded by Administrator Bench. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, Manager Warnke – aye. Motion approved.

The following items were discussed out of order.

3. New Business:

- a. Discussion of proposed development of 4-plexes located at 400 W 150 N and office building at 70 S 480 W – Jonathan Roberts

Jonathan Roberts said this is a concept plan I have been working on at 400 West, just east of the Shopko building. There are currently six lots owned by Lyle Vance. We have talked about converting them into four and switching to a townhome with a one-car garage. We want to make them look like their own homes with separate entrances and parking. This is a way to add some affordable housing. It is currently zoned commercial and our first step is to change that to multifamily residential. Manager Warnke said I think a good discussion for the group is circulation and transportation in this area. There is a lot of proposed density with the commercial development and land uses that generate a lot of trips. How do we facilitate transportation in that area as people get onto Main Street from 400 West? We have an intersection planned at 600 West and I do not

think this individually creates a problem, but as we look at the whole area how do we make sure we have good circulation in that area? Mr. Roberts said there would be four units on four lots (16 total) on 1.33 acres. Administrator Bench said they are already subdividing the lots you just need a lot land adjustment. Mr. Roberts said they would be two levels and approximately 17,000 square feet. We would hook to sewer. Lyle Vance has stubbed water across there, which runs out front. Director Fulgham said if he runs a lateral, they will not have to cross other properties, the road, or obtain easements. They talked about dimensions and accesses. Manager Warnke asked about the storm drain. Director Fulgham said the storm drain is in the road and could be stubbed across in a box. It depends on curb and gutter. Mr. Roberts said we are going to build them up a little bit so you do not have a problem with flooding. Engineer Breinholt said as far as traffic goes this is probably better than some of the commercial things that could go in there. I think it is a good transition. Director Fulgham said the goal is to have that dump out on 600 West. Manager Warnke said we need to make it such that it pushes them that way. Developer Micah Capener said he would get the traffic study for Manager Warnke to review.

Administrator Bench said the next step would be to get you on the Planning Commission agenda and go through the zone change process. They talked about spot zoning, which is good when it benefits a community. Manager Warnke said it is nice to have a housing product—I am thrilled about it. Mr. Roberts said starter homes are up to \$250,000 and we think we can get these for about \$150,000. They will all have sidewalks, be landscaped, and be maintained by an HOA (homeowners association). They discussed a nine-foot setback and 12 to 18 foot wide entryways for the driveways. Administrator Bench said they would need to review a copy of the covenants and restrictions. We have to advertise it, which will be about six weeks for a zone change. I will send you the application, and get it to the newspaper for the public hearing.

Mr. Roberts said just a concept real quick because I picked up another lot. Eventually I want to build an office and a rental shop for construction tools. Would it be possible to get a conditional use permit before we start building the rental shop and park some big equipment with a sign that says rental on the back lot? This is temporary; in the long term, I would have a building for it and store everything in there. It would be for my mortgage company too and be a retail style shop. Administrator Bench told him to send over a site plan. Let us start with the site plan process and we can probably work something out. Manager Warnke said what is your timing on the townhomes? Mr. Roberts said as soon as possible.

- b. Concept Plan for commercial building at 1000 East Main – Micah Capener, Max Mills and Ben Johnston

Micah Capener said there is only one lot there. We will bury the ditch on the front and create a modern building with back garage doors. I want to create a retail building that could be used for anything—it would be a mixed-use zone. Director Fulgham said how soon are you looking at doing this? Mr. Capener said it depends on the numbers.

Director Fulgham informed him that UDOT is redoing the road and will have a two-year moratorium no cut. Mr. Capener said that maybe we ought to stub it in before they do that. Director Fulgham said you could tie streets in, just no cutting into the road. You could do a directional bore and only cut into the shoulder. Administrator Bench asked about the acreage, which is 1.3 acres, and told Mr. Capener to get a site plan. Mr. Capener said I assume I am accessing off the west of the county road where this is going to be a lighted intersection and a main collector road. I would rather have more parking and maximize the space and have it accessed off the end. What do I have to do as far as curb, gutter and sidewalk? Manager Warnke said if you do not do it, you pay a fee in lieu on the frontage improvements. Mr. Capener said do we want to do it where we do not know the level of the curb on Main Street? Manager Warnke said Engineer Breinholt and Ben Johnston would work through the timing to see if it is feasible to do now or if it makes sense to do the fee in lieu.

Mr. Capener said we want it to be two stories for athletic training or for a second story office. It is about 32 feet to the top of the peak. To get the slope we have to start a little higher because it is a single slope roof. We will have to make some adjustments to the plans and those first renderings. Administrator Bench said the parking area to the public street is a 15-foot buffer. Mr. Capener said what if I move the building on that frontage and put it on Main Street with the parking behind it? It jacks up my garage door idea, but 15 feet would cut clear in and kill my whole row of parking, which is not going to work. Manager Warnke said there is some reduction. We have traded material upgrades for buffers. Mr. Capener said what reduction are you talking about? Administrator Bench said we may reduce the buffer width when the site plan shows improvements within the buffer or setback area—some really nice landscaping and building materials. Mr. Capener said I was going to do that anyway, so no buffer or at least enough to get my two rows of parking? Administrator Bench said we need to look at a site plan. We could determine more if we have a site plan showing us where the building sits, what the parking looks like and the entrance. We will work with you on it.

- c. Renewal of Overlook Subdivision at 1100 N 3200 West – Micah Capener, Max Mills and Ben Johnston

Micah Capener said we are seeing what we need to do to get the updated codes as per Kelly and Norm's agreements so Ben Johnston can update the construction documents. Administrator Bench said the plat is recorded so as far as meetings the zoning still, it goes back to the improvements and construction standards—secondary water, paved turnarounds, fire hydrant locations etc. You talked about doing a phase one and not changing the plat, just referencing this one. Mr. Capener said I am not sure if we decided how many or where we are doing yet, but that is what we have to narrow down and figure out what is required. Manager Warnke said are you going to start soon? Max Mills said as soon as we can. We have thought about two different scenarios. One is coming to here and doing 12 lots going north, the other comes to this point and is 10 lots this way. We are hoping with having intersections that close to one lot we would not have to do the hammerhead turnaround. Mr. Capener said what is the difference in

the codes from then and now, and is there anything that needs to change construction wise? The consensus was secondary water. Mr. Johnston said it is in the cross section, but it is not in the profile of the road. We will have to shift those around a bit. Manager Warnke said we have development agreements with each subdivision, some improvements like the chip and fog coat is a fee in lieu, along with streetlights. Administrator Bench will work on putting a development agreement together and we will calculate that fee. We calculate it at today's prices. When talking about turnarounds, Director Fulgham said the problem is getting the plows around. Where I have seen us not require it is on a side street that is one lot deep that we do not have to plow. The house does not face the front of the street. There is no place to turn around without having to back up and that is where you get into issues. We will need a turnaround there. The ones we have done are on stub streets where they do not face the stub street and do not have to plow. We do all asphalt on turnarounds now, otherwise they get lost and not maintained. Plows, garbage trucks and fire engines are what they are built for, to get them turned around. This section of asphalt is thinner and can be removed instead of building the whole road.

Mr. Mills said so there is no heartburn with doing a lesser amount of lots just as long as we stay with this master plan. Manager Warnke said have you thought about the bond? Mr. Capener said do you have to do the bonding even if it is already recorded? Engineer Breinholt said especially if it is. Director Fulgham said it protects us from selling lots with no infrastructure being put in. Engineer Breinholt said the plat is the guarantee. If it is not recorded, we can do whatever you want to record and then have to bond for the rest. If you do not want to bond then the plat does not get signed and recorded, that is the guarantee that the work will get done. The plat itself is the guarantee to the point until you want to record the plat and then the money is the guarantee for whatever remains. Mr. Capener brought up developer Gary Madsen and what they did for him. Manager Warnke said they would take a look at the development agreement and see how it was handled. Administrator Bench said it was a cash bond and we are still holding some of that. He did not want to deduct here and there. You guarantee plus finish up sidewalk and we will look at how we did that development agreement. It is a matter of you modifying the plan and construction drawings.

Manager Warnke asked them to reach out to UTOPIA about putting the lines in. Mr. Capener said I think they make the developer pay for the conduit. Administrator Bench said that is part of the developer responsibility, the open trench and to notify. Engineer Breinholt said I need construction drawings for that phase. Not for the whole thing, but I need to know how it is going to end. We keep getting bit on construction plans for whole phases and then everything does not get done because it is not addressed on the plan. Director Fulgham said your water share requirements are going to be based on that phase and the lot sizes. Mr. Capener said does that fire hydrant have to be on the end. Director Fulgham said it depends on how he ends the phases. It will have to be valued and plugged and the hydrant will have to be moved there if you have multiple lots so I can flush that line and keep it fresh. Mr. Johnston said it might be cheaper to run the

extra 150 feet of pipe to get to this one than to relocate the hydrant later on. Director Fulgham said as long as I have an easement to maintain and keep it clean.

d. Walk ins:*

Micah Capener asked the Committee about another piece of property (16 acres subdivided into 4.2-acre lots). I want to annex the front acre into the City and keep the other three acres in the County. What would I have to do for curb, gutter and sidewalk? They face south on that county road. Manager Warnke said there are a lot more storm drain improvements. Mr. Capener said where is the storm drain going to go? It is a county road. Do I have to drain a county road that is not in the City? Administrator Bench said you have to maintain the drainage on the county road. Mr. Capener said do I have to improve the county road or do you want the road in the City? Administrator Bench said it is an annexation thing the City Council will have to look at. Engineer Breinholt said the County does not want the improvements on their roads, but how does that work when it comes into the City? At some point, it will have to be improved. Someone will want it in the City. Mr. Capener said I am trying to narrow down costs and what I need to do, but I would rather have it in the City. Manager Warnke said then why do part of the parcel in the County? Mr. Capener said the main reason is the taxes are going to be so much larger that way. In addition, I have to divvy up a whole bunch of irrigation water and I do not get any benefits. Manager Warnke said why do you want to come into the City and why would the City want to annex only a portion of that? Mr. Capener said why does it matter it is my property. Manager Warnke said annexation is a legislative decision and I am just trying to understand what your thoughts are. Are you trying to get services from the City too? Mr. Capener said yeah we want to bring the water line down and connect the dots. The vision is to have an acre in the City where the house is and then be able to have farmland in the County. They are separate parcels, but contiguous. I would put covenants so they could sell them, but not subdivide. It would be 12 acres in the County and four acres in the City. I am wondering what the curb and gutter requirements are on each scenario and how I can make it work. Manager Warnke said I am still unclear why you would not just annex it all into the City. Mr. Capener said I am trying to see if the numbers are going to work and if not we will put it in the County and then you guys can annex it into the City later. In my mind, it is better to extend the water down, pay the impact fees, pay the City taxes, and go down that road. Director Fulgham then talked about a developer's requirements in bringing developments up to City standards, including sewer, water, and road. If one is going to annex in they have to bring the development. Mr. Capener said sewer is too far away—it is not feasible. Director Fulgham said the health department has issues with septic tanks out there. You might have to do an infiltration system because of the clay and groundwater, but that is left up to the County. If there is too much density out there, people will have issues with their wells. Mr. Johnston said I do not see issues with the annexation, but if you have parcels in Tremonton and when you create contiguous parcels in the back the County may hold you to the subdivision standards for splitting those up. Mr. Capener said I would make restriction so they are not buildable, it would stay agricultural and they could not subdivide. I am not

completely opposed to pulling in the City I just need to figure out the cost and see if it is feasible. What are the road standards? Administrator Bench said it would be concrete swell—to protect the edge of the asphalt. Mr. Capener said do I have to expand the county road that is not in the City? Engineer Breinholt said that is a concern of mine. Anytime City development comes in on a county road, they do not want the curb and gutter, but then we have no mechanism to have that road brought up to City standards because at some point it will come into the City. You would either have to construct it to the City standards or pay for the future improvements. Mr. Capener said how can you take fee in lieu for property that is not in the City? They went through some of the code and then Administrator Bench advised him to talk to the County on the annexation. Manager Warnke said we will have a conversation and see what information we can provide and how the staff feels, but it will be a decision the City Council will have to make. Director Fulgham said everyone wants City water, but does not want to be a part of the City. The developer puts that burden on our citizens and that is wrong.

The Committee asked Mr. Johnston about Marc Allred's development they are working on together. Engineer Breinholt said I have not approved a site plan. Director Fulgham said I do not even know what he is going to do with water yet. I have not seen anything other than a new building go up. Nothing has come back to us. Manager Warnke said how do we get his attention and get this resolved? Mr. Johnston said he wants to change the parking a bit, but he has to tell me what he wants before I can submit it back. He knows he cannot move forward without getting it submitted. I will follow up with him.

4. Comments/Reports: none
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 of the Committee. The meeting adjourned at 10:25 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 Development Review Committee Meeting held on the above referenced date. Minutes prepared by Jessica Tanner.

Dated this ____ day of _____, 2019

Linsey Nessen, 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.