

Adopted Minutes
Spanish Fork City Development Review Committee
May 29, 2019

Staff Members Present: Chris Thompson, Public Works Director; Tyler Jacobsen, Assistant, City Manager; Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Kelly Peterson, Electric Superintendent; Junior Baker, City Attorney; Jason Sant, Assistant City Attorney; Michael Clark, Staff Engineering; Jered Johnson, Engineering Division Manager; Bart Morrill, Parks Maintenance Supervisor; John Little, Chief Building Official; Brady Taylor, Lead Cable Technician; Shelley Hendrickson, Engineering Division Secretary; Jessica Burdick, Building Inspection Division Secretary.

Citizens Present: Mike DeMarco.

Chris Thompson called the meeting to order at 10:01 a.m.

MINUTES

April 3, 2019

April 17, 2019

Brandon Snyder explained that these minutes were previously adopted and were placed on today's agenda by mistake.

Junior Baker **moved** to approve the minutes from April 3 and April 17, 2019.

Kelly Peterson **seconded** and the motion **passed** all in favor.

PRELIMINARY PLAT

Legacy Townhomes

Chris Thompson asked Mike Clark for any engineering issues on this project.

Mike Clark explained that Tom Cooper has some issues with the proposal to move the existing access.

Junior Baker asked Kelly Peterson if there is a way to make that new access location work.

Mike Demarco stated that they are tearing up the road anyway, to fix the sewer. They don't want to bare that expense, but it is necessary and they might as well do this while they're working in the area.

Junior Baker feels the new access location would be nice and safer.

Mike Clark agreed.

There was further discussion regarding the relocation of the access point.

Kelly Peterson said their main concern is the main feeder line there. If the developer hits it, we'd lose a lot of customers. That is the only feeder into the area.

There was discussion regarding the new proposed zoning to Commercial using the site on screen.

Jered Johnson entered the meeting at 10:06 a.m.

Mike Clark stated that he isn't sure if it is worth tearing up the existing access because it isn't that far off. It's 300 feet from the proposed Commercial zoning.

Mike Demarco explained that they were told to move the access to the north. It functions better. He added, though, that they'll do whatever the City asks of them.

Kelly Peterson said from his standpoint it can be done, it's just the expense.

There was further discussion.

Dave Anderson said he didn't think there would be a problem with the access being in the new location.

Mike Clark said the only issue is that the current access is already stubbed.

Dave Anderson said we'd prefer to not have to abandon those laterals.

Mike Clark agreed, unless it's detrimental to their site, or unless moving them would be extremely helpful to the development.

Chris Thompson said not moving the laterals would save them some money.

Dave Anderson had no concerns.

Kelly Peterson said it's not worth the expense for 50-80 feet.

Chris Thompson asked for any other engineering issues.

Mike Clark discussed water overflow and possible flooding in a one-hundred-year storm. There was further discussion.

Jered Johnson said they need an overflow.

Chris Thompson agreed that there does need to be an overflow system, especially if there was a water main break in the development.

Mike Demarco said he would prefer an overflow to go off the site, that is good news for him.

Chris Thompson asked for any other issues.

Dave Anderson discussed an issue with density. The density that is assigned to the property in Legacy Farms agreement is 170 units, and this project is 166. In this case, the depth created on the Miner property for commercial use was a good guess 10 years ago but more depth on the commercial site might be needed. With the Miner Zone Change, the residential land for this project would be scaled back from 24 acres to 20 acres. The original submittal wasn't close to 170 units. We've worked through this same issue with Fieldstone by amending the agreement. However, this situation is a little different from the Fieldstone situation. There is an interest to the City to have the commercial site expanded. We've talked about doing a one-page addendum to the agreement. Numbers wise, Salisbury is at 166 so they need to drop 20 units at this point if three acres of residential land are changed to the Commercial 2 Zone. Dave added that he doesn't want to approve 166 units and then, in 3 or 4 years, receive a request to change commercial land to residential. Eight units to the acre is the density.

Junior Baker said we might split the baby. The easy thing to do is to push the commercial line back to the south and keep 166 units. Or cut back to whatever the density allows. It may not be the best solution for either party. Getting the big box store, having the needed room, is an advantage to the City. Junior further stated that if the pipe dream of the big box store doesn't happen, Dave's fear is real. We'd be taking out residential property. Junior feels it's not wise to take full density on lesser acreage, and add to it in the future. So, how do we address that? Junior feels splitting the baby works. But we need their approval. Otherwise, we'll push the line back south and have a smaller commercial area.

Chris Thompson said it's not that big of a pipe dream to think that a big box commercial will come.

Junior Baker explained that the challenge is, this will add 166 families, and growth, throughout the city. Commercial uses will work at that intersection, the question is, what type of commercial uses.

Mike Demarco stated that Salisbury builds residential. They bought the Miner piece based on the fact that it is an R-3 zone and not part of the Master Development Plan. Then they found out that it would be part of Legacy Farms. That's when commercial zoning was brought up. When they found the City wants to move the commercial zone boundary line, they understood and are working with other property owners. Mike Demarco further stated that the larger commercial development would be a benefit, and moving the boundary line, in their opinion, is a benefit to Salisbury and to the residents. It makes sense to move the line back. So, Mike continued, they thought they had a certain density. If they lose density, they'll just move the line back south. Salisbury has to make the project work for what they've paid for. They want to keep the density they've been working on and move the commercial line to what the City has represented. It benefits everyone. Rick Salisbury won't allow Salisbury to lose density. They took Legacy Farm's design guidelines and abandoned their own design.

Dave Anderson asked what's the best path forward for everyone. He would love to see another 100 feet of depth, but 400 would be the magic number for the commercial zone. The City would hate to regret not having the depth some commercial project needs to make something work there.

Chris Thompson asked Junior Baker how we can make this work.

Dave Anderson said Salisbury has every right to build 170 units on the land they have.

There was further discussion.

Junior Baker asked Mike Demarco for his timeline.

Mike Demarco explained that they want to have phases in the ground this year and have the first phases completed and vertical at the end of this building year. There is currently a need in the market and they want to get started.

Dave Anderson feels, in terms of timing, the Planning Commission could hear the Preliminary Plat, and the City Council could take action on it with a condition that there is an amended agreement.

Junior Baker said that's a good idea, to get them on their way.

Brandon Snyder announced that the agreement currently says 170 units on 23.7 acres. Also, R-3 is up to 12 units per acre.

Junior Baker noted that if Salisbury drops one unit they'd be there. That might be an easy way to get us all where we want to be.

Dave Anderson discussed the architecture of the units and said, generally the Planning Commission will like them. However, as to the backs of buildings, anywhere a back fronts onto a street or open space, the Planning Commission will say it needs to be dressed up. Anywhere you can see an elevation, we've been asked that it doesn't look like a blank stucco wall.

Mike Demarco discussed the elevations using the renderings on screen. He said a lot of homeowners want their own personal courtyards, so they will be installed with the building itself. Some of the buildings are only 10' apart, and they are open to have cantilevers, trim around windows, and windows on all the sides of the units. They want it to look nice.

Dave Anderson feels the renderings look better than what he was thinking.

Junior Baker said he likes the courtyards.

Dave Anderson said with the idea of an amendment, the concept is to take the design guidelines from Legacy Farms and do a one-page abbreviated version with the provisions coming into play for this project. To have this fit into the rest of the neighborhood.

Junior Baker said that does need to happen. It would be helpful and protects the City on that 3.5 acres that that is commercially zoned.

Dave Anderson discussed the Fieldstone issue from the last year and asked whether we can look at the additional land as a City amenity?

Junior Baker would like to work through that by the time they get started. We have plenty of time, but it's something that ought to be done.

Mike Demarco said he's familiar with Legacy Farms guidelines. He said that they have matched most of it. The driveways have to be allowed to be regular because stamping is difficult. Also, there will be no grass in the middle of the driveway. But everything else has been met.

There was further discussion.

Brandon Snyder had some comments regarding parking areas.

Mike Clark said that he felt it might be wise to put something in for traffic calming.

Chris Thompson said if the road was narrowed or bulbed out along the northeast side of the project it may help but the challenge is that it is really tight.

Brandon Snyder asked how the turn arounds would be addressed with the phasing plans.

There was further discussion regarding the turnarounds.

Mike Demarco said they'll address that at final plat. The moving of the access road effecting phases is his only question. On the Final Plat, if they need to, they'd specify access for temporary turnarounds.

Dave Anderson said we'll tell the Planning Commission next week that potentially that access will be moved to the south to line up with the existing utilities. We can talk through architecture and how this conforms to Legacy Farms design guidelines. We'll also talk about the density and zoning issues at the south. They'll probably be comfortable with this.

There was discussion regarding the type of fence or wall to be installed along the west and north boundaries.

Dave Anderson **moved** to recommend approval of the Legacy Townhomes Preliminary Plat, subject to the following conditions:

Conditions

1. Subject to the applicant addressing any issues existing with the access on Spanish Fork Parkway.
2. Subject to a City approved amendment to the guidelines to allow the existing design, and to address any issues with zoning or density.
3. Subject to the applicant meeting the City's construction standards.

Junior Baker **seconded**, and the motion **passed** all in favor.

TITLE 15 AMENDMENTS

Accessory Dwelling Units

Dave Anderson stated that we've been talking about Title 15 to more broadly allow more accessory dwelling units throughout the City. In short, rather than only allowing them in R-3 and R-1-6 zones, we are recommending they be allowed in any residential zone, up to R-1-15. Dave then went over the other changes, the biggest one being that impact fees won't need to be paid.

Junior Baker said he agrees on most of the changes, but there are some impact fees that might need to be added. Junior feels that Recreation impact fees should be charged.

Dave Anderson feels that would be challenging to do.

Junior Baker agreed, but the renters may have kids that impact our recreation.

Dave Anderson feels that all impact fees could be justified, but we have a ton of unapproved apartments today. Adding impact fees would be counterproductive. People would stay off the radar still, and won't rectify things. We have a code enforcement issue. We need to think through that. The City Council will want us to follow through with code enforcement.

There was further discussion regarding impact fees and licensing fees for accessory dwelling units.

Dave Anderson explained that the Planning Commission will hear this next week. But we're not done, we'll hear more thoughts. As an example, a family moving into a basement apartment will use more power and water, but we meter that stuff and they're paying for the use in their rent. It's a matter of perspective. Dave added that he feels the City may lose an opportunity to collect some revenue that is allowed by law and we could charge impact fees and perhaps people could pay over time. At the end of the day, we'll gain less from charging impact fees. We could do what they did in Durango, CO. We could say that anyone that wants to apply for a permit or license for accessory apartment, they have until January 1, 2021 to apply. If they come in and apply, we'll waive the impact fees and permit fees. This could get people to come clean. It was effective in Durango. And after that date, people might have to pay impact fees.

Tyler Jacobson feels the issue is that nonconforming accessory dwellings are already happening, the impact is already there. So, we want those people to come in and make it legal. This makes it easier for them. But long term, over 10-20 years, what's the impact this could have? Will the impact be immaterial, small enough that we won't feel it?

Junior Baker said he doesn't think there'll be much of an impact, but people do need to register any accessory dwelling unit.

Kelly Peterson explained that years ago, they wanted these units to have separate power meters because tenants were paying their rent, but owners weren't paying their power bill and the power was being shut off.

Mike Clark said some people have accessory dwelling units to generate income. There are different situations for these units.

There was further discussion.

Junior Baker said accessory structures turned to accessory dwelling units could be a big issue. Parking is also a big issue.

Chris Thompson said he defers to Dave Anderson on this issue, and he left the meeting at 11:28 p.m.

Dave Anderson stated that we're not going to allow for accessory dwelling units in detached structures. That would be a different step at a later time. Currently, we're talking about just an apartment in the basement or an addition to the existing house.

Junior Baker asked about parking.

Dave Anderson said they must have 4 off street parking spaces.

Mike Clark asked about garbage and whether ADUs will be required to have their own garbage.

Dave Anderson said that is an issue to discuss. We have some today that are totally separate, and we have some that are together. Maybe a separate power meter on the ADUs is a good idea, but then they share the same water and sewer. Then, for some, it's all one. It was discussed in focus group discussions that the landlords can work that out in their contracts. Dave added that building code issues are a difficult part of this. Our goal is safety. That's all we're after. A lot of existing ADUs need to be made safer. There's not a one size fits all solution. Our building inspectors will have to make some judgement calls. we don't want to be a pioneer on this either.

There was discussion regarding getting the existing ADU owners to come in and get permits and inspections, and how to get them to make changes for code enforcement.

Junior Baker **moved** to recommend the City Council adopt an Accessory Dwelling Unit ordinance, and that, for the present time, we not consider accessory dwelling units separate from the home on the lot. Also, that we encourage further studies on accessory dwelling units.

Tyler Jacobson **seconded**, and the motion **passed** all in favor.

Junior Baker moved to adjourn at 11:37 a.m.

Adopted: June 19, 2019

Jessica Burdick
Building Inspection Division Secretary