

Adopted Minutes
Spanish Fork City Development Review Committee
June 26, 2019

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

Citizens Present: Dean Ingram, Jared West, Brad Kitchen, Jeff Higginson, Ralph Higginson, Stephen Kitchen, Jesse Brimhall.

Chris Thompson called the meeting to order at 10:03 a.m.

PRELIMINARY PLAT

Legacy Townhomes

Chris Thompson asked if there are any engineering issues with this Preliminary Plat.

Mike Clark said they're still working through storm drain issues. The storm drains were in the middle, but they're trying to move them to the edges. Other than that, the speed of traffic is the other concern.

Mike Demarco said their new plans show five traffic calming spots.

Kelly Peterson had no issues from the Power Department. The applicants have addressed all of their comments.

Dave Anderson said the site plan should be adjusted to show the parking stalls at the head of the access have been moved. They shouldn't conflict with the access.

Junior Baker said we're trying to create a larger commercial area. We're pushing Salisbury back. We need to get this in common ownership before we move forward. Otherwise the small strip of ground is useless or becomes a hostage strip. It is critical that we get that in common ownership.

Mike Demarco said they can work on that. The two property owners will work together.

Junior Baker said that'd be okay, that satisfies his concern. It has to be done or it will become a nuisance strip.

Chris Thompson agreed.

Jered Johnson and Bart Morrill entered the meeting at 10:09 a.m.

Chris Thompson feels the City could buy the strip at appraisal value if needed. This would prevent the nuisance.

Seth Perrins said we don't want to get into that, but it is a valid concern. One parcel becoming bigger is what we want, but how do we make that happen?

There was further discussion regarding partner owners, and then traffic calming locations using the site on screen.

Chris Thompson said we need traffic calming on the straightway, and remove the one at the north.

Seth Perrins stated that he likes the proposal of putting traffic calming at the intersections.

Mike Demarco agrees and added that they like the idea of them. He said he'll remove the southeast traffic calming but still have a crosswalk.

There was discussion regarding traffic speed and driveway lengths.

Mike Demarco presented a slide show rendering of the project on the screen.

Chris Thompson feels that there needs to be no parking on the streets due to all the driveways. It needs to be marked somewhere, unless the spots along the road are wide enough to not conflict with a driveway.

Dave Anderson said there are still a few tweaks to be made, but this is on for tonight's Planning Commission meeting. Dave asked how comfortable we are with Salisbury trying to get to 170 units. Dave added that he appreciates Mike Demarco's work.

Chris Thompson said if they're willing to write something stating that the south boundary line could be sold to the City at appraised value, he would be comfortable recommending approval.

Seth Perrins stated he understands Mr. Thompson's concern, he doesn't know how it shall be, but the concern is how do we make sure we're accomplishing what we're wanting? Seth is comfortable with it as long as we complete the end goal that the parcels go together. Seth thanked Mike Demarco for the proposal. He likes the delineation from the trees, and the dog park is a great amenity.

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

Conditions:

1. Subject to the applicant redesigning the placement of the reduced width parts of the street and the pedestrian crossings.
2. Subject to the applicant relocating the parking spaces at the main entrance.
3. Subject to the applicant addressing the DRC's concerns relative to the ownership of the property to the south, which we believe will be zoned Commercial.
4. Subject to the applicant adjusting the plat as needed to meet the City's separation requirements for driveways and intersections.

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

MINOR SUBDIVISION PLAT

Maple Leaf Condominiums

Dave Anderson explained to Dean Ingram that the biggest concern with this Minor Subdivision is parking. Right now, it works. The concern is, if the units are sold separately, what happens when other tenants want to put in, say, restaurants? How will that work. The City might have to tell one of the owners that we cannot issue a business license for a certain use because parking is already used up.

Junior Baker said that can be addressed. If the development is condominiumized, it can be noted in a contract that each unit has a specific use. We can control that. That would be an effective way to address that issue: deed restrictions.

Dean Ingram said his company, Arive Homes, has a ton of employees and they take a lot of the parking. He would agree with the deed restrictions and feels that could work.

Dave Anderson said if Junior Baker is comfortable with that approach, okay, it would take some more work.

Junior Baker said we'd have to review it.

Dave Anderson noted that this project's application was not filed by Dean Ingram, but that the applicant did get an invite to today's meeting.

Dean Ingram said he was surprised to hear about it today. He and the applicant have been talking about it for a while.

Dave Anderson moved to approve the Maple Leaf Condominium Minor Subdivision Plat, subject to the applicant working with City staff to get the appropriate deed restrictions for the types of use in place.

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

ZONE CHANGE

ALA Zone Change

There was no one present from ALA.

Dave Anderson moved to recommend the City Council approve the proposed ALA Zone Change making all of the property associated with American Leadership Academy zoned Public Facilities.

Seth Perrin seconded, and the motion passed all in favor.

Arrowhead Trail Zone Change

Dave Anderson invited the applicants from the Hideout Storage project to address the DRC regarding this Zone Change. He noted that the I-2 zone will be changed, but the City Council could change it to something else in such a way that the Hideout Storage project they had approved can be built. Or, the City Council could change it to something that will make it not work.

Brad Kitchen stated that they've spent a lot of money and designed it to make the residents happy. They've worked on the storm drain project, and they're ready to go. It has taken them some time, but it is their desire to still build it. They would support a Zone Change once their project is under construction.

Dave Anderson said once there's a valid approval, we could proceed with the Zone Change, or not.

Brad Kitchen explained that the soil is extremely poor on this property. They knew what they were up against when they bought it. Storage buildings are light and they can engineer around the soils. The big concern is having that property move to a zone that doesn't allow them to do Storage Units. It would be an erosion of value. Multi-family won't work here and most commercial won't work either, without millions of dollars of soil remediation. The community seemed happy about the Storage Units during their meetings. With Storage Units, traffic is low. This is a pleasing development, and they spent a ton of money on the design. Mr. Kitchen feels there would be a lot of harm and damage to them if it is taken out of the current zoning. The soil is so bad they probably couldn't sell the property. It has to be storage or nothing.

There was discussion regarding the poor condition of the soils and the property.

Seth Perrins stated that eliminating the industrial zoning is important. For the last 100 years people have been dumping debris here and we don't want that to continue. What the City is doing is important for the community. He recognizes that the applicant is caught in a weird spot. They received approval for their project last year, but here we are. Seth is sensitive to that and said he appreciates Mr. Kitchen including the community and making changes as requested. Seth further stated that he isn't sure what's best. He doesn't want to see a storage facility there because it's close to the neighborhoods. He'd love to see an office use here, but the soils are a concern. He feels that anything other than industrial is an up-zone.

Brad Kitchen said they would lose a million dollars or more. That's more than they can bear. He said he understands the City's reasons for changing the zoning, but they want to work something out.

Seth Perrins reiterated that what the City is doing is important. Mr. Kitchen did get approval last year, Storage Units were acceptable last year. So why not now? That's an appropriate question. But, long term, the area shouldn't be zoned industrial. Seth asked whether we have received their soils reports.

Brad Kitchen said they've designed for the soils as they are now. Storage Units are made to be built on sites like this. Their nightmare would be for the City to rezone this property residential, commercial or commercial office. That would be a bad thing for them. Mr. Kitchen added that the City could buy the property from him and put in a City park. As a developer, the soils could be remediated, but that cost is too much for him.

There was a discussion regarding traffic and Mr. Kitchen noted that Storage Units don't bring in a lot of traffic.

Brad Kitchen noted that, aesthetically, they bent over backwards. The project would be zero light polluting and be full of cameras and security. It would be a good neighbor. He hopes we can work through this problem together.

Seth Perrins asked if they're building the units and then sell or what their plan is.

Brad Kitchen said they want to build it and keep it forever, that's the best scenario for them.

Chris Thompson asked Dave Anderson what Mr. Kitchen needs to do to get his project vested again.

Dave Anderson said they need to apply for a Conditional Use Permit and a Site Plan Re-Approval. If the City Council asks us to discontinue the process we're in now, we could do that. Dave said, relative to use and impact, Storage Units are inert with not a lot of traffic. Also, they don't generate a lot of noise or light. So, as far as impact on a neighborhood, there isn't a big impact. But, at the same time, Storage Units are not what we'd consider the highest and best use. The City wants businesses with more property tax, employees, more people and businesses that sell items that get taxed. For the current zoning, Storage Units are the best thing that can be built here.

Seth Perrins asked Engineering if they had any questions on the soils.

Jered Johnson said Storage Units would be fine on this property, but for anything like residential we'd have to look at it again and do a bigger study to know exactly what's under there.

There was discussion regarding the property's past and what was once there.

Brad Kitchen noted that in Heber City, he proposed a city door tax since storage doesn't provide a lot of tax revenue. Or, they could do an annual donation, in lieu of taxes, to Parks and Recreation, something like that. He would not be opposed to that.

Seth Perrins said we are not interested in those mechanisms. He told Mr. Kitchen, if they build something there, they need to make it function well and look good. And keep up with the maintenance of the property, keep it looking nice.

Brad Kitchen thanked the DRC for consideration.

Dave Anderson noted that this isn't a typical situation for us.

Dave Anderson moved to recommend that the Zone Change proceed with the understanding that we would recommend the I-2 zone be changed, but that the City Council consider changing the zone before or after Hideout Storage Units is reapproved or not.

Seth Perrins seconded and the motion passed all in favor.

OTHER BUSINESS

Dave Anderson explained that Jesse Brimhall has approached us about allowing him to post a bond for landscaping for his townhomes now. Whereas, our ordinance would require him to complete the landscaping associated with this phase of townhomes because it's the summer, outside the October-April window.

Seth Perrins summarized; people want to move in but landscaping is not done per the plat.

Jesse Brimhall stated that the way they build their townhomes, where buildings face each other, it's difficult on a scheduling standpoint. Building as the market demands, you can't

come in and finish the whole phase all at once. You're building as you go. Jesse stated that up to this point, he has been able to bond at any time of the year because the project is unique. He can't finish landscaping for an entire building when he's trying to close on the first unit. It's his goal to do the landscaping ASAP, but for a Certificate of Occupancy, it doesn't make sense. Jesse added that he has bond money in on the last three buildings. He can't get that money back, but he needs to post a bond on his other buildings now. Jesse said he talked with John Little, and they had an understanding of what they could do.

Seth Perrins asked Jesse Brimhall what feedback he's gotten from his residents, regarding not having the landscaping finished.

Jesse Brimhall said the residents understand and they know it will be done eventually. If he can't bond throughout the year, but he has to have it fully landscaped, it's a hardship on him as a developer. Some of the things don't even pertain to occupancy. Things like parking lots, driveways, elevations, retaining walls.

Mike Demarco said he's had similar issues, but they do single-family and multi-family. Single-family is easy, but townhomes can be hard. Mike feels Jesse makes some good points. Mike himself is waiting for landscaping for some units to get a Certificate of Occupancy. Salisbury does landscape phasing now so they design so they can do landscaping as they go. It's difficult for a builder to post bonds. The residents want in now. Mike stated that he gets the challenge, but it is best to move people in with everything fully done. On Jesse's project, landscaping is better to do when all the work is done. There are points to both sides. But of course, in the winter, they will bond.

Chris Thompson asked if it could be a cash bond.

Jesse stated that is what he has proposed.

Chris Thompson asked if it's a cash bond, do we have any concerns?

Shelley Hendrickson said the only concern is that we have to have an agreement between the City and developer that we can withhold Certificates of Occupancy. Otherwise, we can't hold a Certificate of Occupancy for anything other than health reasons. We would need their agreement in writing and take the cash.

There was further discussion.

Shelley Hendrickson said with Jesse Brimhall's development, it's different because he hasn't passed off on his site approval. They can't pass that off until landscaping is done. Our policy states that site approval should be done within one year, but that is not happening with Jesse's site.

There was discussion regarding Jesse Brimhall's landscaping and building timing issues, using the site on screen.

Mike Clark said he understands Jesse's problems and concerns, but we have a lot of things that need to get done.

Seth Perrins feels that phasing plans for landscaping has been beneficial.

Mike Demarco agreed and said landscaping by phase and providing that landscaping plan and build in that order, they were great.

Dave Anderson agrees.

Jesse Brimhall stated that they have a shared driveway, that's what's different with his project.

Dave Anderson noted that we're not talking about this the way we were last year. Landscaping is the least of his concerns. People get occupancy without landscaping 6 months out of the year and he's ready to see that year-round. That's easier.

Tom Cooper agrees with allowing the bonding, but asked whether phasing the buildings would be according to development phase or landscaping phase. With utilities, phasing one building at a time is costly and difficult to build, so where does the phasing break down?

Dave Anderson summarized how he understands how things are supposed to work. We have a plat that is recorded, construction plans get approved. The bond for the development is provided when the plat is recorded, and that defines all of the improvements that have to be made in that plat. Dave added that he thought those improvements had to be done prior to a Certificate of Occupancy being issued.

Shelley Hendrickson said that's right, but Jesse Brimhall is saying that he wants to be treated differently and wants Certificates of Occupancy per building instead of getting all utilities in for the whole plat.

There was further discussion.

Chris Thompson stated that what we have is a bunch of problems coming from different directions. Mr. Brimhall is asking us to solve the problem, but everything we give doesn't work. So, if Mike Demarco, Jesse Brimhall, Mike Clark, John Little, Tom Cooper and Shelley Hendrickson can sit down together and come up with a recommendation, anything other than holding Certificates of Occupancy, that would be good. We don't want us to have a tracking nightmare and we don't want landscaping to be scabbed in.

Seth Perrins added that we don't want residents complaining 6 months later that there's no landscaping done.

Chris Thompson feels we all need to get on the same page and suggested it be discussed.

Dave Anderson said, in the meantime, our office will issue certificate of occupancy if they've posted a bond for landscaping and if we have the subdivision approved.

Chris Thompson told them to come back with a recommendation.

Jason Sant moved to adjourn the meeting at 11:53. The motion passed all in favor.

Adopted: August 7, 2019

Jessica Burdick
Building Inspection Division Secretary