

Adopted Minutes
Spanish Fork City Development Review Committee
December 18, 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; Kimberly Brenneman, Community Development Secretary; Jessica Burdick, Building Inspection Division Secretary.

Citizens Present: David Cloward, Jesse Brimhall, Nate Walter, Matt Brown

Seth Perrins called the meeting to order at 10:05 a.m.

FINAL PLAT

The Ridge at Spanish Fork, Phase 2

Brandon Snyder went over the location of Phase 2. He explained that this phase includes 13 units, and currently there are redlines that are pending.

Jesse Brimhall noted that these buildings have the same architecture as the other buildings. Previously there was concern about this phase having three story buildings, some residents were concerned about losing their view. So, these units will be two story units with main floor living. There are some two-story units existing therefore these will tie in architecturally with the entire development.

Mike Clark explained that Mr. Brimhall will need a permit for access onto Canyon Road, but the City has to apply for that, which we are working on.

Junior Baker asked about the phasing plan on screen. He asked if this plat was being done in two phases.

Dave Anderson explained that phasing plan is the landscaping phasing plan. The plat itself is one plat.

Jesse Brimhall said he'd prefer to do the landscaping per building because the buildings won't all be finished at the same time.

Dave Anderson said that can be changed on the landscaping plan, and should be done now. Dave then explained that the number of units in this plat is less than the other, but Mr. Brimhall would like to move some of those lost units elsewhere within the project. We have talked about amending the Preliminary Plat and the landscaping phasing plan, and now we have a good opportunity to step back and take another look at how Mr. Brimhall wants to move forward.

Mike Clark asked about the neighbor Alan Hall, and his desire to connect to City sewer with this development. Mike explained that the hookup will have to come from behind, or the side of Mr. Hall's house.

Jesse Brimhall said he is meeting with Mr. Hall today. He has agreed to hook them into the sewer, but Mr. Hall's septic tank is extremely deep and the sewer for The Ridge is not very deep at all. Therefore, they will have to bring it out from the back in a future phase to the north.

Seth Perrins said Jesse Brimhall should not pay for the sewer hook-up for Mr. Hall, but he can work it out with them. Seth stated that he has talked with Mr. Hall about it, and he has always told Mr. Hall the cost would be his.

Jered Johnson agreed and said the best thing for Mr. Hall is to work with Mr. Brimhall.

Kelly Peterson said, as far as power goes, they're ready to go. The front overhead line will go away, we are working on that now.

Tom Cooper added that we designed this electrical design previously. The overhead will be removed in a month or so.

Brady Taylor explained that he's not sure if SFCN is off the overhead yet or not, but he believes they are.

Seth Perrins stated he is excited for this project, and the road within it, to give more access within the entire development.

Chris Thompson told Jesse Brimhall that he should apply for a connectors agreement for the road and utilities within 120 days to be reimbursed in the future.

Brandon Snyder said the east side landscaping should be discussed, also, Jesse Brimhall would like to put in a vinyl fence, rather than a masonry wall, along the west side.

Jesse Brimhall explained that there is an existing vinyl fence along Mr. Hall's property to the east. Also, he is working with the Braithwaits to buy their property to the east. Therefore, he doesn't want to put up a masonry wall along the east boundary.

Seth Perrins said that if our code allows for the fence, he is okay with it.

There was discussion regarding landscaping using the site on screen.

Brandon Snyder discussed Mr. Brimhall's desire to add dumpsters in future phases. There is nowhere to put dumpsters in this phase.

Jesse Brimhall explained his challenge that, because the wind is so strong in this part of town, empty garbage cans are always flying around. So, Phase 4 and 5 will have a dumpster service in their design.

There was discussion regarding garbage collection within this development using the site on screen.

Dave Anderson told Mr. Brimhall to design it with dumpsters and we'll look at it for the amended Preliminary Plat. Dave feels it is a good change to make.

Jesse Brimhall noted that he is aware that the HOA would have to pay for a dumpster service if dumpsters are installed.

Junior Baker **moved** to approve The Ridge at Spanish Fork, Phase 2 Final Plat with the following findings and conditions.

Findings

1. That the applicant is allowed to split their landscaping into three phases to coincide with the completion of each building.

Conditions

1. Subject to the applicant addressing any redlines.
2. Subject to the applicant following City development standards.
3. Subject to the applicant following the ordinance and meet the standard for a masonry wall along the Hall property, unless the applicant acquires the neighboring property.

Dave Anderson **seconded**.

There was discussion regarding the fencing and possible masonry wall.

Jesse Brimhall would like to put in just a vinyl fence.

Dave Anderson feels that would be fine, unless Mr. Brimhall doesn't buy the Braithwaite property.

Seth Perrins said he wants to be clear that the landscaping should be followed with plans.

Jesse Brimhall stated that he is familiar with the City's landscaping phasing plans now.

The motion **passed** all in favor.

Dave Anderson told Jesse Brimhall that he now needs to post a bond, have a pre-construction meeting and get his plans approved.

Brandon Snyder noted that there are redlines.

Dave Anderson stated that Matt Brown will need to make the corrections and John Little can look at the plans when they're ready. That's where we're at.

ZONE CHANGE

Ludlow Design Enhancement

Dave Anderson explained that Fred Ludlow, though required, does not want to put in an off-street parking lot on his property. The Ludlows also do not want to put up the required wall along the north property line. Apparently, the neighbor to the north does not want the wall either. So, the Design Enhancement Overlay could allow Mr. Ludlow to avoid these requirements. Dave stated that he feels this is for the Planning Commission and City Council to decide. Dave does not like the idea of the applicant not providing parking, but believes this is a good question for the City Council.

Junior Baker asked if the Ludlows want a Zone Change, or just a Zone Text Amendment.

Dave Anderson said they are seeking the Design Enhancement Zone Change. He reiterated that they do not want a masonry wall along the north property line, and apparently neither does the neighbor. Also, the Ludlows do not want to do a parking lot. They will, however, paint the side of the road for on street parking instead. Dave noted that he's not sure how the neighbors feel about the parking lot.

Junior Baker said if the neighbor doesn't want the wall, we probably don't need a wall.

Seth Perrins agrees, but stated that this is one neighbor today, but in the future, it could be a different neighbor. He asked Junior if there is anything we can do. The property still looks like a home today, so the current neighbors might not realize how it will change. Also, if they move, the new neighbors might not like the commercial use and might want a wall.

Chris Thompson feels the neighbors don't want a parking lot and want the applicants to keep the property looking like a home.

Junior Baker said there's not a big parking requirement for this use, but they do need some onsite parking.

Seth Perrins agreed and asked whether the Design Enhancement gives the City the ability to require certain changes to the site.

Dave Anderson said that it does, if that's the direction the City Council wants to go.

Junior Baker said we should enter into the agreement and spell out what conditions we would require, and record that.

Seth Perrins is comfortable with it, but noted that things can change quickly.

Dave Anderson said the Design Enhancement allows for some give and take.

Chris Thompson said he would like to require an ADA ramp on the corner.

John Little said they haven't changed much with the building, but in this case, they do need to have ADA access to the main portion of the building. The applicant is allowed to do that without a lot of changes.

Dave Anderson **moved** to recommend approval of the Ludlow Design Enhancement Overlay Zone Change subject to the following conditions:

Conditions

1. Subject to the applicant working with Public Works to identify any necessary repairs to the sidewalk, including an ADA ramp at the intersection of 100 S and 100 E.
2. Subject to the applicant installing the required landscaping, including trees, along the perimeter of the property.
3. Subject to the applicant entering into an agreement with the City relative to the occupancy of the structure and the improvements that become required when the next business applies for a business license.
4. Subject to the Design Enhancement Overlay zone being granted so the applicant is not required to have off street parking at this time, nor required to construct a wall along the northern boundary.
5. Subject to the City Council approving a text amendment to include the Residential Office Zone in the Design Enhancement Overlay Zone.

Seth Perrins seconded and there was discussion on the motion.

Chris Thompson asked whether the applicants plan to have parking on the side of the street.

Dave Anderson said yes.

Chris Thompson suggested they stripe it for parking.

Junior Baker feels we don't need to paint parking on the street. People will park there anyway.

Mike Clark feels there could be snow plow issues if businesses like this have on street parking.

Chris Thompson agreed, but suggests we wait until it becomes an issue.

The motion passed 5-1, with Dave Anderson voting Nay.

Dave Anderson stated he feels this is not the best precedent to set. A few years ago, we recommended that this use be allowed at this site and the City Council approved. Yet, here we are looking at something different. It is a poor way for the applicant to operate. Dave added that he would love for the Planning Commission and City Council to decide.

Seth Perrins said the approach is practical and he's comfortable having the Planning Commission and City Council decide.

Dave Anderson said if they don't require off street parking, it could create broader issues in future situations like this.

Jered Johnson agrees with Dave Anderson.

Dave Anderson said this is why we have a Planning Commission.

Mike Clark discussed other situations similar to this where we have required parking lots.

There was further discussion.

SITE PLAN

Ludlow Residential Office

Junior Baker feels there should not be any action on this site plan until the City Council votes on the Design Enhancement Overlay Zone Change.

Junior Baker **moved** to continue the Ludlow Residential Office Site Plan until we see what happens with the Design Enhancement Overlay Zone Change.

Dave Anderson **seconded** and the motion **passed** all in favor.

Dave Anderson said he'll contact the Ludlows regarding the timing.

ANNEXATION

DAC-Swenson Annexation

Dave Anderson explained that this is an easy project. However, the City cannot provide services to the property, and Mr. Cloward, the applicant, understands that.

Junior Baker asked what services we cannot get here.

Dave Anderson said that we could get everything but sewer, but we are waiting for the sewer before we'll put them all out there.

Jered Johnson said we're close to being able to get water and power.

Dave Anderson said, practically speaking, this small project doesn't meet the need for the cost to get the utilities out there.

Jered Johnson said we're looking at where to put the sewer lift station. We're working on it, but it needs to be the most feasible way.

Dave Anderson said we're supportive of this annexation, and other owners in the area may be close to annexing. He is comfortable recommending the annexation be approved with the Rural Residential zoning. The SESD buyout is in the works and wouldn't impact the applicant, Mr. Cloward, unless he develops the property, then he'd have to reimburse the City.

Kelly Peterson said we've looked at this a few times, this property is at the front, but the properties to the north are on SESD, so how would we do that? That's the complaint about SESD.

Seth Perrins feels that needs to be figured out before development can occur.

Junior Baker **moved** to recommend the City Council proceed with the DAC-Swenson Annexation.

Seth Perrin **seconded**. There was discussion on the motion.

Seth Perrins said the annexation needs to follow the City's electrical buyout policy.

Dave Anderson asked if we have a connectors agreement, how does the City get reimbursed?

Junior Baker said an annexation agreement works easiest for that and we can do that when we get to City Council.

Seth Perrins said we should have our cost estimate at the time of City Council, but it could change and may have to be refreshed.

Kelly Peterson agreed, the costs change with time.

The motion **passed** all in favor.

Dave Anderson moved to adjourn at 10:55 a.m.

Adopted: February 26, 2020

Jessica Burdick
Building Inspection Division Secretary