

Adopted Minutes
Spanish Fork City Development Review Committee
July 29, 2020

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; Jake Theurer, Electric Superintendent; Vaughn Pickell, 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; Kimberly Brenneman, Community Development Secretary; Jessica Burdick, Building Inspection Division Secretary.

Citizens Present: David Adams, Jake Black.

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

SITE PLAN

Expressway Business Park, Phase 3

Mike Clark discussed the Site Plan and the issues with this project. He noted the plans look good, all the concerns as far as entrances and storm drain have been addressed. Mike stated he wants to be sure the DRC is okay with the proposed drainage basin and the agreement with the neighboring owner. Also, where and how much garbage and debris will need to be removed under what type of construction?

Chris Thompson feels garbage is the biggest concern. Our code doesn't allow parking lots to be built over garbage, so if we allow it here, the City Council will have to approve it. Chris noted we made Lowe's remove all the garbage under their parking lot, so there is some precedence.

David Adams stated that this Site Plan covers the western most building with the adjacent parking lot. There was a road to the north of the buildings, but it will now be parking. David stated that he does intend to develop that parking lot according to the standards and according to the geotech. The geotech called for two feet of engineered fill under the parking lot and David feels that's reasonable.

Mike Clark read over the Construction Standard 20.010e. It states that no buildings or paved parking lots are allowed to be located over landfills, construction debris, or garbage.

There was further discussion regarding the parking lot and trash.

David Adams said the trash will be removed down to the native soil anywhere there is a private or public street. He added that any new sewer line put in will be on compacted fill.

Chris Thompson clarified that most of the garbage will be removed, including under the building and towards the laterals, but today David Adams is asking to not have to remove the garbage on the north half of the parking lot, due to cost.

David Adams agreed, that's what he's requesting. He isn't sure of the cost, but what he's already removed, the area of the building, was in excess of \$35,000. Chris Thompson told him that the area in question here is smaller than the area under the building, so it should be cheaper.

David Adams agreed, but said it could be more depending on how deep the garbage is. He noted that the garbage is shallower towards the edges and to the middle it's deeper. It varies throughout the development.

Chris Thompson stated that engineering is concerned that the whole existing was built with three different geotech reports, but it still doesn't look good, and hasn't held up. Our engineers don't have a lot of confidence because past experience hasn't turned out very good in this area.

David Adams understands, but feels this is just a parking lot, it's not under a building or a street with heavy traffic. And if it does settle, he stated, they can go in and repair it.

There was further discussion regarding the development and the existing roads and buildings.

Jered Johnson stated that when Lowes was working it, it was hundreds of thousands of dollars, and they removed it all. It doesn't work to build over garbage. David Adams then said that it's his liability, the City doesn't have to worry about it or rebuild the road.

There was further discussion.

Dave Anderson understands both sides. It's not a municipal issue, a public street, but we deal with issues that developers pass on to future property owners all the time. We want to make sure that things are done so there's no unexpected burdens on future property owners. Dave continued and said it's hard to say that we have a good experience with this project and building the roads on garbage, those failed 15 years ago. It's easy to support the way the ordinance reads now. Unless the Council wants to make some sort of exception for this project, we don't want to change our ordinance City wide. Dave feels this is a unique situation where there is garbage underground, and the code language reads the way it does for good reason.

Chris Thompson told Mr. Adams that we keep future property owners in mind and we don't want an unsightly development in our city, or added costs to future property owners. We want a beautiful City, but we have to look at the end users too. That's that biggest issue here. Chris further stated that he can't recommend the City Council allow a variance to the standard. But, if Mr. Adams wants to take it to them, he can.

David Adams stated that it's hard to do without a positive recommendation from the DRC. He's concerned that site may never get developed if all the garbage has to come out. It'll be a weed patch forever.

Dave Anderson feels that if there is a way, financially, to make this project doable then he feels Mr. Adams will figure that out. He appreciates that if we don't allow the development to happen on top of garbage, it won't develop now, but it will sometime in the future because of scarcity. Then, the value of the property could allow for the expense of removing all the garbage. Dave feels the question is do we want development to occur on garbage in order to have the site to develop now? It could be decades before it develops if we don't.

There was further discussion. Chris Thompson suggested that the Planning Commission take a field trip to see the worst-case scenario, and see what they would recommend. If what is proposed here is better than what we have now, and better than not developing for years, maybe we say we'll force the geotech to prove he's doing something different and more than the former geotechs. That this is the only way to get rid of the blight, unless we're willing to wait 30 years.

David Adams said he likes the idea of having the Planning Commission and City Council visit the site. He feels his project will be much nicer than what currently exists. He noted that if we all sit down together, we can find a way to take the trash out a section at a time,

that would be cheaper, also if he could take the trash to the far southeast side of the capped area, remove the cap, and place his garbage, then replace the cap.

Dave Anderson agrees with Chris Thompson as well. He discussed the tradeoff of, is this viewed as enough of an enhancement to justify an exception to our code, or should we change the code to allow parking lots on garbage. The City Council would make that decision. Dave added that he feels because of the history, it makes sense to look at this area differently.

There was discussion regarding storm drain. Chris Thompson explained that there is an easement that allows David Adams to pipe the area to the natural basin north of his property, to the east. Engineering is concerned we might need more than that. Naturally all the drainage has been going to that basin and as soon as we get to a natural drainage we don't worry about easements. But, this is all on private property. The pipe work needs an easement, but the question is the basin. Chris asked what we need to do to allow water to continue going there? And even adding more water possibly?

Vaughn Pickell said long-term stormwater management is required here because it's a new development and therefore a maintenance easement is required. He added that anytime you put water onto someone else's property, that's a trespass, so there'd need to be an agreement between the two property owners.

There was further discussion. David Adams explained that he has received the easement from Spartan Homes, the legal description and all rights and privileges associated with that deed. He added that he can put a pipe further west if he has to. Willbrook was amenable to that.

There was discussion regarding basin maintenance. Chris Thompson and Vaughn Pickell told Willbrook Mr. Adams to treat it as a pond, unplug any clogs, clean up any trash, don't touch any plants, but if phragmites invades, Mr. Adams should get rid of them ASAP. Kelly Peterson noted that in the past Mr. Adams wanted to use existing infrastructure, but with these changes that won't be possible. Therefore, the Power Department will need a new electric design and load sheets.

David Adams said he and his engineers can meet with Tom Cooper in order to use the existing electrical because that's what they'd like to do. Either way, he would like to confirm the original agreement of whatever existing he uses, the City will rebuild; but upgrading it to phase three and adding to it would be Mr. Adams' expense.

Kelly Peterson agreed and said they can meet on site to determine what can be used and what can't.

There was discussion regarding sidewalks in the interior of the development. Mike Clark noted the plans don't show that for the retail along Market Place Avenue.

Jake Black explained that this Site Plan doesn't show the sidewalks because it doesn't pertain to this Site Plan. It could connect on the north of Market Place Avenue, with those individual Site Plans, and run east as the development continues. There was further discussion.

Dave Anderson and Chris Thompson want a sidewalk on both sides along the Avenue.

Chris Thompson added that we don't want to lose landscaping, but they should add a sidewalk, even though they might lose some building square footage.

David Adams said he would have liked to address the sidewalk issue before this meeting.

Dave Anderson **moved** to approve the proposed Expressway Business Park, Phase 3 Site Plan, subject to the following conditions:

Conditions

1. Subject to the applicant following the City's regulations relative to the construction of anything on top of landfill, debris, garbage, or trash.
2. Subject to the applicant working with the City's Electrical Department on the development of a power design for the site.
3. Subject to the applicant constructing power according to plans that will be approved by the Electric Department.
4. Subject to the applicant modifying the proposed Site Plan to add sidewalk to what now shows as Market Place Avenue and otherwise arranging the Site Plan to provide the same amount of landscaping.
5. Subject to the applicant addressing any remaining redlines.

Vaughn Pickell **seconded**, and the motion **passed** all in favor. Chris Thompson and Dave Anderson feel that Market Place Avenue's name should be changed.

Jered Johnson moved to adjourn the meeting at 11:05 a.m.

Adopted: August 26, 2020

Jessica Burdick, Building Inspection Division
Secretary