

Adopted Minutes
Spanish Fork City Development Review Committee
January 20, 2021

Staff Members Present: Chris Thompson, Public Works Director; Seth Perrins, City Manager; Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Jake Theurer, Electric Superintendent; Vaughn Pickell, City Attorney; Michael Clark, Staff Engineering; Jered Johnson, Engineering Division Manager; Dale Robinson, Parks and Recreation Director; Shelley Hendrickson, Engineering Division Secretary; Kimberly Brenneman, Community Development Secretary; Jessica Burdick, Building Inspection Division Secretary.

Citizens Present: Kevin Olson, John Smiley, Jason Harris.

Chris Thompson called the meeting to order at 10:00 a.m.

MINUTES

December 9, 2020

December 16, 2020

Seth Perrins **moved** to approve the minutes from December 9 and 16, 2020.

Vaughn Pickell **seconded**.

Dave Anderson noted that the pdf attached to the agenda does not reflect the actual minutes being approved, they do not contain the suggested changes, so the motion to approval should clarify that the approval is for the minutes with the suggested changes.

Seth Perrins **moved** to approve the minutes, with the suggested changes, from December 9 and 16, 2020.

Vaughn Pickell's **second** still stands. The motion **passed** all in favor.

FINAL PLAT

Legacy Estates

Mike Clark began by describing the issue with the south property line. It involves a wetland and meandering feeder streams that feed Mr. Keith Williams' property. The applicant wants to fill in part of the ditch where it drops 12 feet, and fence it off. Mike further described the issue using the site on screen.

There was discussion regarding the ditch and whether or when it should be piped into a road.

Mike Clark suggested the best course, long term, is to pipe the entire ditch, if the City sees it as a high risk. If the City sees the ditch as a low risk, then Mike suggests the City allow the developer to do as they propose.

The applicant stated they don't know from where the water is coming from. He understands the concern about the long term, and the need for the pipe in the future, but for them it's better to have the ditch rather than the pipe. The ditch is existing, they'd just be moving it, making it a straight line along their property line.

There was discussion regarding whether or not the south property line is designated as a wetland. Seth Perrins is concerned that this could turn into a jurisdictional wetland in 10 years. We wouldn't want the ditch to become something else down the road.

Chris Thompson feels they need to do a study to determine whether or not it's a wetland. He stated there is a risk that this ditch is a wetland, and if it is moved without authorization, that's on the applicant.

The applicant doesn't believe it is a wetland.

Jered Johnson stated that the City's property adjacent to this is a wetland, we had it delineated as such. But the issue of the ditch is simply a safety issue. If it's a hazard, we should have it piped.

Mike Clark feels this could be a unique, recreational area. He suggested we have them beautify the ditch and not fence it off, make it something positive to the community.

There was further discussion about making this ditch part of the trail system. Jered Johnson suggested we do so, and when Mr. Williams' property develops, we could put a trail on that side.

Chris Thompson agrees but that we commit that it will be wetlands, that we have a tight 10-foot meandering brook and when Mr. Williams' property develops, we'll put in a trail connection that connects to the park trail system. That is actually a great access point.

There was discussion regarding the brook and materials and how it should look. Chris Thompson feels it shouldn't be linear, they should embrace the wetlands meander, and that it be just natural growth. When the south property develops, we'll build the trail there. He further suggested the City require uniform fencing along the south property line because we won't want a hodge-podge of different fencing type along our trail systems.

The applicant will get with the landscaper who landscaped the wetlands adjacent to this development to discuss landscaping of the brook.

Jake Theurer stated that the only comment from Power is that they need to complete their redlines.

Jered Johnson **moved** to approve the Legacy Estates Final Plat with the recommendations and findings in the Staff Report, and subject to the following conditions:

Conditions:

1. Subject to the applicant designing a 10-foot, meandering brook/landscaped area to channel water from the wetlands.
2. Subject to the applicant specifying and installing a uniform fence between lots 6-11.
3. Subject to the applicant's landscaping plan matching and coordinating with the delineated wetlands park to the east.
4. Subject to Legacy Farms Plat C8-B being approved and recorded.
5. Subject to access being given for the railroad right-of-way.
6. Subject to the pipe at the east side, under the road, meeting Engineering requirements and approval.

Dave Anderson **seconded**.

There was discussion and Brandon Snyder re-read the motion. The motion **passed** all in favor.

Legacy Farms C-8B

There were no issues discussed from Planning, Engineering or Power.

Jason Harris, the applicant, was here today for a different item, but stated that he wasn't aware this project was on the agenda today.

Dave Anderson explained to Mr. Harris that this agenda item involves lots 240 and 241, the last 2 lots in the overall plat, which are not yet approved. He further explained that we have not approved these lots because they were being used as a temporary turnaround for the development. Also, we have been waiting for Legacy Estates to be approved. Dave stated this is quite routine and utilities are already in place for these two lots.

Jason Harris noted that he does have a mylar in his office for these two lots, lots 240 and 241, he's had it for quite some time, but he thought they were already approved. He asked if he needed to do anything, to which Dave Anderson stated he'll have to record that plat now, which would allow the property to the south to be developed.

Jason Harris stated he didn't plan to develop these lots for a year or so and asked whether he has to record it now. He said he hasn't talked with the developers of Legacy Estates about anything.

Dave Anderson stated that Fieldstone applied for this approval for a two-lot subdivision. It is consistent with the Preliminary Plat and it meets our standards. We're ready to approve it. And if we approve it, Mr. Harris has a certain amount of time to act on it, until it expires. How Mr. Harris moves forward is up to him. We can't compel him to develop these lots.

Jason Harris feels the process stalled out at some point and now the City is bringing the process back in, without his knowledge. He said he didn't know about this.

Chris Thompson feels that it seems Mr. Harris might be creating a blackmail strip, which is not our policy, to allow developers to create blackmail strips. Chris feels it would be disingenuous to prevent the Legacy Estates folks from developing.

Seth Perrins reiterated that it was Fieldstone who applied for this Final Plat. The City couldn't approve it initially because the ground had to be used as a temporary turnaround. Now that turnaround can be abandoned and developed. These were the steps we had to take.

Dave Anderson stated, for Mr. Harris to be able to develop a lot, the street connection does need to be made. And that's contingent upon the neighbors developing. So, for these two lots to be developed, there will have to be coordination between the two parties.

Seth Perrins asked Mr. Harris what his concern is of this being approved. To which, Mr. Harris stated they have no intentions to ask for these lots to be approved right now. There's no development planned for 6 months to a year.

Mike Clark noted that all utilities are installed so why not develop them.

Jason Harris stated that these two lots are not on his development schedule. Seth Perrins then pointed out that this Final Plat application speaks otherwise. Someone from Fieldstone submitted an application, and that is a signal for intent. He asked whether the Final Plat application should be withdrawn. Mr. Harris said it should not.

Seth Perrins stated he suggested we move to approve the Legacy Farms C-8B Final Plat. He stated that he isn't sure why Mr. Harris didn't notice this item on the agenda, since he's here for another item. Seth further stated that the two developers need to talk. Or, perhaps the Legacy Estates folks talked to another employee at Fieldstone. But Seth feels we need to move forward as the application is submitted and reviewed.

Dave Anderson stated that if Fieldstone would like us to continue this, we can do so.

Chris Thompson feels this flies in the face of our blackmail policy.

Dave Anderson said we missed that opportunity. We should handle this better moving forward, we approved the previous plat without the road dedication to the south, which was an oversight, but that is done. We can approve it, but that doesn't mean we can do anything to make them record this plat.

Chris Thompson asked Mr. Harris if his intent is to use this as a blackmail strip. To which Mr. Harris said no, he was just surprised by this today.

Seth Perrins informed Mr. Harris that the City sent him an email on January 15th that this item would be on today's agenda. At 10:50 a.m. Seth Perrins suggested we pause this item and hear the other item Mr. Harris came for.

The DRC returned to this item at 11:25 a.m.

Seth Perrins asked Mike Clark and Brandon Snyder if this project is ready to go.

Mike Clark had no issues to discuss.

The Legacy Estates applicant explained to the DRC that he talked with Jason Harris and offered to let them put in the turnaround so Mr. Harris could finish his last two lots, but he wasn't in a hurry to do that then. His understanding was that Fieldstone was waiting for Legacy Estates to come through before they'd finish those two lots. He wasn't aware there was any hesitation to develop lots 240 and 241.

Seth Perrins asked Mr. Harris what his intention is.

Jason Harris said they will develop the lots, but he's not sure when, as, again, he wasn't prepared for this today.

Seth Perrins asked if the strip designated for a road was ready to be a road? Seth suggested the City, perhaps, start the condemnation process. He is not comfortable with the hostage nature of this. So perhaps we should start the process to make that a road.

Jason Harris stated he doesn't understand what is going on. He is simply surprised this was on the agenda.

Seth Perrins said he doesn't understand why Mr. Harris wouldn't tell us it's his intent to withdraw the application. He's telling us he'll just delay. Seth noted that it was Mr. Harris' staff who made the application for this to be approved. The last thing Seth wants to be is complicit to gamesmanship. He wonders if there's a way we cannot allow games to be played. The City doesn't want to be a part of that. He feels it is better to ask that question today, rather than asking his attorney later. This way it's transparent. Seth stated that 6 months ago, or whenever, we said we couldn't approve this because it had to be a temporary turnaround, but now we're here today to approve it, but Mr. Harris is saying he's not ready. Which is fine, but do we have the right to commence condemnation? If that's the right thing to do?

Jason Harris again stated he was just surprised and that the City can go ahead and approve it. He just needs to talk with Ryan McDougal to get the timing on development. He doesn't know when they'll develop these two lots.

Seth Perrins feels it's smart of Jason to admit he's not sure of the time table.

Dave Anderson stated that this goes for any developers or property owners. Regrettably, as he sees it, the City should've done the development of this plat differently. As part of the approval of the adjacent plat, we didn't require the dedicated right-of-way. Just east of this one, we're going through the same thing and it was handled differently. We required the dedication of right of way in that one.

Jered Johnson agreed with Dave. They had a Preliminary Plat and we dropped the ball allowing that to record without the dedication. The road should've been dedicated with all the lots. We created a landlocked parcel.

Dave Anderson said we have an obligation to the Legacy Estates developer to try to make things right. He's not sure what options we have.

Jered Johnson said Fieldstone could dedicate the property to the City and then develop it whenever they want. But if Mr. Harris isn't willing to deed the property to the City, we should start the condemnation process so as to not hold up the other developer.

Chris Thompson noted it's wise that Mr. Harris' intent to not to use this as a blackmail strip.

Seth Perrins **moved** to approve the Legacy Farms C-8B Final Plat subject to the conditions identified in the Staff Report.

Jake Theurer **seconded** and the motion **passed** all in favor.

GENERAL PLAN AMENDMENT AND ZONE CHANGE

Fieldstone

Dave Anderson discussed the proposal using the site on screen. He noted that the Planning Commission has stated that they would like to see something different in this area, like larger lots and bigger homes. The only zoning we'd recommend for this area is R-1-15, 2 units to the acre. Today, Jason Harris from Fieldstone is proposing 2.7 units to the acre.

Jason Harris presented his drawings and concepts on screen. He explained that the Planning Commission told him that they need to be 15,000 square-foot lots. But he's wondering about the north portion and he's looking for some direction on his concepts and what is the vision for that area.

Seth Perrins asked what the request is today.

Jason Harris said he'd like approval for Medium Density Zone Change, despite the Planning Commission stating they want larger lots.

There was discussion using the concepts on screen.

Seth Perrins **moved** to recommend the Fieldstone General Plan Amendment and Zone Change proposal be denied.

Chris Thompson stated we need to keep it R-1-15.

Dave Anderson **seconded** the motion.

Seth Perrins clarified that this discussion had nothing to do with the parcels just north of the DR Horton development. This applicant has nothing to do with that parcel.

The motion **passed** all in favor. There was discussion regarding letting this item die.

Jason Harris said they'll come back with a new application, and Dave noted that this will not go on to the Planning Commission in February.

2700 North Interchange

Dave Anderson **moved** to continue this item.

Vaughn Pickell **seconded**, and the motion **passed** all in favor.

ZONE CHANGE

Cottages on 4th Amended

Dave Anderson stated this is a simple item. Initially we approved the Cottages on 4th to use a particular type of siding, specifically Hardie Board like. However, after an inspection, it was discovered that the buildings are being clad in a vinyl siding, something different than what was approved. The other issue is fencing. Our code states that there should be

a masonry wall on the property line. That is called out on the plans clearly. In this case, though, rather than a masonry wall, a Rhino wall was constructed.

John Smiley stated that they made these mistakes. But he wonders if the DRC would allow him to keep the vinyl siding on the back building and they'll install Hardie board on the front building. If not, they'll tear the vinyl off and put up the Hardie board. Regarding the Rhino wall, he's not sure about that. There was a misunderstanding between him and Kevin Olson.

Seth Perrins feels there's not a lot we can do on the wall issue. We've been down this road before, for example, 7-11 had to build a wall.

There was discussion regarding the ordinance vs. City code and which needs to be amended.

Brandon Snyder stated that the Infill Overlay Zone leaves it as an option. Brandon feels we need to amend the City's standards, not the City code.

There was discussion regarding Rhino walls and their durability and as a product as a whole.

Vaughn Pickell feels we can make a recommendation to change the standard for walls. But, he's not in favor of that. A certain product was approved, so he'd hate to go back and ask that standard be changed. Seth Perrins agreed. He's sensitive to the cost to Mr. Smiley and Mr. Olson, but it is what it is.

Vaughn Pickell stated his thoughts are the same with the siding. Seth Perrins agreed. The cost will be great, but the Council has previously been disappointed with not getting what they approved. It's important to the City Council to get what they approved. If that's what they showed and said, that's what it is.

Kevin Olson thanked Seth for his feedback. He said they'll tear off the vinyl siding and put up Hardie board. However, Kevin suggested they be allowed to keep the Rhino wall. He likes the product.

Chris Thompson suggested to Mr. Olson and Smiley withdraw the request to change the siding, but move forward with the request for the City to allow Rhino wall.

Dave Anderson said we will go forward with a proposed text change on the wall in February for Planning Commission and City Council. He suggested we continue this for a week and come back with a better understanding of the code on the wall, and then a better feel for what we're comfortable having changed there.

Dave Anderson **moved** to continue the proposal with the understanding that it'll be back on next week and we'll notice things appropriately to keep moving forward in going to City Council and Planning Commission in February.

Vaughn Pickell **seconded** and the motion **passed** all in favor.

338 East Duplex

Dave Anderson noted this is on agenda today in the hope of having it on the Planning Commission and City Council in February. John Smiley and Kevin Olson have been working on this for a while. It was as in front of the DRC in December and they've made some changes but we're still waiting on some things.

Dave Anderson **moved** to continue this to next week with the idea that we'll have a landscaping plan and a full package.

Brandon Snyder noted that in November, the DRC conditions stated that the elevations be changed per the Planning Commission recommendation. Therefore, this didn't need to be on the agenda today.

There was no vote because this item has already been approved.

GENERAL PLAN AMENDMENT

Recreation Master Plan

Dale Robinson began by discussing the Recreation Master Plan Amendment and introduced Lisa Benson from Landmark Design, who was attending online. Ms. Benson presented an overview of the master plan on screen. This was presented to the Planning Commission last night.

Seth Perrins feels this is a great study.

OTHER BUSINESS

Airport

Cris Child was present and discussed the hanger lots with road frontage onto 500 West. He noted that the plan is that the buildings will be metal buildings, the same as all the other hangers. He asked whether the City will require better architecture on these “storefront” hangers. Cris stated he likes that the metal buildings are more multi-use.

Dave Anderson discussed the typical hanger shown on screen. He noted the 5th west hangers will be different than this one shown. There will be a public street, parking, etc. in terms of access. the idea that people could access their hangers from that side, that parking is available, makes it possible to use the hangers as a business. Dave stated he doesn't care about the materials of the building in this area.

There was discussion using the site on screen

Seth Perrins feels how the public views the airport from the outside is how they'll view the airport itself. He doesn't want the image of the back side of the Phoenix airport. He doesn't want that look for our streets. He feels if we make it act business like, it will. there's nothing out in the area today, but in ten years that could change. He feels it can be dressed up. Maybe with different panels etc. Maybe it does need to look a little bit better and something that says this is for business.

There was further discussion.

Dave Anderson said it wouldn't take much to take the same prefab steel building and make it look like something other than that. You can do that in a lot of ways so maybe Cris could pre-determine what they'd look like and add to that design, elements so as they come out of the ground, they have to look different over the FBO.

Cris Child said the plans need to change, then and go through the Airport Board,

There was discussion as to whether we have enough room for interior hangers. Cris Child noted we're getting to the end of what's available.

Jered Johnson feels it might be time to make more progress. It's our City airport now. First, we should update our Master Plan. That can be the first thing our new Engineer works on.

Cris Child summarized that the exterior of the buildings, where they face the street we will be addressing the exterior of the buildings.

Dale Robinson said we need curb side appeal if it's a storefront. Those buildings can be dolled up to give it curb side appeal.

Seth Perrins **moved** to adjourn the meeting at 12:43 pm. All in favor.

Adopted: March 3, 2021

Jessica Burdick
Building Inspection Division Secretary