

**Adopted Minutes  
Development Review Committee  
October 22, 2003**

The meeting was called to order at 10:10 a.m. by Emil Pierson.

Staff Members Present: Emil Pierson, Planning Director; David A. Oyler, City Manager; Richard Nielson, Assistant Public Works Director; Jeff Foster, Electric Superintendent; Marvin Banks, Public Works Superintendent; S. Junior Baker, City Attorney; Keith Broadhead, Public Works Inspector; Ryan Baum, Public Works Inspector; Shawn Beecher, GIS Specialist; and Connie Swain, Deputy Recorder.

Citizens Present: Robert Pittelli, Doug Barber, *Western States Insurance Office*, Susan Barber, Matt Barber, James Demita, *Robin's Nest Subdivision*, Paul Nelson, *Robin's Nest Subdivision*, Judy J. Gonzales, *U.S. Post Office*, Leslee Bishop, *U.S. Post Office*, Kent Barney, *Expressway Plaza*, Terry Harward, *Expressway Plaza*, Del Robins, and Jim Biesinger.

**Minutes**

Mr. Pierson made a **motion** to approve the October 15, 2003 minutes of the Development Review Committee meeting as presented. Mr. Oyler **seconded**, and the motion **passed** with a unanimous vote.

**Western States Insurance - Design Review**

Mr. Doug Barber said he would like to enclose the patio area of the State Farm Insurance Office to allow for additional office space. The office is located at 87 East Center St.

Mr. Pierson said the area is zoned R-O. He also said if the design is approved Mr. Barber will cover the addition with material matching the current siding on the building.

Mr. Oyler asked if there will be adequate parking space.

Mr. Barber said there are 6 or 7 parking spaces.

Mr. Oyler made a **motion** to approve the Western States Insurance Design Review enclosing the patio on the following condition(s):

1. Meet all of the criteria for the R-O zone, and
2. Match the area to be covered with the existing siding on the building.

Mr. Baker **seconded**, and the motion **passed** with a unanimous vote.

*10:20 - Jeff Foster Arrived*

**Zoning Ordinance Amendment - Windmill Ordinance**

Mr. Pittelli said he read the recommendations from staff concerning the windmill ordinance.

Mr. Oyler said the ordinance is being considered in the best interest of the entire community not just the petitioners property.

1 Mr. Pierson said he met with Jeff Foster and Junior Baker to consider the proposed windmill  
2 ordinance and determined the type of system to be considered is a small wind energy system.  
3 Many of the recommendations are based on the AWEA guidelines (American Wind Energy  
4 Association). Mr. Pierson said he, Mr. Foster, and Mr. Baker determined the following issues  
5 should be discussed:

6 1. **Minimum parcel size** - A small energy system shall only be located on a parcel with a  
7 minimum of one acre. A large wind energy system shall only be located on a parcel with  
8 a minimum of five acres in size.

9 2. **Setback from structures** - A minimum of 10 feet from any structure on the property.

10 Mr. Pierson asked if the city would be liable if the structure fell causing injury or damages.

11 Mr. Baker said the property owner would be liable, however, the city should consider the type of  
12 structures contained on the property. He suggested the ordinance require a minimum of 10 feet  
13 from any structure on the property and any adjustment may be made as a condition of the  
14 conditional use permit.

15 3. **Setback from a residential zone** - A minimum of 1000 feet from any residential zone.

16 4. **Setbacks from property lines** - A minimum of 1.25 times the wind tower height from any  
17 property line.

18 5. **Setbacks from right-of-ways or railroad right-of-way** - A minimum of 1.25 times the  
19 wind tower height from any right-of-ways or railroad right-of-way.

20 6. **Single wind tower height** - Not to exceed 80 feet from the ground to the hub of the wind  
21 tower. Any wind tower requested over 80 feet will be considered based on a conditional  
22 use permit.

23 7. **Height of Blade** (tip to ground) - No lower than 15 feet.

24 8. **Brake Device** - All wind tower devices shall have a breaking system for use when winds  
25 reach speeds in excess of 40 miles per hour.

26 9. **Fencing** - All wind towers shall be surrounded by a six (6) foot high fence with a locked  
27 gate, non-climbable tower. All guide wires shall be within the enclosed fenced area.

- 28 10. **Sign** - There is to be one project identification warning sign containing a telephone  
29 number for emergencies no larger than 16 square feet in size.
- 30 11. **Color/Finish** - To blend in with surrounding, non-reflective, and unobtrusive in color.
- 31 12. **Noise Levels** - Not to interfere with broadcast signals. Shall not create electromagnetic  
32 interference and shall be filtered and/or shielded to prevent interference with broadcast  
33 signals.
- 34 It was determined some distribution lines may be above ground. Therefore, item number 13,  
35 requiring distribution lines (4 to 16 kV) to be underground, was stricken.
- 36 14. **Overhead power lines (over 16kV)** - A minimum of 1.25 times the wind tower height  
37 from any overhead power lines (over 16kV).
- 38 15. **Density** - No more than one turbine per acre.
- 39 16. **Compliance with International Building Code (IBC)** - Building permit applications for  
40 small wind energy systems shall be accompanied by standard drawings of the wind  
41 turbine structure, including the tower, base, and footings. An engineering analysis of the  
42 tower showing compliance with the building code and certified by a licensed professional  
43 engineer shall also be submitted.
- 44 17. **Compliance with FAA Regulations** - Small wind energy systems must comply with  
45 applicable FAA regulations, including any necessary approvals for installations close to  
46 airports.
- 47 18. **Utility Notification** - A letter shall be provided from all utility companies stating they  
48 have been informed of the customer's intent to install an interconnected customer-owned  
49 generator.
- 50 19. **Permitted zones** - I-3, I-1 zoning districts

51 Mr. Pittelli said he would prefer to use the ordinance drafted by the State since it is more lenient.

52 Mr. Oyler advised Mr. Pittelli an ordinance will be drafted by staff based on the discussion which  
53 took place during this meeting and the draft windmill ordinance will be presented to the  
54 Development Review Committee next week. Following recommendations from the  
55 Development Review Committee the windmill ordinance will be presented during a public  
56 hearing before the Planning Commission. At that time Mr. Pittelli will be given the opportunity  
57 to make recommends and request changes to the ordinance. The windmill ordinance will then be  
58 presented during a public hearing before the City Council. At that time Mr. Pittelli and the  
59 public will be allowed to make recommendations to the City Council for consideration before the  
60 ordinance is approved or denied.

61 Mr. Baker made a **motion** to table the windmill ordinance discussion for one week to allow an  
62 ordinance to be drafted. Mr. Nielson **seconded**, and the motion **passed** with a unanimous vote.

### 63 **Expressway Plaza Preliminary Plat**

64 Mr. Pierson said Expressway Plaza Preliminary Plat is located at 1200 North 950 East and is  
65 zoned S-C.

66 Mr. Barney said he met with Mr. Nielson and he would like to have 1200 North connected to the  
67 road to the east.

68 Mr. Nielson said he would like 1200 North with utilities connected to the east.

69 Mr. Barney asked if the portion of 1200 North could be installed along the lots included in this  
70 plat with a 50-foot temporary gravel turn around. He said due to the unstable ground the  
71 installation of the roadway is expensive.

72 Mr. Harward said they are trying to keep down cost to allow for affordable commercial sites to  
73 help bring revenue to the city. The temporary turn around would allow time to determine how  
74 the remaining 20 acres of the property will develop before additional costs are incurred.

75 Mr. Nielson said he has no problem with a temporary turn around at this time. He said another  
76 issue of concern is the pressurized irrigation line along 1200 North. It will need to be a 10-inch  
77 line tying into the 6-inch line at 1100 East.

78 Mr. Pierson made a **motion** to approve Expressway Plaza Preliminary Plat, consisting of five  
79 lots, on the following condition(s):

- 80 1. Install a 10-inch pressurized irrigation line along 1200 North, and
- 81 2. Build a temporary turn around at the east end of 1200 North.

82 Mr. Nielson **seconded**, and the motion **passed** with a unanimous vote.

### 83 **Robin's Nest Preliminary Plat**

84 Mr. Demita provided copies of the preliminary plat with changes as requested by the  
85 Development Review Committee. He also reviewed pictures of the proposed club house, play  
86 ground, and front facades of the homes with examples for doors and shutters.

87 Mr. Baker said a condition placed upon the approval of the residential treatment facility was for  
88 the facility to be owner occupied by Paul Robinson. Mr. Baker said it cannot be owner occupied  
89 if the facility and the home are on separate lots.

90 Mr. Paul Nelson said the property consisted of two parcels since 1998 and also when the property  
91 was annexed into the city.

92 Mr. Pierson asked if lots 78-87 will have covered parking or garages. He said garages would

93 allow the properties to be more marketable.

94 Mr. Demita said the parking will be covered with a very nicely designed structure matching the  
95 development.

96 ***Density Bonus - Active Recreation***

97 Mr. Pierson said he is concerned with the maintenance and durability of a wood play ground. He  
98 recommends a commercial grade play ground with a swing set in order to allow the full 10%  
99 density bonus.

100 ***Density Bonus - Open Space***

101 Mr. Pierson said 16 percent of the property will consist of open space totaling 2.44 acres. He  
102 recommended a density bonus of 5% for open space.

103 ***Density Bonus - Front Facades and Miscellaneous***

104 Mr. Pierson said there should be a 0% density bonus for the materials used on the front facades  
105 within the development, however, there should be a 3% density bonus for the overall look of the  
106 development creating the feel of a well blended neighborhood.

107 Mr. Biesinger asked for a review of the storm drain layout.

108 Mr. Nielson reviewed the layout of the storm drain within the development and connected to the  
109 development.

110 ***Density Bonus - Landscaping***

111 Mr. Oyler said the full landscaping density bonus should be based on the use of water wise  
112 landscaping.

113 Mr. Pierson made the following **finding(s)**:

- 114 1. The development will provide a more pleasant living environment by providing  
115 16% open space, a club house, fencing, a sports court, a play ground, and garages  
116 for the townhomes.
- 117 2. The development will not be detrimental to the area due to the fact it will provide  
118 access onto public streets and will be similar to other developments in the area,
- 119 3. The development will not create an increased hazard to the health, safety, and  
120 traffic in the area, and
- 121 4. The development meets the general plan by providing extensive landscaping, a  
122 coordinated approach, high quality materials, usable open space, and three types  
123 of structures including twinhomes, townhomes, and single family homes.

124 Mr. Pierson made a **motion** to approve the Robin's Nest Preliminary Plat on the following  
125 condition(s):

- 126 1. Install the wall and landscaping along Highway 51 as shown on the plat,  
127 2. Provide a 50-foot frontage for the residential treatment center,  
128 3. Submit a water wise landscaping plan for the development, to be approved by the  
129 Shade Tree Commission,  
130 4. Install commercial grade playground equipment with a swing set,  
131 5. Submit drawings of the awning for lots 78-87 to the city planner for approval,  
132 6. Construct the development as shown on the approved preliminary plat, and  
133 7. To receive density bonus points as reflected in the packet submitted.  
134 Mr. Baker **seconded**, and the motion **passed** with a unanimous vote.

135 **Other Business**

136 None

137 **Adjournment**

138 Mr. Baker made a **motion** to adjourn. Mr. Nielson **seconded**, and the motion **passed** with a  
139 unanimous vote. The meeting adjourned at 11:58 pm.