

**Adopted Minutes
Spanish Fork City Development Review Committee
September 19, 2007**

The meeting was called to order at 10:00 a.m. by Richard Heap.

Staff Members Present: Richard Heap, Public Works Director; Richard Nielson, Assistant Public Works Director; Dave Anderson, Planning Director; Junior Baker, City Attorney; Shelley Hendrickson, Planning Secretary; Woody Mataele, Planning Intern; Shawn Beecher, GIS Administrator; Dee Rosenbaum, Public Safety Director; Ryan Baum, Public Works Inspector; Shawn Jorgenson, Public Works Inspector; Seth Perrins, Assistant City Manager; Kelly Peterson, Electric Superintendent; Marvin Banks, Public Utilities Director.

Citizens Present: Jordan Peterson, Jake Maughan, David Grotegut, James Pater, Donavan Bagshaw, Paul Sinclair, Neal Willison, Gordon Willison, Gordon Jones, Cory Piece.

MINUTES

September 5, 2007

Mr. Anderson **moved** to **table** the minutes of September 5, 2007. Mr. Nielson **seconded** and the motion **passed** all in favor.

PRELIMINARY PLATS

Maple Mountain

Applicant: Dave Grotegut

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: approximately 1800 East 400 North

Mr. Anderson explained the part of the plat that is proposed to be amended. He has a concern with the flag lot and explained that flag lots are not allowed in new subdivisions.

Discussion was held regarding the different versions that have been presented in the past and whether or not an electronic version was available.

Mr. Anderson explained he felt a phasing schedule for the whole Maple Mountain development needed to be provided as part of this amendment. He said that Mr. Baker and himself met with Dave Simpson and Brent Bowers and discussed getting a phasing schedule on the multi-family part at the south end to make sure that the trail head park is constructed with that part of the project; so that the big amenities that were proffered in exchange for bonus density actually get dedicated to the City on an appropriate time frame. He feels the current approved version of the plat is a better design. This particular portion of the development contains the trail on 400 North. There is some concern about making sure that it gets dedicated to the City in a timely way.

Mr. Baker likes the amended proposal better because the streets are straight. He agreed with Mr. Anderson that the flag lot should be eliminated and the need for a phasing schedule for the entire project.

Mr. Heap said that the little alley way could not go to a building lot.

David Grotegut

Mr. Grotegut explained why he wants the flaglot. He would like to maintain the option of developing a second lot next to his in the future. The other reason being that a connector's agreement that Ivory Homes has on 400 North and that they would like Mr. Grotegut to pay for all of the utilities that they put. This being the case, he plans on taking the sewer line from his house through the lane into the cul-de-sac and the lane would be his easement and right-of-way and also give him access to his property.

Mr. Heap said that a utility easement would already be in the area where the lane is and that a lane would not need to be there for Mr. Grotegut to run his sewer line.

Mr. Grotegut said that the lane would give him the option of developing another lot in the future. He feels that the Haycock's property is an example like his.

Mr. Baker said that the City could not approve the plat the way it is because it does not meet City standards

Mr. Grotegut explained that in talking with Richard Nielson that Mr. Nielson thought it was a good idea to stub a road off of the cul-de-sac.

Mr. Nielson said in his opinion it was a good idea to have an access that was not on 400 North whether or not a future lot was constructed. He feels as 400 North becomes busier it is good to have an alternate access.

Mr. Anderson feels that the motivation is to allow for the construction of an additional lot. He explained that the development was approved for the maximum number of units and that no additional density can be added.

Mr. Nielson agreed. He just feels that another access besides 400 North is a good idea.

Mr. Anderson feels that if that is the goal, that the previous layout would accommodate that type of an arrangement far better than a design with a flaglot.

Mr. Grotegut said that particular goal gave up property that he is not willing to give up and that is the reason for the amendment. He did not see the curved plan until 5 days before the City council meeting and that he made an arbitrary decision at that meeting to go with the curve. Upon physically measuring the property the amount of property it would be taking from his existing lot is unacceptable to him.

Mr. Anderson told Mr. Grotegut that he felt the decision was not an arbitrary decision at the City Council; that the Mr. Grotegut and the City Council were well aware of what was being approved.

Mr. Grotegut said that he was not arguing that point; it was an arbitrary decision for him to make and that he made the wrong decision. He feels that the DRC never reviewed the curved option.

Mr. Heap said that having access to Mr. Grotegut's property from the cul-de-sac via a lane for another access other than 400 North is a good idea and that he agreed with Mr. Nielson. Whether or not it was a curved road or a lane that another access would be good. When this is all built out and Mapleton is coming through and the shopping areas are in 400 North will not be a very good access.

Mr. Baker said in looking at where the lane is that it isn't even on the driveway side.

Mr. Heap agreed but said that they could get it to there and make it work if they wanted to.

Mr. Anderson said that he completely agreed with what Mr. Heap said and that on the original redlines the recommendation on this project had to do with the City precluding access to the existing house as was the same with the existing Haycock house further to the east and onto 400 North. If that is a priority for the City then the development should be designed so as to have them provide access to those dwellings from the interior streets. If that was what was trying to be accomplished with the flaglot and if access is going to be precluded on 400 North than he agrees; however, the applicant's comments make it clear that he intends to propose an additional lot and that he has no plans to access the existing home via the cul-de-sac. It's clear that the proposal is for an access to an additional lot and not the primary access to the existing home and, in his opinion, does not meet the City's ordinances.

Mr. Grotegut said that he does not feel that it is an access to another lot that he is not even considering it at this point in time. He explained that it is where access to all of his utilities will be that there might be an easement there but he would like access as well.

Mr. Anderson asked if the access to 400 North would cease if access from the cul-de-sac were to be granted. Mr. Heap and Mr. Grotegut said that it would not.

Discussion was held regarding, access to the existing house for fire protection, fire hydrants, and public safety.

Mr. Peterson said that the only power issues were the SESD power buyout and that Marlo had the numbers for Mr. Grotegut that included his development.

Mr. Grotegut feels that all of the electrical for his development would come via Sunny Ridge.

Discussion was held regarding the power buyout and what it involves.

Mr. Heap asked the Committee for further discussion on the curved option.

Mr. Grotegut said that the curved option will not be an option and if he needs to come back with other options then he will.

Mr. Baker likes this layout better. He understands the access and does not like it. He feels that a phasing plan for all of the amenities needs to be addressed.

Mr. Nielson likes the straight road better but that either option from a development stand point will work fine.

Mr. Banks agreed with Mr. Nielson.

Mr. Anderson said for the record that he views the proposal as a flag lot and because of that he does not believe it conforms to the City's standard.

Mr. Nielson disagrees where there is frontage on 400 North.

Discussion was held regarding the lane to Mr. Grotegut's property.

Mr. Baker said that max density has been met and that a lot will not be allowed. The question is whether or not anyone will remember that down the road in the future.

Mr. Anderson said regarding phasing in speaking to Dave Simpson and Brent Bowers that at some point in time with phase C & D of the Maple Mountain project the trail would be constructed and dedicated.

Discussion was held regarding phasing, the park amenity, trails, and private amenities.

Mr. Rosenbaum feels that the road accessing Mr. Grotegut's property from the cul-de-sac instead of the road being 20 feet setting the City up for a difficult issue maybe it could be reduced to 10 feet. That way if the issue is access than 10 feet would be insufficient and that it needs to be maintained.

Discussion was held regarding the road width and maintenance.

Discussion was held regarding the improvements on 400 North and that they are done with Plat C.

Mr. Baker **moved** to **approve** the Maple Mountain amended Preliminary Plat located at approximately 1800 East 400 North with the design as was presented with the following conditions:

Conditions

1. That the access from the cul-de-sac to the existing home be 12 feet wide and asphalted.
2. That the phasing take place as outlined.
3. That the improvements on 400 North be done with Plat C of the overall project.
4. That the large park on the far east of the project be done with the second phase of the overall project.

5. That the park at the south end by the railroad tracks be done when the next phase of the town homes comes in.
6. All of the conditions of the original approval be met.

Mr. Peterson **seconded** and the motion **passed** by a roll call vote. Mr. Anderson voted nay because he feels the design is of lesser quality and the inclusion of the lane is a mistake.

Insert original minutes

Spanish Trails Amended

Applicant: Highland Homes

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-8

Location: approximately 400 West 500 South

Mr. Anderson asked for the current proposal to be projected on the overhead projector. He explained that the original project was approved under rules that he was not familiar with.

Discussion was held regarding what is existing and what was previously approved.

Mr. Nielson said that the private streets do not meet our standard today but when the original project was approved they did and the ADA requirements can be met now and still be consistent with the original approval.

Mr. Baker feels that the town homes need to have a garage.

Mr. Rosenbaum likes private streets gated because they have received complaints in Spanish Trails about vehicles that have been abandoned or parked on a City street even though the street is not public but private and the citizens feel that the police department is not doing its job removing the vehicles when the police department cannot do anything about the cars. He sent a letter letting everyone know that the street is private but feels that he cannot send letters all of the time.

Gordon Jones

Mr. Jones addressed the Commission and explained the proposal. They will have their neighborhood meeting.

Discussion was held regarding the park and roads, detention, utility lines, trail, power, easements, new bond fees on the power end, town home architecture, neighborhood meeting, driveways, modified curve in the road and sidewalk width, parking and HOA's.

Mr. Anderson **moved** to **continue** the Spanish Trails amended Preliminary Plat for Highland Homes located at approximately 400 West 500 South for one week. Allowing the applicant time to hold a neighborhood meeting and provide the City with a copy of the minutes and a roll from that meeting and to provide some more detail on the architecture of the proposed town homes. Mr. Baker **seconded** and the motion **passed** all in favor.

FINAL PLATS

Spanish Trails Plat C

Applicant: Highland Homes

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-8

Location: approximately 400 West 500 South

Mr. Baker **moved** to **continue** the Spanish Trails Plat C Final Plat; for one week. Mr. Anderson **seconded** and the motion **passed** all in favor.

PRELIMINARY PLATS

Academy Park Plat B

Applicant: US Charter Development LLC

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15

Location: approximately 1200 South 800 West

Mr. Anderson gave background and explained the reason for the amendment is to make the adjustment on the streets so as to allow an access from the Old Mill Estates project to connect to Del Monte.

Discussion was held regarding the final plat, roads, power, utilities, and a bond.

Mr. Anderson **moved** to recommend **approval** of the amended Academy Park Plat B Preliminary Plat located at approximately 1200 South 800 West subject to the following conditions:

Conditions

1. The applicant getting the electronic file to Shawn Beecher.
2. The applicant submitting three (3) full size copies of the corrected plans for the City's files; upon approval by the City Council.
3. The SESD buyout and any other concerns that the Power Department have be addressed prior to recordation of any plats.

Mr. Nielson **seconded** and the motion **passed** all in favor.

Mr. Anderson **moved** to **approve** the Academy Park Plat B Final Plat Phase one located at approximately 1200 South 800 West subject to the following conditions:

Conditions

1. Meet all conditions of the original approval.
2. Make any necessary corrections on the plat itself by way of signature lines.

3. Any necessary corrections be made to the construction plans.
4. Bond for all remaining public improvements.

Mr. Peterson **seconded** and the motion **passed** all in favor.

Old Mill Estates

Applicant: CW Management

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15

Location: 1503 South Mill Road

Mr. Anderson gave background, and explained the proposal is a standard R-1-15 subdivision so all of the lots need to meet the minimum 15,000 square foot standard. It is not a Master Planned Development. He is concerned with the lack of access from this development to Mill Road. He feels that in the long term there will need to be access to mill road.

Mr. Baker asked what had happened to the gated access onto Mill Road.

Tyler Roberts

Mr. Roberts said that the residents and Council pushed to not have any access to Mill Road.

Mr. Heap is opposed to not having access to Mill Road. He feels that it hurts neighborhoods to not have roads that attach neighborhoods. He feels there needs to be interconnect between neighborhoods.

Mr. Nielson agrees.

Mr. Banks feels the City needs to do what is best for the community. He agrees that Mill Road is narrow but it is there, it is public, and there ought to be access to it.

Mr. Heap agreed and said that Mill Road will not be narrow forever and that we need the connection between neighborhoods.

Mr. Anderson feels that the connection does not necessarily need to be there today, but it should be stubbed for an opportunity to do that in the future.

Discussion was held regarding a retention basin, and a road connection to Mill Road.

Mr. Roberts explained that they understand what the City is trying to accomplish with a connection to Mill Road. He feels that they were put under great strain and it cost them a substantial amount financially to obtain access to Del Monte Road. They would like to take this option to the Planning Commission whether it is a positive or negative recommendation to avoid Mill Road.

Mr. Anderson asked Mr. Roberts if there was a way, or some sort of middle ground where CW Management builds the road setting aside the right-of-way should it need to be connected.

Mr. Nielson said if the right-of-way to Mill Road was there and recorded today that by next spring when the homes are there they are going to be in our office in the City Council chambers asking why the road is constructed. He feels it should be constructed now.

Mr. Roberts feels that they have been pushed in another direction that they felt Mill Road was the best option from the beginning.

Mr. Anderson feels that because this has cost them far more than the simple cost to construct a road and since they have taken such a big hit that this is a situation where maybe the City should step in and help.

Mr. Nielson discussed working out sewer issues with Salem City.

Mr. Peterson discussed power issues.

Mr. Nielson discussed irrigation ditches needing to coordinate with South Fields Irrigation.

Mr. Anderson verified that a neighborhood meeting would be conducted.

Mr. Roberts indicated that it would be held tonight here at the City office.

Mr. Baker **moved** to recommend **approval** of the Old Mill Estates Preliminary Plat located at 1503 South Mill Road subject to the following conditions:

Conditions

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the plans show a 60 foot right-of-way access to Mill Road.
4. That the applicant work with the Electric Department on power issues.
5. That they work out a lift station agreement with Salem.

Mr. Anderson **seconded** and the motion was **denied** by a roll call vote. Mr. Banks, Mr. Nielsen, Mr. Rosenbaum, and Mr. Heap voted nay because plans failed to include access on to Mill Road.

Mr. Nielson **moved** to **approve** the Old Mill Estates Preliminary Plat located at 1503 South Mill Road subject to the following conditions:

Conditions

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the plans show a 60 foot right-of-way access to Mill Road.
4. That the applicant work with the Electric Department on power issues.
5. That they work out a lift station agreement with Salem.
6. That full City street open access be constructed onto Mill Road.

- a. For public safety.
- b. Access to adjacent neighborhoods to create interconnectivity.
- c. Reasonable traffic patterns without putting traffic onto existing roads.

Mr. Rosenbaum **seconded** and the motion **passed** by a roll call. Mr. Baker voted nay because he feels given the political pressure and the cost the developer has incurred; that the City should participate in the cost of constructing an access onto Mill Road.

BMC Homes

Applicant: BMC Homes

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-6

Location: approximately 774 North 300 West

Mr. Anderson gave background on project, lot meets City standards, and structure that is currently on property that needs to be removed before deed and plat is recorded.

Mr. Peterson discussed power issues, new power pole that may need to go in to support a new structure, and property owner responsibility to pay for rerouting of power line(s).

Mr. Nielson **moved** to recommend **approval** of the BMC Homes Preliminary Plat located at 774 North 300 West subject to the following condition:

Condition

1. That they meet with Electric Department and provide any applicable electrical improvements to serve the home.

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

DRC BUSINESS

- a. **review of new submittals**

No discussion

ADJOURN

Mr. Banks **moved** to adjourn. Mr. Nielson **seconded** and the motion **passed** all in favor at 11:50 a.m.

Adopted: October 10, 2007

Shelley Hendrickson, Planning Secretary