

**Adopted Minutes
Spanish Fork City Development Review Committee
March 31, 2010**

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

Staff Members Present: Richard Heap, Public Works Director; Dave Anderson, Community Development Director; S. Junior Baker, City Attorney; Chris Thompson, Assistant Public Works Director; Jered Johnson, City Surveyor; Shelley Hendrickson, Planning Secretary; Tom Cooper, Electric Operator Dispatcher; Shawn Beecher, GIS Specialist; Trapper Burdick, Assistant City Engineer; Dave Oyler, City Manager; Bart Morrill, Parks & Recreation; Chris Swenson, Chief Building Official; Joe Jarvis, Fire Marshall; Dave Munson, Planning Intern; Brady Taylor, Lead Cable Technician; Dale Robinson, Parks & Recreation Director; Kelly Peterson, Power Superintendent.

Citizens Present: Greg Magleby, Brian Gabler, Duane Hutchings.

MINUTES

March 10, 2010

Mr. Baker **moved** to **approve** the minutes of March 10, 2010, with the noted corrections. Mr. Anderson **seconded** and the motion **passed** all in favor.

ANNEXATION

Legacy Farms Annexation

Applicant: Legacy Farms at Spanish Fork, LLC

General Plan: Residential 1.5 to 2.5 units per acre, Residential 2.5 to 3.5 units per acre, Residential 5.5 to 8 units per acre, General Commercial and Rural Residential

Zoning: R-3, R-1-12, R-1-15, Commercial 2 and Rural Residential proposed

Location: Approximately 400 North 1500 East

Mr. Thompson said he would like to address the Engineering Department redlines.

Mr. Oyler explained that Junior Baker would email an agreement to City staff and then staff would sit down together to go over the agreement.

Mr. Johnson explained the Engineering Department redlines with Greg Magleby and discussion was held regarding them.

Dale Robinson expressed his concern with the wetlands park and the third park. His preference would be to have both parks built with Phase 9. Mr. Robinson is concerned with the third park being damaged with the construction of the wetlands park boardwalk. Mr. Magleby explained how they would be constructing the boardwalk. Mr. Anderson asked how they were proposing to meet the ADA guidelines. Mr. Magleby explained that the boardwalk would not be more than 30 inches high but that if it went over 30 inches they would have to put in a handrail. Mr. Heap asked if there was enough leverage in the phasing to ensure that a park would be built, since they were proposing to build the parks at the tail end of the project. Mr. Magleby explained how many lots would be remaining. Mr. Anderson said that at phase 14C there was only seven percent of the project left to be built and that it would be a tough sell to the Planning Commission and City Council to propose to build two parks at the end of the proposal.

Mr. Magelby said that they agree, but the issue was to make sure that there was enough development to justify the amenities being installed but also enough development to afford the amenities to be installed without stalling or stopping the project.

Mr. Anderson said that at phase 9C they would be three fourths of the way through the project and felt the City was being very lenient in allowing the parks to not be constructed sooner. Mr. Anderson explained his concern about residents in the neighborhood expecting the parks to be built when they move in and his concern about the proposed amenities not being constructed as proposed.

Mr. Robinson reiterated his preference, which was to have both parks built with phase 9C (proposed to build them with 14C). Discussion was held regarding grade elevation, the wetland park and how to guarantee that the parks are built.

Mr. Gabler said one thing to take into account was that most cities pay for anything more than a local road and that they had a one and a half million dollar road in this development that has put a big burden on them. They are trying to spread the infrastructure costs for the road and parks.

Mr. Heap asked what the costs of the wetland park would be and what they were proposing to build the boardwalk with.

Mr. Magleby said the cost was about \$400,000 and they would be using trex, pressure treated or Redwood.

Mr. Anderson asked about the elevation and how they were proposing to get from the elevation of the residential portion to the wetland boardwalk and meet ADA requirements. Mr. Gabler said the grade would be taken up with the trail and discussion was held regarding the grade change.

Discussion was held regarding the costs of the park amenities. Mr. Magleby explained that they had an elephant in the room which was off-site power, 400 North, Legacy

Parkway and parks. He said that they had looked at the proposal from a cash flow perspective and how do we accomplish all of those things without stalling the project. He said that they had looked at, independent of the City, creating an escrow account (the City is invited to participate if they choose) that would be between the builders and Legacy Farms. He said that as each lot is produced, funds would be deposited into the escrow account, and these funds would then be used for all of the improvements. He explained that everyone would have an equal responsibility to pay for the development of all of the improvements.

Discussion was held regarding an escrow account and if it would be a benefit to the City if the City were to be involved with it.

Mr. Baker explained that, with an escrow account, generally the City would have to sign to have a check released, but that it would not give the City the control to see that the funds dispersed really get used for the park. He said it would give the City the ability to check the balance and see if the funds were low and do something about it, but the City would have no control of the funds going into the escrow account. He said that he felt it would work as additional protection.

Discussion was held regarding the pros and cons, to the City, of an escrow account.

Mr. Magelby explained that the money for the escrow account would be collected at the Final Plat stage and not when building permits are pulled.

Mr. Robinson said that he was concerned with the park being damaged with the construction of the boardwalk. He said that the applicant had satisfied his concerns but that he wanted to have as much security as possible to ensure that the park amenities are built.

Mr. Peterson said that he had discussed all of the power issues with the applicant. He said his only concern was the applicant obtaining off-site easements. He said that the applicant would also need to finalize the SESD buyout. Mr. Magleby said that SESD had provided them with a number. Mr. Peterson said he would need a letter from SESD stating that the buyout had been paid for, and that the letter would need to be provided before the Annexation goes to the City Council.

Mr. Thompson said that all capacity for any City system is reserved for at the Final Plat level and not at a Preliminary Plat level. Mr. Thompson explained that the City would not reserve room in our water tanks until a Final Plat was recorded and a bond was in place. He said that there would need to be regional storm water detention basin in Legacy Farms and that it would need to be implemented to our City standards.

Discussion was held regarding fire protection and an area of the development being outside of the one-and-a-half-mile buffer.

Mr. Anderson said that going on General Plan designations was one way to calculate the maximum density. He went over the maximum density and said the proposal was over by 13 lots. Discussion was held regarding density and the proposal being over that maximum by 13 units. Mr. Anderson explained that he felt that the Miner property on the other side of the right-of-way needed to be removed for purposes of calculating density as it is described as future development and will apparently be developed with the properties to the west. Mr. Magleby suggested that those two acres could be included in the existing development and said he would contact Mr. Miner to discuss the issue.

Mr. Anderson touched on design guidelines.

Many lots have 50 foot frontages and are less than 6,000 square feet. The Design Guidelines only address lots that are larger than 6,000 square feet. He suggested that a meaningful set of standards would include provisions for 5,000 square foot lots.

He brought up the document's references to LEED certification and sustainability. Mr. Magelby suggested it was probably best to take those references out.

He asked Mr. Magelby to explain what things would make this feel like a community. Mr. Magelby said landscaping and fencing would have to be provided. Mr. Anderson suggested standards on landscaping and fencing would be useful to have.

Mr. Magelby explained that they are going to put a lot of faith in an architectural control committee. He said he did not feel that there any standards in the proposed Design Guidelines that will make the homes in this project look different from the homes that Salisbury is building in the Sunny Ridge subdivision that is right next door.

Mr. Baker said that they were at the top end of the density and asked Mr. Magelby if they had looked at the amenities. He said that he felt the parks were the amenities. Mr. Anderson said that he personally thought that the parks were the only proposed amenities.

Mr. Anderson asked about Rocky Mountain Power. Greg Magleby said that they were not quite there yet but knew that they needed to have the easement before the annexation could be presented to the City Council.

Mr. Baker **moved** to recommend to the City Council **approval** of the Legacy Farms (Northeast Bench) annexation subject to the following conditions:

Conditions

1. That the applicants enter into an Annexation Agreement and that the road right-of-way on Legacy Parkway be dedicated at annexation, receive a letter from SESD, that the zoning be consistent with the plat they submitted (R-1-15, R-1-12, R-3, C-2, R-R).

2. That the applicants obtain an agreement from Rocky Mountain Power to allow access through the Rocky Mountain Power right-of way.

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

PRELIMINARY PLAT

Legacy Farms Preliminary Plat

Applicant: Legacy Farms at Spanish Fork, LLC

General Plan: Residential 1.5 to 2.5 units per acre, Residential 2.5 to 3.5 units per acre, Residential 5.5 to 8 units per acre, General Commercial and Rural Residential

Zoning: R-3, R-1-12, R-1-15, Commercial 2

Location: Approximately 400 North 1500 East

Mr. Anderson **moved** to recommend to the City Council **approval** of the Legacy Farms Preliminary Plat located at approximately 400 North 1500 East with the following finding and subject to the following conditions:

Finding

1. That the 100 or so units of bonus density are warranted based on the applicant's proposal to provide the proposed parks.

Conditions

1. That the applicant makes any redline corrections to the phasing plan as discussed today.
2. That the applicant makes any needed corrections on the density in the project. (815 maximum units).

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

Mr. Oyler asked if we were addressing in the development agreement that, if our City standards change, they will have to meet them.

ORDINANCE AMENDMENT

Title 15

Applicant: Spanish Fork City

General Plan: not applicable

Zoning: not applicable

Location: City wide

Mr. Baker said that the only reason this was being addressed was to permit hen chickens and explained the ordinance.

Mr. Anderson **moved** to recommend **approval** of the changes to Title 15. Mr. Baker **seconded** and the motion **passed** all in favor.

OTHER BUSINESS

None

ADJOURNMENT

Mr. Baker **moved** to **adjourn**. Mr. Peterson **seconded** and the motion **passed** all in favor at 11:43 a.m.

Adopted: May 12, 2009

Shelley Hendrickson, Planning Secretary