

**Adopted Minutes
Spanish Fork City Development Review Committee
September 14, 2010**

The meeting was called to order at 10:10 a.m. by Chris Thompson.

Staff Members Present: Trapper Burdick, Assistant City Engineer; Shelley Hendrickson, Planning Secretary; Dave Oyler, City Manager; Jered Johnson, Surveyor; Shawn Beecher, GIS Administrator; S. Junior Baker, City Attorney; Kelly Peterson, Power Superintendent; Dave Anderson, Community Development Director; Bart Morrill, Parks & Recreation Supervisor; Chris Swenson, Chief Building Official; Chris Thompson, Assistant Public Works Director.

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

MINUTES

August 25th & September 8, 2010

Mr. Baker **moved** to **approve** the minutes of August 25, 2010 with the noted corrections. Mr. Peterson **seconded** and the motion **passed** all in favor.

Mr. Baker **moved** to **approve** the minutes of September 8, 2010 with the noted corrections. Mr. Anderson **seconded** and the motion **passed** all in favor.

PRELIMINARY PLATS

Legacy Farms

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, Commercial 2 and Rural Residential

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

Location: Approximately 400 North 1500 East

Mr. Johnson explained the Engineering Department redlines to Greg Magleby and Brian Gabler. Discussion was held regarding road width, storm water detention, what was planned on being built under the overpass (box culvert), whether or not all of the lots were buildable and that storm drainage would need to be reviewed and approved by the City before it is on the Planning Commission agenda.

Mr. Magleby explained the changes they had made to their proposed construction standards and discussion was held regarding easements and setbacks.

Mr. Baker said that he was concerned that the Fire Department was not satisfied with the proposed side setbacks in the applicant's construction standards. Mr. Swenson explained what he believed to be Mr. Jarvis's concerns to be; he felt the City had made up their mind one year ago to have side setbacks be 5/10 and felt like they were being changed for this development. Mr. Swenson said he did not feel that Mr. Jarvis had a concern with the Fire Code but was more concerned with the City changing their minds. Mr. Baker said if Mr. Jarvis did not have any issue with the Fire Code then he was fine with the proposed setbacks because Master Planned Developments have always allowed the City to make some modifications to the City standards.

Discussion was held regarding the side setbacks being changed one year ago due to the power utility and not Fire Code.

Mr. Peterson said that, on narrow lots, he has asked that they be pre-approved for utilities so they can address whether or not it will work.

Mr. Oyler said he understands that because we're approving the layout of the utilities that it resolves the issue of 5/10 with Master Planned Developments.

Mr. Thompson said that utilities are no longer a setback issue because we are no longer going through City blocks, but around them.

Mr. Magleby explained that he felt the Design Guidelines should be more flexible.

Mr. Anderson expressed he felt that the right way to handle flexibility was to amend the guidelines if a suitable home design is presented that the standards would not permit. He explained that the Design Guidelines should be clear and not discretionary in any way.

Mr. Magleby asked if there was a way to not have to go through the entire approval process.

Mr. Baker said he agreed with Mr. Anderson that unless specific examples were included in the standards change to the guidelines would need to be amended.

Mr. Anderson asked if the lot sizes or square footage of the homes had changed. Mr. Magleby said that they had not. Mr. Anderson then asked what the finished square footage would be on most of the homes in the development, 53 percent. Mr. Magleby said it was 1,400 square feet. He further explained that the average finished above ground square footage, single-family home, within Spanish Fork City was 1,554 square feet. Mr. Anderson asked Mr. Magelby if they did not plan on meeting the average home size on most of the lots in the proposal. Mr. Magelby said he needed to look at the average of the subdivision which was 783 lots. Mr. Anderson said in this case more than half of the lots would have the minimum house size which is less than Spanish Fork City's current average. Mr. Magelby agreed.

Mr. Oyler asked if a Development Agreement had been prepared. Mr. Baker said that he did not have one ready and did not believe he would be able to have it done before the Planning Commission meeting.

Mr. Johnson asked what was being proposed for the southeast portion of the plat on the west side of 2550 East. Mr. Anderson explained what had been agreed upon earlier.

Mr. Anderson expressed his concern with the Miner parcel and explained why he felt it could not be part of a development later on down the road and would need to be dedicated to the City as was previously planned.

Discussion was held regarding the Miner's property in its entirety and how to handle the density. Mr. Baker said that before all of the parties sign off on the development agreement that all of the exhibits will be attached so it will be clear to not only the Miner's but all of the parties involved.

Mr. Burdick asked if the phasing plan had been reviewed. Mr. Johnson said that the changes had been made but that he had not reviewed it. Mr. Oyler explained that there was still time to review that because we had two more meetings to make sure to get it done.

Mr. Baker **moved** to **recommend** to the Planning Commission annexation of the property formerly known as the North East Bench Annexation now being called Legacy Farm Annexation and including the parcel south of 400 North street; also, recommending approval of the Legacy Farms Master Planned Development located on the north side of 400 North and extending between 12th and 30th East based on the plans that have been submitted and subject to the following conditions:

Conditions

1. That the applicant enter into an annexation agreement that incorporates a phasing plan and design guidelines.
2. That the applicant make any redline changes as indicated by the City Surveyor and Engineering Department.
3. That either on the plat or in the annexation agreement that the strip of Miner property located on the west side of 2550 East Expressway Lane extension be designated as non-developable based upon the densities of the overall project.
4. That the applicant pay to the City the initial dollar amount that SESD gave to the applicant for the buyout realizing that the figure may change up or down.

Discussion was held regarding the development boundary and the Miner parcel. Mr. Anderson explained that he felt that if the Miner's property develops that it will develop with another development and perhaps it should be taken out of this development and adjust the density in terms of units from this development. Mr. Magelby said the intent

was not to double dip, that there would be no double dipping. He reiterated that there would be no double dipping.

Mr. Baker said that he could include language in the development agreement stating the maximum of units the Miner's would receive.

Mr. Oyler **seconded** and the motion **passed**. Mr. Anderson voted **nay**. Mr. Anderson explained why he was voting nay. He explained his nay vote is because there are two developed parks proposed which total 13.75 acres or 5 percent of the overall project, not an excessive amount of park space. The proposed Phasing Plan indicates construction of the first park when nearly 300 homes of the development are built. The second park would be built when only 135 homes are left; the wetlands would be improved when 50 homes are left. Another concern is the Design Guidelines, particularly the minimum home size being 1,400 square feet for most of the lots in the development. Mr. Anderson is also concerned about not improving 400 North and Slant Road completely until such a substantial portion of the development is constructed.

ANNEXATIONS

Legacy Farms

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TITLE 15 AMENDMENTS

Fence Requirements

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Discussion was held regarding the City's current Clear Vision Area section of the ordinance and whether or not it needed to be changed.

OTHER BUSINESS

No Discussion

ADJOURNMENT

Mr. Baker **moved** to **adjourn**. Mr. Burdick **seconded** and the motion **passed** all in favor at 11:30 a.m.

Adopted: October 13, 2010

Shelley Hendrickson, Planning Secretary