

**Adopted Minutes
Spanish Fork City Development Review Committee
November 3, 2010**

Staff Members Present: Chris Thompson, Assistant Public Works Director; Shelley Hendrickson, Planning Secretary; Junior Baker, City Attorney; Dave Anderson, Community Development Director; Bart Morrill, Parks & Recreation Supervisor; Chris Swenson, Chief Building Official; Seth Perrins, Assistant City Manager; Joe Jarvis, Fire Marshall; Richard Heap, Public Works Director; Shawn Beecher, GIS Specialist; Dave Anderson, Community Development Director; Tom Cooper, Electric Utility Planner.

Citizens Present: Tom Scribner, Greg Magleby, Rocky Giles.

MINUTES

October 27, 2010

Mr. Baker **moved** to **approve** the minutes of October 27, 2010 with the noted corrections. Mr. Thompson **seconded** and the motion **passed** all in favor.

CONDITIONAL USE & SITE PLAN

Rocky's

Applicant: Rocky Giles
General Plan: Downtown Commercial
Zoning: Commercial Downtown
Location: 300 North Main Street

Mr. Baker explained that Mr. Giles already had one-third of the masonry wall constructed around his property. Discussion was held regarding the drive approach and the need for it to be moved. Mr. Giles explained that he would not be able to finish the masonry wall until the spring and that he was not aware of the need to move the drive approach before next spring.

Mr. Cooper said that the Power Department had not received a load sheet and would need to receive that information before work on the building could continue. Mr. Giles said that he was six months away from knowing what he would need regarding power.

Mr. Heap asked if anyone had any conditions.

Mr. Thompson said he had spoken to Mr. Johnson and Mr. Burdick regarding the proposal and that the only issue was that the road base would need to be 8 inches (instead of the

6 inches as indicated on the plans) to meet the City's standards. Mr. Thompson said that if Mr. Giles wanted to open his business before the parking lot was paved that the East driveway on 300 North would need to be relocated due to safety. Mr. Giles explained that his understanding in speaking to Mr. Johnson was that he could bond and move the driveway in the spring. Mr. Magleby asked if the drive approach could be blocked and then moved in the Spring. Mr. Thompson agreed that the drive approach could be blocked.

Mr. Cooper said that he had not received a load sheet for the building being changed to a Lube Center. Mr. Giles said that he was not changing anything with the electrical.

Mr. Baker asked if a trash receptacle was needed. Mr. Giles explained that he had two dumpsters that were both enclosed in masonry walls and indicated where they were located on the property.

Mr. Anderson said that the parking is not adequate and does not meet our standards.

Mr. Perrins asked what condition Mr. Giles would need to meet in order to be issued a Conditional Use Permit. Mr. Baker explained the Conditional Use Permit process.

Discussion was held regarding the compressors and mitigating the noise.

Mr. Giles explained that the building to the West would not have any compressors.

Mr. Baker asked Mr. Giles about his tire displays and said that they would need to be removed from the public right-of-way. Mr. Giles expressed that he was in the tire business and felt that it benefited his business to have the tires on display.

Discussion was held regarding the tire displays being in the public-right-of-way.

Mr. Perrins asked where the tire displays were. Mr. Giles explained where he places the tires and Mr. Beecher, using the overhead, used Google earth to visibly show where the tires were displayed in front of the store.

Mr. Giles explained that as soon as his warehouse was constructed that most of his inventory would be moved indoors.

Mr. Baker **moved** to recommend that the Planning Commission **approve** the Site Plan and Conditional Use Permit for Rocky Giles subject to the following conditions:

Conditions

1. That the trash containers meet the City's standards.
2. Future access to the Lube Center, East drive approach on 300 North is closed until spring.

3. Entrance into the lube center is the westerly entrance that currently exists.
4. No tires can be displayed on the public right of way.
5. When both businesses are moved in no compressors be allowed in the west and south building.
6. The back parking lot contains 8 inches of road base per standard instead of what is shown.
7. Meet the City's Construction and Development standards.
8. Prior to doing any work in the large building on the north that load sheets are provided to the City's Power Department.

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

Mr. Thompson told Mr. Giles to have LEI look at the right-of-way to see if he could indeed have one row of tires on display along Main Street.

SITE PLAN & DEVELOPMENT AGREEMENT

Fritzi

Applicant: Bob Tandler

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: Industrial 1

Location: Cal Pac Avenue and Arrowhead Trail

Mr. Baker explained that for over a year the City has been trying to get a Site Plan approved but that the challenge was the building was very large and the improvements would be expensive. Six or seven years ago, it was planned to have the building removed and the property developed residentially. He said the new user is a new business that will take 40,000 square feet of the building that represents 1/6 of the size. Mr. Baker said he had entered into discussions with Bob Tandler to do the improvements in phasing with a development agreement. Mr. Baker explained what portion of the building would be used by a company that produces bolts. He further explained that Mr. Tandler had expended money to fix the electrical due to life safety but that more electrical work in the interior would be needed to accommodate the proposed tenant. He explained that in the phasing plan that the electrical be sufficient in phase one to bring this tenant in. He explained that our standards require a wall next to residential and that the wall not be required until phase two which would be the next 30,000 feet of building space. He said Phase three would be next with 70,000 square feet of building space and the Fourth phase being the last 61,000 square feet of building space and would trigger the improvements on Cal Pac. He explained that Cal Pac would need to be re-designed to meet up to Arrowhead Trail on a 90 degree angle and that property would need to be deeded. He said that Mr. Tandler had cost estimates and the Committee would need to decide what improvements would need to be made with what phases, the issuance of a Building Permit for the first company that comes and at what point would the permit be issued.

Mr. Thompson said that Mr. Johnson had briefed him on the proposal and that he felt a sub waiver could be applied for in order to split the properties and deed easements and land for the City's wells. Mr. Baker explained that the Site Plan included a residential parcel for future development.

Discussion was held regarding masonry walls and the possibility of phase two being the trigger to have construction drawings for Arrowhead Trail.

Mr. Baker asked about off-site sewer. Discussion was held regarding dry piping and sizing and the need for a permit from the Utah County Health Department for the septic system.

Tom Scribner

Mr. Scribner, representing Bob Tandler, explained that Bob Tandler was bright, an attorney and that Bob thinks like an attorney. He furthered explained what he felt was a big gulf to get past where the building that is 80 years old and the progress around it has made it a non-conforming use and the need to be fair and reasonable. The City is looking at this as a non-conforming use and is looking at it as a new construction. He said he felt that by entering into an agreement that it would abandon any pre-existing use and set in stone what ever is agreed upon. He said the way that the City has the agreement written is that we are being nice and giving you four phases. He said that Mr. Tandler feels he has grandfathered rights and passed out a cost estimate sheet and discussion was held regarding the estimates. Mr. Baker told Mr. Magleby that the off-site improvements for sewer needed to be removed from the Site Plan. Mr. Scribner continued to explain him and Mr. Tandler's point-of-view relative to the building and a development agreement.

Discussion was held regarding a masonry wall on the south property line that abuts a residential use.

Mr. Perrins asked what the City wanted in this area. He said was it to make an 80-year old building into a 2010 conforming use. Mr. Perrins said that he felt it would be important to have it look good and be a good looking facility.

Mr. Scribner asked about pressurized irrigation and discussion was held regarding where the site would have to tie into the lines and what to require with the proposal.

Mr. Scribner asked if we could just agree on phase one. Mr. Baker said no because a Site Plan would need to be approved.

Discussion was held regarding Arrowhead Trail and landscape. Mr. Scribner asked the Committee if they would really require landscape for an ugly 80-year old building. Discussion was held regarding storm drain and that the applicant may have to work with UDOT.

Mr. Baker asked Mr. Anderson about landscape. Mr. Anderson explained that we have standards for landscaping. Discussion ensued regarding what is being proposed; which, is for an industrial use and the need to look at the proposal in that way today.

Mr. Cooper said that at this point there were two main points of disconnect and that the load coming might take up all of the capacity on the current transformer; capacity may not be available for other future tenants. He asked if the agreement addressed new tenants with new loads. He explained that street lighting would need to be installed along Cal Pac and Arrowhead Trail and the cost was approximately \$2,700 per light and that they would need to be placed 250 to 300 feet apart.

Mr. Swenson asked if there was sufficient separation between the portion of the building that the proposed occupant would be using versus the rest of the structure and explained that the standards required the most restrictive fire barrier. He also explained that each tenant would need to obtain a Building Permit.

Mr. Baker told Mr. Scribner that he was not sure that Mr. Tandler wanted to pull a Building Permit and incur more expenses if he chose not to enter into an agreement. Mr. Baker asked Mr. Scribner to get with his client (Bob Tandler) and return in one week.

Mr. Baker **moved** to **continue** the Fritzi Realty Site Plan until we get a revised Site Plan. Discussion was held as to whether or not to issue a Building Permit before the Site Plan is approved. Mr. Cooper explained that he needed a load sheet before a permit could be issued, so discussion was deferred until the load sheet was received. Mr. Cooper **seconded** and the motion **passed** all in favor.

OTHER BUSINESS

There was none.

ADJOURNMENT

Mr. Anderson **moved** to **adjourn**. Mr. Baker **seconded** and the motion **passed** all in favor at 11:53 a.m.

Adopted: November 17, 2010

Shelley Hendrickson, Planning Secretary