

**Adopted Minutes**  
**Spanish Fork City Development Review Committee**  
**February 2, 2011**

**Staff Members Present:** Chris Thompson, Public Works Director; Shelley Hendrickson, Business License Specialist/Planning Department Secretary/Administration Department Substitute; S. Junior Baker, City Attorney; Chris Swenson, Chief Building Official; Joe Jarvis, Fire Marshall; Kelly Peterson, Electric Superintendent; Jered Johnson, City Surveyor; Shawn Beecher, GIS Specialist; Dave Anderson, Community Development Director; Dave Oyler, City Manager; Trapper Burdick, Assistant City Engineer; Bart Morrill, Parks & Recreation Supervisor; Dee Rosenbaum, Public Safety Director.

**Citizens Present:** Kyle Spencer, Will Scott.

Mr. Thompson called the meeting to order at 10:05 a.m.

**MINUTES**

**January 26, 2011**

Mr. Baker **moved** to **approve** the minutes of January 26, 2011 with the noted corrections. Mr. Anderson **seconded** and the motion **passed** all in favor.

**PRELIMINARY PLATS**

**8<sup>th</sup> North Business Park**

Applicant: Thomas Properties

General Plan: Professional Office

Zoning: Commercial Office

Location: approximately 150 East 800 North

Mr. Johnson explained the Engineering redlines which were as follows:

1. Each existing building needs its own separate utility service (water, PI, sewer).
2. Separating each building into individual units shall require each individual unit to have its own separate utility service or an agreement between unit owners sharing the use of the single utility service. This agreement shall satisfy Spanish Fork City that all utility services shall be paid for and maintained properly by the owners.

Mr. Baker **moved** to **continue** the 8<sup>th</sup> North Business Park proposal in order for Chris Swenson and Joe Jarvis to review the proposal.

Mr. Peterson explained that there would need to be separate power meters.

### **Kirby Lane Business Complex**

Applicant: Duane Koyle

General Plan: General Commercial

Zoning: Commercial 2

Location: 600 East Kirby Lane

Mr. Johnson explained that it was an existing building that they wanted to turn into condos and explained Engineering redlines which were as follows:

1. A 10' Public Utility Easement shall be required along Kirby Lane.
2. Condominium Plat should show Units instead of Lots.
3. Address Units: Unit 1 – 642 East, Unit 2 – 644 East, Unit 3 – 646 East.
4. Unit 2 has some errors in its dimensions. East corner should have a distance of 7.42' instead of 7.00'. South corner should have a distance of 7.00' instead of 6.82'.
5. Existing building has a single utility service for water and sewer. Separating existing building into individual units shall require each individual unit to have its own separate utility service or an agreement between unit owners sharing the use of the single utility service. This agreement shall satisfy Spanish Fork City that all utility services shall be paid for and maintained properly by the owners.
6. Developer shall be required to pay to the City the costs associated with installing the Pressurized Irrigation in Kirby Lane.

Discussion was held regarding the redlines.

Mr. Baker asked Mr. Swenson if he had looked at the proposal. Mr. Swenson explained that he was aware of the proposal but that he had not inspected the building for years.

Mr. Baker **moved** to **continue** the project. He later withdrew his motion.

Mr. Anderson disagreed with Mr. Baker's motion and discussion was held regarding approving the proposal contingent upon the applicant addressing any building code issues.

Mr. Swenson said he was not aware of what the attic separation was in the building and that the applicant would need to submit that information from a licensed architect.

Mr. Anderson asked what the City's policy was with the approach that we take in turning existing buildings into condominiums. He said that Mr. Peterson had made it clear that there would need to be separate power meters.

Mr. Oyler said that he felt if they were not going to have separate sewer and water lines that they would need to have an association legally responsible for the utilities.

Discussion was held regarding and what the City's policy is regarding laterals, metering and meeting the International Building Code for residential versus commercial condominiums.

Mr. Thompson explained that the City would not get involved in civil matters as to who pays the bill if some sort of an association was established for sharing lines.

Mr. Swenson explained that in the industrial part of town a water line may not be able to be shared. Mr. Oyler said he felt condominium proposals would need to be looked at on a case by case basis.

Mr. Anderson recapped the discussion by stating that there was an understanding for a need to have some type of owners association involved to maintain common area and that the association would also be responsible for common water and sewer lines to the building and that the association would then be responsible to divvy up water and sewer bills amongst the owners and that it was not an issue that the City would get involved with. That the Building Department would need to inspect the building and there may be a need for the applicant to provide architectural plans showing how the building is going to be brought into conformity with the current building code as it would apply to individually conveyed units. We understand that today there is a separate power meter to each unit but that the Power Department would want to confirm that.

Mr. Oyler **moved** to **approve** the Preliminary Plat subject to the following conditions:

### Conditions

1. The issues as stated by Dave Anderson above be addressed.
2. That the applicant pays for the pressurized irrigation line that will be installed in Kirby Lane before a final plat is accepted.

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

Mr. Thompson asked if the pressurized irrigation should be triggered on this proposal. Mr. Baker said he felt it did. Mr. Thompson explained that the applicant would pay the amount that it would cost to construct ½ the line and the condition was placed with the motion.

Mr. Baker **moved** to **reopen** the 8<sup>th</sup> North Business Park Preliminary Plat. Mr. Burdick **seconded** the motion.

Mr. Baker **moved** to **approve** the 8<sup>th</sup> North Business Park Preliminary Plat subject to the following conditions:

1. That the applicant meet all of the conditions from the City's Engineering Department.
2. That the applicant provide a report from an architect identifying how they plan to meet current building code.
3. That a HOA is created that will be responsible for the water, sewer, pressurized irrigation, parking and any other common areas.
4. That each unit shall have its own power meter.
5. That the City's Building and Fire official sign off on the building.
6. That all conditions be met prior to recording a Final Plat.

Discussion was held regarding landscaping and the HOA being responsible for that as well. Mr. Anderson asked if Mr. Baker would need to be approving the condominium declaration.

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

## **SITE PLANS**

### **Oil-N-Go**

Applicant: Northern Engineering

General Plan: General Commercial

Zoning: Commercial 2

Location: approximately 828 South Main Street

Mr. Anderson said that as proposed it meets the City requirements and that the access to Main Street was done last summer.

Mr. Johnson said that the driveway to the Barney C-store was a shared access and that all of the laterals had been stubbed to the property. The detention basin was already designed with the Wiggy Wash and the C-store. Mr. Oyler asked if the City had an agreement for the shared access. Mr. Johnson said that they did and a connector's agreement reimbursement would need to be paid.

Mr. Oyler **moved** to **approve** the Oil-N-Go Site Plan subject to the following conditions:

### **Conditions**

1. That a connector's agreement with Wiggy Wash for electrical improvements will need to be paid for with the bonding of proposed improvements.

2. That the City's landscape requirements as set forth in Section 15.4.16.130 of the City Code be met.

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

### **782 North 800 East**

Applicant: Steve Holbrook

General Plan: General Commercial

Zoning: Shopping Center

Location: approximately 782 North 800 East

Mr. Anderson said that the proposal was for an existing building and re-arranging the uses. He explained that the parking requirements would go up but that he felt there was ample parking. He further explained that the applicant would be modifying the parking lot to accommodate outdoor seating.

Mr. Peterson explained that the current transformer that feeds the building would not be sufficient for the proposed load and would need to be bigger and the metering would need to be re-done.

Mr. Swenson said they would have to have a fire sprinkler system.

Mr. Johnson said that they were proposing to run a new water line and add a manhole to the sewer. He said that any improvements to the existing sewer would need to be inspected on site, by the City.

Mr. Anderson **moved** to **approve** the Site plan for 782 North 800 East subject to the following conditions:

### **Conditions**

1. That a PIV (post indicator valve) shall be required on the proposed fire line. PIV shall be located in the planter strip next to the proposed water meter.
2. Proposed sewer laterals may conflict with existing sewer lateral. Existing sewer lateral to remain in service. Any modifications to the existing sewer lateral shall be approved by the Spanish Fork City Engineer.

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

### **ADJOURNMENT**

Mr. Anderson **moved** to **adjourn**. Mr. Peterson **seconded** and the motion **passed** all in favor at 10:45 a.m.

**Adopted: March 16, 2011**

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Shelley Hendrickson, Planning Secretary