



Springville

**Board of Adjustment
February 20, 2013 - 7:00 PM
Council Chambers**

Board Members in Attendance: Ron Fakler, Michael Jex, Jose Inclan, Michael Barker, Don Olsen and Alternate Karen Ellingson

Board Members Excused: Alternate Matt Stewart

Council Representative: Dean Olsen

Staff in Attendance: Planner Brandon Snyder and Secretary Darlene Gray

Call to Order

BM Fakler called the meeting to order at 7:00 PM.

Approval of Agenda

BM Fakler called for a motion to approve the Agenda. BM Jex moved to approve the agenda as published. BM Inclan seconded the motion. The vote to approve the agenda was unanimous.

Approval of Minutes – January 16, 2013

BM Fakler asked if the Board Members had reviewed the meeting minutes. The Board Members indicated that they had.

BM Barker moved to approve the January 16, 2013 meeting minutes. BM Jex seconded the motion. The vote to approve the January 16, 2013 meeting minutes was unanimous.

Litefoot Investments, LLC seeking a variance from City Codes(s) §14-2-104 and 14-5-111 relating to the maximum length of a cul-de-sac.

BM Fakler read the agenda item into the record. He reviewed the procedure of the meeting explaining that staff would present the information and then the Board Members would ask questions to staff. The petitioner would then present their information and the Board Members would have the opportunity to ask the petitioner questions. BM Fakler continued to explain that the meeting would be open for public comment. Following the public comment, the meeting would be closed for discussion by the Board Members. BM Fakler stated that he would then call for a motion.

Planner Snyder expressed appreciation to those in attendance and indicated that the applicants were present. He reviewed the information in the staff report as well as the aerial photographs of the site including utilities and infrastructure; contours; road extension; etc. Planner Snyder referred to the applicant's engineer's rendition of the subdivision. He stated that the City Engineer was not desirous of a road design with a 10% grade. The applicant is looking for a variance for the length of a cul-de-sac off of 880 East. Planner Snyder continued to review the staff report.

BM Fakler questioned if the applicants were just looking for a 1,000-foot cul-de-sac. Planner Snyder explained that the footage was rounded up to 1,000-feet. BM Fakler indicated that he had read that the project was about eleven acres. Planner Snyder indicated that would include the property to the south. Planner Snyder reviewed the State criteria and the City Code. He stated that the variance request met the requirements as outlined and staff recommends approval of the variance as written.

BM Jex stated that the published agenda stated that the applicant was seeking a variance to both Codes; 14-2-104 and 14-5-111. He asked what variance was being sought on Code 14-5-111. Planner Snyder explained that it would not necessarily involve Code 14-5-111, but both were listed on the applicant's request.

BM Fakler asked for an explanation of the cul-de-sac distance. Planner Snyder explained that the Code stated that the cul-de-sac could be 400-feet from the bottom to the top. He referred to page 7 of the staff report that shows a 260-foot extension. Planner Snyder stated that staff had rounded the length to 1,000-feet. BM Fakler verified that the current standard was 400-feet.

BM Ellingson asked what the reasoning was for the 400-foot specification. Planner Snyder responded that in talking with the City Engineer, he pointed out that the engineering standard was 600-feet. He added that at this time he could not find any reference in State Code and indicated that the City Attorney stated that issues relating to public access would be the 400-foot specification. He indicated that emergency vehicles and public safety would be the number one priority.

BM Ellingson asked if there would be any public safety issues with extending the cul-de-sac to 1,000 feet. Planner Snyder responded that at this point no public safety issues would be created. He added that the City Engineer would not accept a ten-percent grade. Planner Snyder reviewed the 2006 Board of Adjustment decision and indicated that the applicant at that time had obtained approval. BM Inclan asked when the approval had expired. Planner Snyder indicated that the City had adopted language that stated the applicant had one year to take action on the variance. BM Barker stated that without the variance this property would not be able to be developed. Planner Snyder added that there would also be a reduction in development. He stated that in talking with City street department employees regarding vehicle turn around area, they indicated that they wanted a full cul-de-sac.

BM Fakler stated that according to the 2006 meeting minutes, there were a lot of people contesting the request for a variance. He asked what had been changed. Planner Snyder stated that he did not know. BM Fakler commented that it seemed that people were worried about their view. Planner Snyder added that there had been concerns with building heights, but he did not know of any issues at this point.

Mr. Clint Martin, representative for Litefoot Investments, approached the Board Members. He stated that Planner Snyder did justice to the situation. He indicated that the road is long; much longer than the current City standards and the cul-de-sac would make for a much better situation. Mr. Martin reported that he owns the home at the top of the development.

BM Ellingson asked if he owned the land adjacent to the development as well. Mr. Martin responded that he did. He added that they were currently having a study done for fault lines. He stated that depending on how this played out, they may or may not be able to develop the lower portion of the property.

BM Fakler stated that where Mr. Martin owns both pieces of property and there was one piece that was not being developed now, would Mr. Martin come back in a few years and request access from the road. Mr. Martin responded that access to the development would not be an issue. He stated that he understood BM Fakler's concern, but that would not be an issue. He stated that he would like the bottom land to be a separate subdivision and added that there was too dramatic of a grade change. BM Fakler stated that he would not want Mr. Martin to try to get another variance for the bottom land. Mr. Martin stated that he would rather push 880 East all the way through.

BM Ellingson asked how big of an area would be at the end of cul-de-sac; if it would be big enough for a fire engine to turn around. Mr. Martin indicated that the area would be large enough for a fire truck to turn around. He added the lots would be acre, view lots. Mr. Steve Martin, also with Litefoot Investments, stated that there would be a place at end of the cul-de-sac for the snow removal; a planter strip with no trees.

BM Jex asked if the variance request was approved, was there any insight in planning to know what the actual length of the cul-de-sac would be. Mr. Clint Martin stated that if Planner Snyder thought the 1,000 foot length was good, then he was okay with that also. He stated that his concern would be an additional 20-feet being asked for. BM Fakler stated that BM Jex was intimating that he would want a definite amount of footage. Mr. Clint Martin stated that would be what they would want also. BM Jex asked if the Board Members were to approve a maximum length of 1,020 feet, would that be a concern. Mr. Clint Martin indicated that would be fine.

BM Fakler closed the open meeting to the public for discussion by the Board Members. BM Jex stated that it seemed that the staff report was thorough and he did not see any reason to not approve the request. CM Inclan stated that it was consistent with the 2006 decision and he did not see any other evidence that might direct their decision in a different direction.

With no further discussion, BM Jex stated that being consistent with the staff report, he made a motion that the Board Members approve the variance on the length of the cul-de-sac so the variance would be to the Springville Code 14-2-104 section (2)(w) regarding the length of the cul-de-sac that the variance be approved on the condition that the overall length of the combined road and cul-de-sac not exceed 1,020 feet. BM Olsen amended that motion to make a specific finding that the applicant has met the variance standards set forth in the Springville City Code Section 11-2-306. BM Jex indicated that he would accept the amendment. BM Ellingson seconded the motion. The vote to approve the requested variance was unanimous.

BM Fakler wished the Martin's good luck on their project.

Secretary Gray asked the Board Members if they would like to change their meeting start time to 6:00 PM or 6:30 PM. The Board Members preferred to keep the meeting start time at 7:00 PM.

With nothing further to discuss, BM Barker moved to adjourn the meeting. BM Jex seconded the motion. The vote to adjourn was unanimous.

BM Fakler adjourned the meeting at 7:41 PM.