



ADDENDUM CITY COUNCIL MEETING

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on December 19, 2006**.

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

- a. Pledge

2. PUBLIC COMMENTS:

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

3. COUNCIL COMMENTS:

4. PUBLIC HEARINGS: 6:30 p.m.

- a. [Platt Zone Change](#)
- b. [Argyle Zone Change and General Plan Amendment](#)
- c. [John Smiley Zone Change](#)
- d. [Academy Park Zone Change](#)

5. CONSENT ITEMS:

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. [Minutes of Spanish Fork City Council Meeting – November 21, 2006](#)
- b. [Elk Ridge Water Rights](#)
- c. [Howard Creer Boundary Line Agreement](#)

6. NEW BUSINESS:

- a. Board Appointment Assignments
- b. Utility Services Presentation, Corix Utility Services – Doug Legge
- c. [Temporary Land Use Ordinance](#)
- d. Parks & Recreation Fees
- e. Special Needs Registry with Division of Homeland Security – Agreement
- f. [Spanish Highlands North Preliminary Plat Approval](#)
- g. [Academy Park North Preliminary Plat Approval](#)
- h. [Academy Park South Preliminary Plat Approval](#)

7. OLD BUSINESS:

- a. Arts Council
- b. Corporate Alliance

8. OTHER BUSINESS:

- a. Executive Session If Needed – To be Announced in the Motion

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

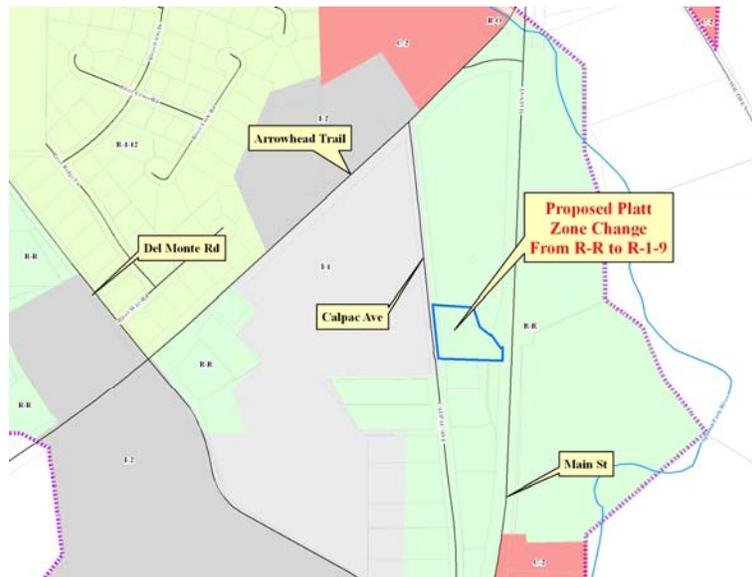
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date:	December 19, 2006
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Platt Zone Change Request

Background Discussion:

The applicant, Caroline Wendell, is requesting a Zone Change for a parcel located at 1481 South Cal Pac Avenue. The current zoning of the property is Rural Residential; the applicant has requested that the zoning be changed to R-1-9. The General Plan designates the parcel as Residential 4.5 to 5.5 units per acre.



The R-1-9 zoning district allows for residential development that is consistent with the General Plan's density range. As such, staff and the Development Review Committee have felt comfortable recommending that the proposed Zone Change request be approved.

Budgetary Impact:

Staff anticipates providing the Planning Commission and City Council with a more detailed analysis of the budgetary impact of residential development in the future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Development Review Committee:

The Development Review Committee reviewed this request in their November 15, 2006 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Platt

Location: 1481 South Cal Pac Avenue
Zoning: Rural Residential existing, R-1-9 requested
Applicant: Caroline Wendell

Mr. Anderson explained the proposal.

Discussion was made regarding the cost of getting the public utilities to this site.

** Junior Baker excused himself early at 11:05 a.m.*

** Christine Johnson arrived at 11:07 a.m.*

Mr. Anderson made a **motion** to approve the Zone Change from Rural Residential to R-1-9 with the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan.

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

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

Platt Zone Change

Applicant: Caroline Wendell
Zoning: Rural Residential existing, R-1-9 requested
Location: 1481 South Cal Pac Avenue

Mr. Anderson gave background and explained the proposal and said that this is adjacent to the other Fritz property of which the General Plan was changed early this year and that the R-1-9 request is consistent with the area.

Commissioner Bradford opened into Public Hearing on this item.

Ron Thurgood

Mr. Thurgood feels that it is not a good idea to change the zone and that there is not anywhere for the sewer to go. He likes the rural area. He is against this.

Travis Hancock

Mr. Hancock feels that the rural area is good and would like to see the animal rights stay. He does not want to see this property subdivided.

Caroline Wendel

Ms. Wendel said that they plan to divide it into 3 lots that will be just under a ½ acre a piece. She feels that the lot sizes are in line with the current homes and property. She said that they have been trying to clean the lot up.

Mr. Thurgood said that he shut water off that had been running in the home for who knows how long. He also said that there is an open surface well and that a child could fall into it. He is concerned about the well. He also feels that the property has not been cleaned up.

Frank Haymore

Mr. Haymore said that he has 3 ½ acres there and that the property lines are incorrect.

Commissioner Bradford closed public hearing on this item.

Commissioner Lewis feels that he would support the subdivision of the property to clean the lot up.

Commissioner Christianson asked if the animal rights would be lost.

Mr. Anderson stated that they would due to the change in the zone.

Mr. Huff feels that it makes common sense with the future development that will go adjacent to the property to change the zone.

Commissioner Lewis made a **motion** recommending to the City Council approval of the proposed Platt Zone Change request, changing the zoning at approximately 1481 South Cal Pac Avenue from Rural Residential to R-1-9, based on the following findings:

Findings:

1. That the proposed Zone Change is consistent with the General Plan designation.
2. That the debris on the lot be cleaned up according to the City's nuisance ordinance by March 1, 2007.

Commissioner Robins **seconded** and the motion **passed** unanimous by a roll call vote.

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan designation, Residential 4.5 to 5.5 units per acre, the R-1-9 zoning designation is consistent with the General Plan.

Recommendation:

Staff recommends that the City Council approve the proposed Plat Zone Change request, changing the zoning at approximately 1481 South Cal Pac Avenue from Rural Residential to R-1-9, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

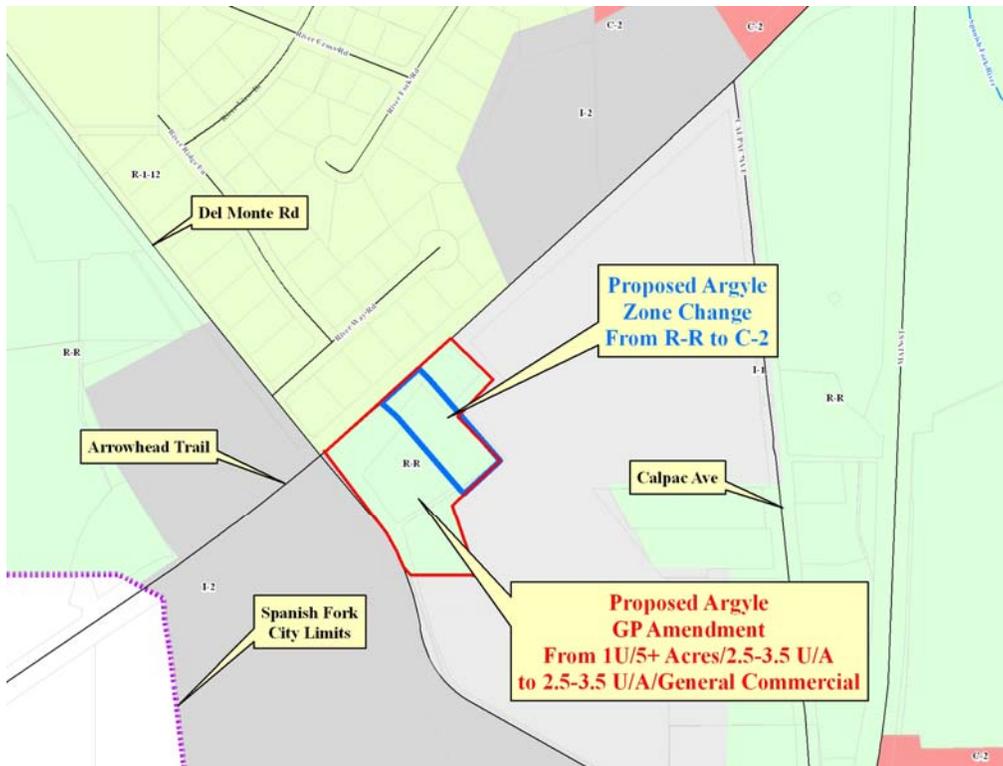
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: December 19, 2006
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Argyle General Plan Amendment Zone Change Request

Background Discussion:

The applicant, George Argyle, is requesting a General Plan Amendment and Zone Change for parcels located at 275 West Arrowhead Trail. The current zoning of the property is Rural Residential; the applicant has requested that the zoning on one parcel be changed to Commercial 2. The General Plan designates that parcel and the surrounding parcels as 1 unit per 5 acres/2.5 to 3.5 units per acre. In light of the applicant's request and the situation of the surrounding properties, staff has recommended that the necessary General Plan Amendment not only include the applicant's parcel but also surrounding tracts as well, as indicated on the map below.



The General Commercial designation is consistent with the Commercial 2. As such, staff and the Development Review Committee have felt comfortable recommending that the proposed Zone Change request be approved.

Budgetary Impact:

The proposed Zone Change would allow for the construction of new development that would be exclusively commercial with either retail or office uses. Those uses are generators of both property and sales tax and they also bolster the City's employment base. The budgetary impact of the proposed change would, therefore, be positive as any new uses would generate more revenue than what the City anticipate expending in providing services.

Development Review Committee:

The Development Review Committee reviewed this request in their November 15, 2006 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Argyle

Location: 275 West Arrowhead Trail

Zoning: Rural Residential existing, Commercial 2 requested

Applicant: George Argyle

Mr. Anderson explained the proposal. He said the purpose of the Zone Change is to allow for trailer sales. Mr. Anderson feels that the General Plan map should be amended to accommodate the Zone Change Mr. Argyle is requesting.

Discussion was the zoning and the General Plan of neighboring properties.

Mr. Anderson made a **motion** to approve a general plan amendment to change the two Argyle parcels and the shepherd parcel from Rural Residential/1.5 to 2.5 units per acre to Residential 1 unit per five acres/General Commercial and that the City Council approve the proposed Zoning Map Amendment to C-2 changing the Argyle parcel as indicated on the map.

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

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

Argyle Zone Change and General Plan Amendment

Applicant: George Argyle

Zoning: Rural Residential existing, Commercial 2 requested

General Plan: 1 Unit per 5 Acres/Residential 2.5 to 3.5 Units Per Acre existing, 1 Unit Per 5 Acres/General Commercial

Location: 275 West Arrowhead Trail

Mr. Anderson gave background and explained the proposal.

Commissioner Bradford opened into Public Hearing on this item.

Rena Shepherd

Ms. Shepherd wants to give property to her children and wants to make sure that she will be able to if this change occurs.

Commissioner Robins asked where she plans to divide the property.

Mr. Anderson asked about access to Del Monte Road.

Dee Vowells

Mr. Vowells feels that down the road something with big lights could be built. He would like to see the street have the same feel as Main Street with all of the big trees.

Commissioner Robins addressed his concerns with the General Plan.

Commissioner Huff expressed that the General Plan is a working document and that it does change and that it is not the City's practice to spot zone.

Commissioner Christianson addressed Mr. Vowell's concerns.

George Argyle

Mr. Argyle said that his property is lower than the road and that he would not be a bother to the neighbors.

Commissioner Bradford closed Public Hearing on this item.

Commissioner Robins feels that this request is in line with what is consistent in the area and not spot zoning.

Commissioner Christianson asked Mr. Anderson if there are any conditions that can be placed that everyone understand what will happen down the road.

Mr. Anderson believes that it can be done and to perhaps have staff look into having a notice filed with the deeds.

Commissioner Huff feels that it would be a record nightmare to keep track of uses.

Mr. Anderson agrees that it could be very problematic.

Commissioner Christianson asked if Mr. Argyle had to petition the adjacent property owners. He also feels it is not the Planning Commissions job to dictate what property owner's can do with their property.

Commissioner Christianson made a **motion** recommending to the City Council approval of the proposed Argyle Zone Change and General Plan Amendment request, changing the General Plan from 1 unit per 5 acres/2.5 to 3.5 units per acre to General Commercial/2.5-3.5 units per acre Residential and the zoning from Rural Residential to Commercial 2 at approximately 275 West Arrowhead Trail, based on the following finding:

Finding:

1. That the proposed Zone change is consistent with the General Plan designation.

Commissioner Robins **seconded** and the motion **passed** unanimous by a roll call vote.

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change and General Plan Amendment requests. In this case, it would not be advisable for the City Council to entertain the proposed Zone

Change unless you are inclined to recommend that the proposed General Plan Amendment, for at least the George Argyle property, be approved.

Recommendation:

Staff recommends that the City Council approve the proposed Argyle Zone Change and General Plan Amendment request, changing the General Plan from 1 unit per 5 acres/2.5 to 3.5 units per acre to General Commercial and the zoning from Rural Residential to Commercial 2 at approximately 275 West Arrowhead Trail, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

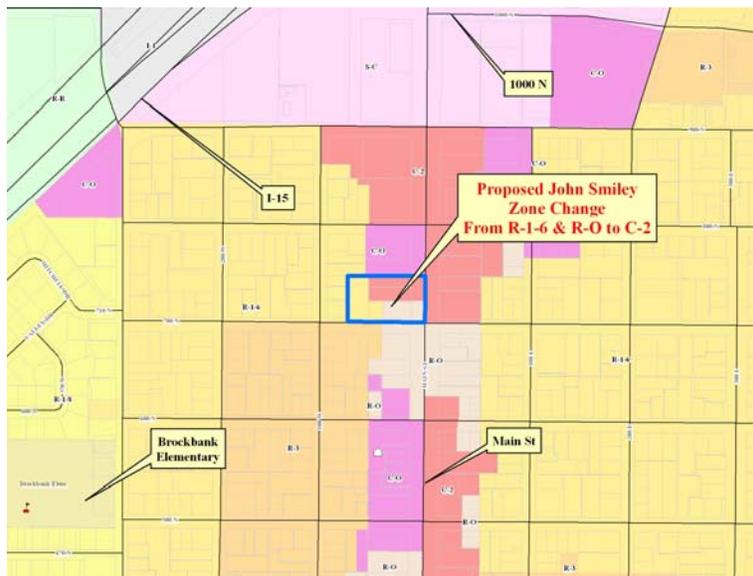
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date:	December 19, 2006
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	John Smiley Zone Change Request

Background Discussion:

The applicant, John Smiley, is requesting a Zone Change for a parcel located at 700 North Main. The Zone Change request involves two parcels that are currently zoned Residential Office and R-1-6. The request involves changing the zoning of those parcels to Commercial 2. The General Plan designation for both parcels is General Commercial.



The Commercial 2 zoning district is consistent with the General Commercial General Plan designation. As such, staff and the Development Review Committee have felt comfortable recommending that the proposed Zone Change request be approved.

Budgetary Impact:

The proposed Zone Change would allow for the construction of new development that would be exclusively commercial with either retail or office uses. Those uses are generators of both property and sales tax and they

also bolster the City's employment base. The budgetary impact of the proposed change would, therefore, be positive as any new uses would generate more revenue than what the City anticipate expending in providing services.

Development Review Committee:

The Development Review Committee reviewed this request in their November 15, 2006 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

John Smiley

Location: 700 North Main

Zoning: R-1-6 and R-O existing, C-2 requested

Applicant: John Smiley

Mr. Anderson explained the proposal.

Mr. Baker asked Mr. Smiley what his building plans are for this site.

Mr. Smiley said he has plans for a strip mall and explained his plans. He has also been in contact with the neighboring property owners.

Mr. Anderson made a **motion** to approve the Zone Change for John Smiley located at 700 North Main subject to the following finding:

Finding:

1. That the proposed zone change is consistent with the General Plan.

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

Mr. Foster is concerned with the main three phase power line that will be directly above the proposed building. He feels that this is a problem that needs to be addressed very soon because it will affect development of the proposed building.

Discussion was made regarding the power and some possible options.

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

John Smiley Zone Change

Applicant: John Smiley

Zoning: R-1-6 and R-O existing, C-2 requested

Location: 700 North Main

Mr. Anderson gave background and explained the proposal.

Commissioner Christianson asked what the setbacks were and the park strip.

Commissioner Huff asked about access.

Commissioner Christianson asked what the buffer requirements would be.

Mr. Anderson said a 10-foot wide planter would be required and a 6-foot masonry wall.

Commissioner Huff has a concern with regard to traffic.

Commissioner Bradford opened into Public Hearing on this item.

Commissioner Christianson asked about a public meeting.

Mr. Anderson said that one was not required.

Commissioner Bradford moved to close Public Hearing on this item.

Commissioner Huff asked what Mr. Smiley's vision of this project is.

John Smiley

Mr. Smiley addressed the Commission. He said that they would like to see the occupancy be 50-50 with retail and office.

Commissioner Huff is concerned that there are property owner's that are unaware of what is going on.

Jay Williams

Mr. Williams feels that 100 West has a terrific amount of traffic and he is afraid that it will bottleneck the light at 800 North.

Commissioner Robins asked about the possibility of a light at 600 North Main.

Mr. Nielson addressed the concern.

Discussion was made with regard to egress and ingress, traffic on Main Street

Ron Mortenson

Mr. Mortenson addressed the Commission. He is concerned about the elevation and the utility poles.

Commissioner Lewis asked about the Power lines.

Mr. Anderson said that Mr. Smiley would be placing the line underground.

Discussion was made with regard to commercial development.

Commissioner Lewis is in support of this project.

Commissioner Christianson feels that what is being proposed is in line with what has been discussed. He is in favor and asked about landscape.

Commissioner Robins made a **motion** recommending to the City Council approval of the proposed John Smiley Zone Change request, changing the zoning from Residential Office and R-1-6 to Commercial 2 based on the following finding:

Finding:

1. That the proposed Zone change is consistent with the General Plan designation.

Commissioner Lewis **seconded** and the motion **passed** by a role call vote. Commissioner Huff voted nay.

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan designation, General Commercial, Commercial 2 zoning is consistent with the General Plan.

Recommendation:

Staff recommends that the City Council approve the proposed John Smiley Zone Change request changing the zoning from Residential Office and R-1-6 to Commercial 2 based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

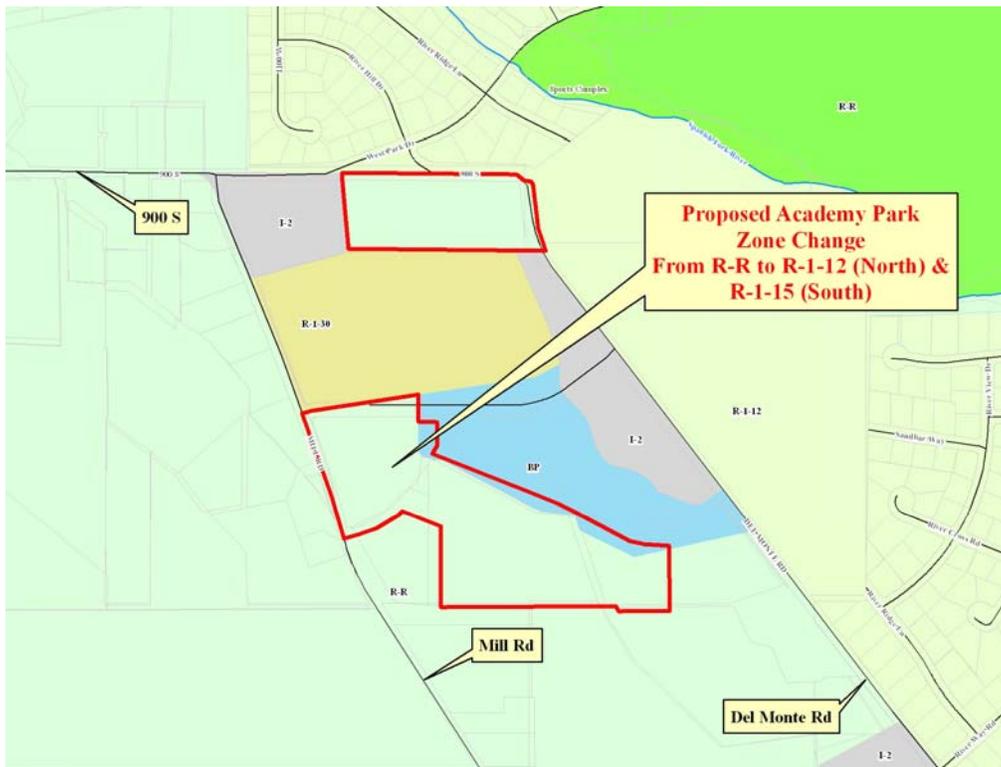
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: December 19, 2006
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Academy Park Zone Change Request

Background Discussion:

The applicant, Glenn Way, is requesting a Zone Change for 2 parcels located at approximately 1200 South Del Monte Road. The current zoning of the property is Rural Residential; the applicant has requested that the zoning be changed to R-1-12 and R-1-15. The General Plan designates both parcels as Residential 2.5 to 3.5 units per acre.



Both the R-1-12 and R-1-15 zoning districts provide for development densities that fall within the General Plan's 2.5 to 3.5 unit per acre range. As such, staff and the Development Review Committee have felt comfortable recommending that the proposed Zone Change request be approved.

Budgetary Impact:

Staff anticipates providing the City Council and City Council with a more detailed analysis of the budgetary impact of residential development in the future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Development Review Committee:

The Development Review Committee reviewed this request in their November 29, 2006 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Academy Park

Location: 1170 South Del Monte

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Applicant: Glenn Way

Mr. Anderson explained the proposal. The Northern portion request to be zoned R-1-12 and the Southern portion request to be zoned R-1-15.

Mr. Anderson is concerned about the type of border that will be constructed between the mill and this development.

Mr. Way said they are planning on putting in a concrete wall.

Mr. Johnston is concerned with the noise of the mill. He feels that a barrier wall being taller than six (6) feet would be beneficial in the reduction of noise.

Discussion was made regarding the barrier wall, noise reduction and a berm.

Mr. Foster would like the electrical underground.

Mr. Baker made a **motion** to the City Council for approval of the Zone Change of the northern piece of Academy Park to R-1-12 and the southern piece of Academy Park to R-1-15 located at 1170 South Del Monte based on the following finding and subject to the following conditions:

Finding:

1. The zones are consistent with the General Plan.

Conditions:

1. That they construct a berm with a six-foot concrete wall on top of it to produce a sound barrier between the development and the mill.
2. That the property being rezoned matches property lines.

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

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

Academy Park Zone Change

Applicant: Glenn Way

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Location: approximately 1200 South Del Monte Road

Mr. Anderson gave background and explained the proposal.

Discussion was made regarding Mill Road.

Commissioner Bradford opened into Public Hearing on this item.

Mary Isacc

Ms. Isacc addressed the Commission. She is concerned about residential moving in next to industrial. She would like a masonry wall between their property and the development.

Mike Morley

Mr. Morley said the plan is for a 4-foot berm with a 6-foot masonry wall.

Alan Davis

Mr. Davis is concerned about access to Mill Road and fencing.

Discussion was made with regard to fencing around the development.

Pat Davis

Ms. Davis is concerned that the Commission understood Mr. Haymore's concerns.

Ben Davis

Mr. Davis would like to know if there will be access from the stadium to Mill Road.

Ms. Davis would like to know what will be along the fence.

Discussion was made with regard to parking on Mill Road, the right-of-way with regard to a sewer main that needs to be relocated.

Mr. Nielson addressed the Commission's concern. He said there is a bond for a sewer line to be taken care of.

Commissioner Lewis asked about the triangle piece of property adjacent to the development.

Discussion was made with regard to the areas within the development that could settle etc., that the City is not liable, an irrigation canal that has been buried and liability, and egress and ingress within the development.

Brian Redd

Mr. Redd addressed the Commission. He is in favor of the development, and feels the Charter School has been a good neighbor.

Ms. Isacc feels that the berm should be on the developer's property.

Commissioner Bradford closed Public Hearing on this issue.

Commissioner Christianson **moved** to close Public Hearing. Commissioner Lewis **seconded** and the motion **passed** by a unanimous roll call vote.

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan designation, Residential 2.5 to 3.5 units per acre, R-1-12 and R-1-15 zoning designations are both consistent with the General Plan.

Recommendation:

Staff recommends that the City Council recommend approve the proposed Academy Park Zone Change request, changing the zoning at approximately 1200 South Del Monte Road from Rural Residential to R-1-12 and R-1-15, based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

Conditions:

1. That they construct a berm with a six-foot concrete wall on top of it to produce a sound barrier between the development and the mill.
2. That the property being rezoned matches property lines.

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**Tentative Minutes
Spanish Fork City Council
November 21, 2006**

Elected Officials Present: Mayor Joe L Thomas, Councilmember's G. Wayne Andersen, Seth V. Sorensen, Steven M. Leifson, Mathew D. Barber

Staff Present: Seth Perrins, Assistant City Manager; Kent Clark, Finance Director; Richard Heap, Public Works Director; Dale Robinson, Parks and Recreation Director; Kimberly Robinson, Deputy Recorder

Citizens Present: Melanie Waters, John Waters, John Jackson, Kallie Jackson, Abbie Jackson, Ann Jackson, Ken Wilkins, Tia Trimble, Miranda Duke, Bjorn Pendleton, Ann Murdock, Connor Clayton, Spencer Thompson, Cody Harris, Cody Harris, Brian Coons, Jeffrey Coons, Chris Thompson, Derrick Ralphs, Jeremiah Jackson, Krysti Gomm, Russell Olsen

CALL TO ORDER

Mayor Thomas called the meeting to order at 6:00 p.m.

PLEDGE

Councilman Leifson lead in the pledge of allegiance.

RECOGNITIONS

Recognition was given for employee of the quarter. John Jackson and John Waters were nominated.

Mr. Perrins explained John Jackson works for the police department, and has a difficult job, which he does extremely well, and works well with the public.

Mr. Perrins then explained John Waters was nominated because he is always willing to do just about anything, and is very knowledgeable when he does.

The Council expressed their appreciation for both nominees.

PUBLIC COMMENTS

David Isaac

Mr. Isaac expressed his concern. He said living in Leland is great but for the industrial parts of the property there are no ordinances to protect industry from being encroached on by residential. He would like to see something enacted to protect his industrial property from residential encroachment.

47 Mr. Baker said he believes there is a resolution in place that requires a wall to be built
48 when residential uses come adjacent to an industrial property but not dealing with
49 encroachment.

50
51 Mr. Isaac said he would rather have a concrete fence instead of chain link fence installed
52 since it would help keep his property out of sight out of mind for the children.

53
54 Mr. Baker said staff would check into the requirements.

55
56 Councilman Andersen explained Mr. Isaac is concerned with the school adjacent to his
57 building since they would see the building and be curious and want to explore the
58 equipment and the building. He feels it creates a potential temptation for the kids.

59
60 Bjorn Pendleton

61 Mr. Pendleton is president of the Spanish Fork Arts Council. They are going to continue
62 the tradition they started last year. They will hold a concert Tuesday, December 12, 2006,
63 at 5:45 – 6:15 p.m. it will be a performance by the Nebo Chorale. Mr. Pendleton added it
64 is to say Merry Christmas and Thank You to the city.

65
66 Kent Wilkins

67 Mr. Wilkins lives at 1040 East. He explained he has a neighbor he has been feuding with.
68 The neighbor attended the last meeting asking to keep his building he built. Mr. Wilkins
69 feels his neighbor should not be allowed to have the building, and feels “it is a blight to
70 the neighborhood”. The rules and regulations were not followed and permits and
71 inspections were not done to build. The other side of this neighbor’s property has a
72 building that goes up to Mr. Wilkins fence. He feels there could not have been a permit to
73 build issued because there is no setback, the building extends right up to the property
74 line. He feels both buildings are illegal and should be removed.

75
76 Mayor Thomas asked that Mr. Wilkins information be submitted so the Council can make
77 an informed decision.

78
79 **COUNCIL COMMENTS**

80
81 Councilman Andersen reported he has been involved in meetings with South Utah Valley
82 Municipal Water Users Association (SUVWMA) he said there are things developing that
83 he will share at an appropriate time. He did say it has been very beneficial to all the
84 communities in the South Utah Valley Area to work together. He also commented on
85 some of the publicity concerning the development on the North end of town. There will
86 be a public open house on the 28th after that is over he has some comments to the media
87 who particularly do not live here.

88
89 Councilman Sorensen invited everyone to the parade of lights on Main Street the day
90 after Thanksgiving. He added that Santa will be at the city office afterwards.

91

92 Councilman Leifson reported the Airport Board approved a full-time manager and have
93 made a recommendation they would like the Council to consider it would include an
94 increase in fees imposing a five (5) cent per gallon surcharge on fuel. There has been a lot
95 happening at the airport and they will present a formal presentation at a future meeting.

96
97 Councilman Barber mentioned he has been working with the City Planner Dave
98 Anderson to get some historical classification for the older part of town. They found
99 some grant options they will be applying for by the year end. He was contacted by one of
100 the vendors at the League of Cities and Towns about a private sector company managing
101 the utilities. He feels it is something to look into.

102
103 Councilman Sorensen is concerned they are taking a non-profit utility and making it a
104 profit utility, and that does not sit well with him.

105
106 Mayor Thomas reported the City was contacted by a business seeking a location and we
107 are the number one spot. He added the seniors bus has been located and purchased. The
108 discussions he's had about renovations to parks and upgrading parks, has had some
109 positive feedback for donations towards our parks. There's a new thing this year the
110 Festival of lights will have a ticket provided with a coupon for our local businesses on the
111 back. The South County Mayors meeting met to discuss ways they can work together
112 such as places for fire stations, and other joint facilities. He talked with some that have
113 studied growth for this area of the state and sewer is the problem for growth in this area.
114 They also talked to a gentleman to work with a lobbyist to secure grants for the small
115 towns.

116 117 CONSENT ITEMS

- 118
119 a. Minutes of Spanish Fork City Council Meeting – October 19, 2006
120 b. Workers Compensation Coverage Bid

121
122 Councilman Sorensen made a **motion** to approve the consent items. Councilman Leifson
123 **seconded** and the motion **passed** all in favor.

124 125 NEW BUSINESS

126 127 **Arts Council Programs**

128
129 Mr. Pendleton is president of the Arts Council. They are here for the Councils vote of
130 approval that the Spanish Fork Community Theatre and the Children's Theater become
131 part of the city. For the Children's theater the reasons for the request are:

- 132
133 - There will be improved collaboration and communication, with similar vision and
134 mission.
135 - Inability to pay facility and rental fees imposed by the Nebo school district and still be
136 self sufficient.
137 - Leadership has changed and having continuity would be a benefit.

138

139 Councilman Andersen wanted to understand the history of these two groups and he
140 understands that at one time they were involved with the city and then basically broke off
141 and was run by a private enterprise. He would like some history because the children's
142 theater was run as a private enterprise.

143

144 Mr. Pendleton explained that the Community Theater broke off from the Arts Council in
145 the past. They feel things have changed enough in the city, and the attitude about the arts
146 in the community. They expect the great productions to continue such as Beauty and the
147 Beast. The children's theater has always been run as a separate enterprise as well, but due
148 to changes it would be better to have it under the Arts Council.

149

150 Ann Murdock

151 Ms. Murdock explained that the Community Theater was originally set up as a non-profit
152 organization. The Children's Theater has always been supported as a non-profit
153 organization. They feel it is a wonderful program for children and it cannot exist without
154 support.

155

156 Mayor Thomas stated the support would consist of providing a name and a home for the
157 theaters.

158

159 Mr. Pendleton said they would be covered for liability under the city.

160

161 Miranda Duke

162 Ms. Duke is the current president of the theater board, the mention of the leadership in
163 years past was because there was a lot of disagreement. She feels if they are trying to help
164 the community there should not be a problem in moving forward and helping the
165 community together. They would like the support from the Council.

166

167 Councilman Barber asked if the children's theater is just for Spanish Fork children.

168

169 Ms. Murdock explained that they have always included other communities around, and
170 have always been self sustaining.

171

172 Mr. Clark clarified the budget will run under the city.

173

174 Mr. Pendleton also clarified the donations given to the children's theater and the adult
175 theater will go directly to the groups.

176

177 Councilman Barber asked if the city has been supportive while the theater has been on its
178 own.

179

180 Mr. Pendleton was in agreement that the city has been very supportive.

181

182 Councilman Andersen said he has seen when a group on their own was very aggressive to
183 get their funds, once they came to the city to get sponsorship and it was granted those

184 funds disappeared from the private sector. He has concern because he has seen it happen
185 before.

186

187 Mr. Pendleton said they have discussed it and still plan to be self sufficient. He can
188 guarantee that as long as he is president of the Arts Council he will direct them to be self
189 sufficient.

190

191 Councilman Barber asked if the school district had not changed their policy would the
192 Theaters still want to move under the city.

193

194 Mr. Pendleton said they probably would not be making the same presentation.

195

196 Discussion was made regarding the classification of leisure service programs.

197

198 Mayor Thomas said he is pleased with the program.

199

200 Mr. Perrins has spoken with a representative of the state. There is an exemption process
201 they can go through and still be on their own.

202

203 Ms. Murdock said the Spanish Fork community theater was founded under Fiesta Days.

204

205 Councilman Andersen is still not comfortable with how this will operate under the Arts
206 Council. He is not against them he would just like to understand how this would work.

207

208 Mayor Thomas asked that this be on the agenda for the next council meeting.

209

210 **Accessory Building Setbacks**

211

212 This item was moved to the next council meeting.

213

214 **Independent Auditors Report FY 2006**

215

216 Mr. Clark gave the independent auditors report for the FY 2006.

217

218 Russell Olsen

219 Mr. Olsen from the Larson and Company reviewed the audit and shared his opinion of
220 the financial statement. He explained the accounting is shown in a style similar to the
221 private sector, they have not done it that way before but are now required to do so. They
222 found no problems that need to be reported regarding internal control. They also included
223 the state compliance report, it ensures that funds are expended where they are supposed
224 to. The management letter explains the current year findings and the status of prior year
225 findings. He appreciates the Councils time and their staff for helping them finish the
226 project.

227

228 **OTHER BUSINESS**

229

230 **CC&R and Restrictive Covenants Training**

231

232 Mr. Baker said he and Dave Anderson requested training on restrictive covenants
233 (CC&R's). They are conditions, covenants, and restrictions that are recorded against a
234 piece of property. The common elements contained pertain to physical features, house
235 sizes, landscaping etc. Mr. Baker stated the cities role in the CC&R's is basically none.
236 The only requirement is in a master plan development the city ensures consistency with
237 the master plan developments and the CC&R's. The city does enforce the ordinances
238 dealing with land use and nuisances.

239

240 Scheduling was made for the next city growth meeting December 5, 2006 after the
241 regular Council meeting at around 8:00 p.m. Also on November 28, 2006 the North Park
242 Commercial Development Area (CDA) meeting will be held at the High Chaparral at the
243 fairgrounds, it will begin at 6:00 p.m.

244

245 Discussion was made regarding the budget retreat work session.

246

247 Councilman Leifson and Sorensen agree, they like the idea of going somewhere to
248 discuss the budget issues, February 2nd, and 3rd 2007 were tentatively proposed.

249

250 **ADJOURN:**

251

252 **Executive Session**

253

254 Councilman Barber made a **motion** to adjourn to Executive Session for land use issues.
255 Councilman Leifson **seconded** and the motion **passed** all in favor at 8:00 p.m.

256

257 **ADOPTED:**

258

259

Kimberly Robinson, Deputy Recorder



Memo
Spanish Fork City
Public Works Department

TO: Mayor and City Council

FROM: Richard J. Heap, Public Works Director

DATE: December 14, 2006

RE: Water rights exchange

We are proposing a water rights exchange with the town of Elk Ridge. This exchange would involve Spanish Fork transferring seven acre feet of ground water rights we are entitled to, which is actually owned by SUVMWA, for seven acre feet of River Water through East Bench Irrigation Company Stock. This is a good trade for Spanish Fork City. We can use surface rights more efficiently than we can use underground rights. I recommend that the Council authorize the Mayor to sign the agreement.



Memo
Spanish Fork City
Public Works Department

TO: Mayor and City Council

FROM: Richard J. Heap, Public Works Director

DATE: December 14, 2006

RE: Howard Creer Property

With the development of the property next to the Sugar Factory the city acquired a parcel for a park area from the developers. Part of this larger parcel is south of the river and is also included in Howard Creer's property description and on which he has been paying taxes. We are proposing an agreement that would show the center of the river as the agreed boundary line between the city and the Creer property. We would need Council approval to have the Mayor sign the documents clearing up this overlap.

Ordinance No. _____

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS (votes in case of tie)		
G. WAYNE ANDERSEN City Council member		
MATTHEW D. BARBER City Council member		
STEVE LEIFSON City Council member		
SETH V. SORENSEN City Council member		
CHRIS C. WADSWORTH City Council member		

I MOVE this ordinance be adopted: _____
City Council member

I SECOND the foregoing motion: _____
City Council member

**AN ORDINANCE IMPLEMENTING TEMPORARY LAND USE REGULATIONS
CONCERNING MASTER PLANNED DEVELOPMENTS**

WHEREAS, Spanish Fork City has adopted a land use title to its municipal code, which includes a development code; and

WHEREAS, the development code contains a section on master planned developments, which allow for bonus densities based upon the developer granting to the city certain amenities in return for the increased density; and

WHEREAS, the discretion allowed in the ordinance when negotiating densities and amenities has led to discrepancies between developments; and

WHEREAS, the discrepancies should be eliminated without removing the positive aspects of master planned developments; and

WHEREAS, the City Council finds that the discrepancies represent a compelling, countervailing public interest; and

WHEREAS, it is appropriate to have the Planning Commission investigate solutions to the problem and make recommendations to the City Council; and

WHEREAS, Utah Code Annotated Section 10-9a-504 (1953 as amended), allow temporary land use regulations to be implemented when a compelling countervailing public interest is at stake;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Section 15.3.24.030 of the Spanish Fork City Municipal Code, entitled “Master Planned Developments” is hereby suspended on a temporary basis.

II.

Because of the compelling, countervailing public interest, this ordinance is effective immediately upon passage and shall remain in effect on a temporary basis for a period not to exceed six months from the date of enactment or until sooner modified by action of the City Council.

DATED this _____ day of December, 2006.

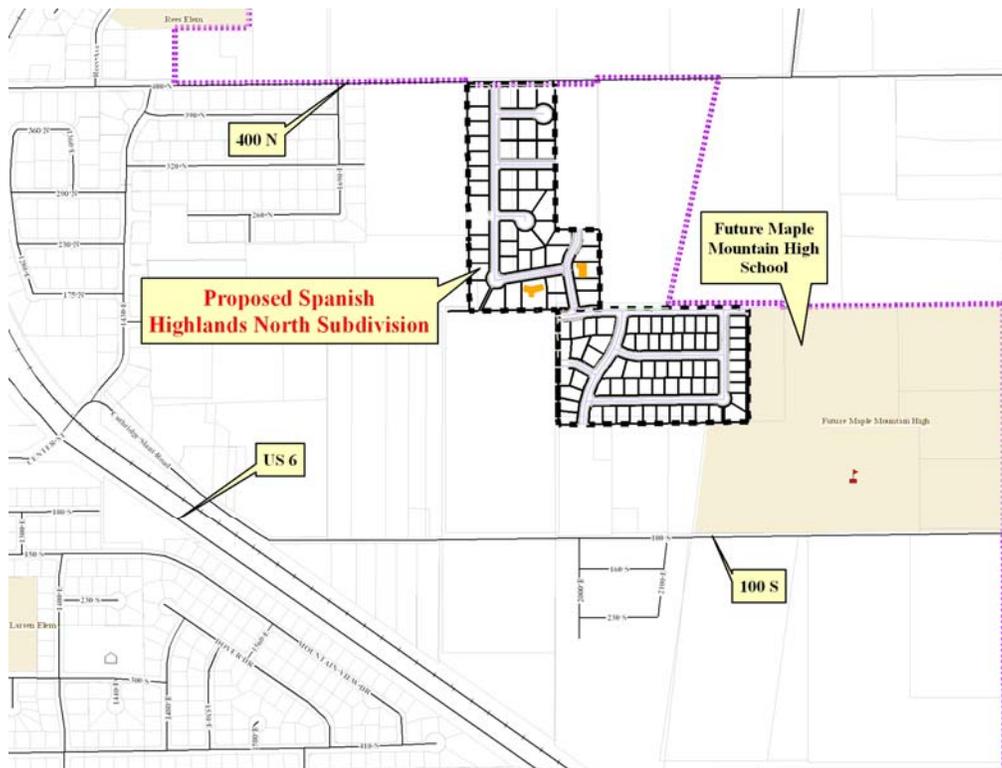
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: December 19, 2006
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Spanish Highlands North Preliminary Plat Approval Request

Background Discussion:

The applicant, Ivory Homes, is requesting Preliminary Plat approval for a 35.17-acre parcel located at 150 North 1700 East. The property is zoned R-1-12. The General Plan designates the property as Residential 2.5 to 3.5 units per acre.



Details

The proposed Preliminary Plat is a Master Planned Development that contains 112 building lots for a density of 3.18 units per acre. Lot sizes range from some 6,200 square feet to over 27,292 square feet.

Bonus Density

The applicant has requested density bonus of 17 lots. The base density in the R-1-12 zone of 2.69 units per acre allows for the development of 95 lots. The Development Review Committee reviewed the applicant's proposal on bonus density and, after making revisions, concluded that the plat may be approved based on the bonus density calculation provided below:

Project Name:	Spanish Highlands North Master Planned Development			
Total Acres	35.17			
Low End Density	2.5	U/A	94.47	Units
High End Density	3.5	U/A	123.1	Units

Density Bonus	Percent Allowed	Actual Given	Units	Running Total	Items provided
Active recreation	10%	0%	0.00	94.5	
Common buildings	10%	0%	0.00	94.5	
Fencing	5%	0%	0.00	94.5	
Front setback variation	3%	3%	2.83	97.3	fronts at least 5 feet back from next
Garage - three car	3%	0%	0.00	97.3	
Garage - setback	3%	0%	0.00	97.3	
Open space	5%	0%	0.00	97.3	
Landscaping	7%	5%	4.87	102.2	allowance for full front yard landscaping with 2 trees prior to occupancy time of year permitting otherwise cash bond
Lot size variation	3%	1%	1.02	103.2	limited variation exists
Materials on front façade	5%	5%	5.16	108.4	brick and stone as major material on every home
Mixture of housing types	5%	0%	0.00	108.4	
Off-setting lots	3%	1%	1.08	109.4	majority of the lots are offsetting
Roof pitch start 6/12	3%	1%	1.09	110.5	minimum 6/12 pitch on all homes
Home sizes	7%	0%	0.00	110.5	
Miscellaneous	7%	4%	4.42	115.0	400 North Trail 14ft trail and landscaped area
Miscellaneous	7%	5%	5.53	120.5	upgraded Side and rear materials - all masonry
		Total Units		120	
Without MPD					
Total Acres	35.17				
Development in ROW (Acres)	9.1442		26%		
Total Developable Acres	26.0258				
Zoning (R-1) (square feet)	12,000	(sq. ft. based on proposed zone)			
Total Lots/Units - straight zoning		94.47	Units		
U/A - straight zoning		2.69			

Development Review Committee

The Development Review Committee reviewed this request in their November 29, 2006 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Spanish Highlands North

Location: 150 North 1700 East

Zoning: R-1-12

Applicant: Ivory Development

Mr. Anderson gave background and explained this is a Master Planned Development.

Discussion was made regarding the Master Planned Development.

Mr. Anderson asked about the trail.

Greg Magleby

Mr. Magleby said that Chris Thompson was working with the Nebo School District on realigning the trail.

Mr. Nielson is concerned with the grade on the 130 North Road.

Mr. Anderson made a **motion** to the City Council recommending approval of the Spanish Highlands North Master Planned Development Preliminary Plat located at 150 North 1700 East based on the findings and subject to the following conditions:

Findings:

1. That the proposed plat warrants the requested bonus density.
2. That the proposed plat conforms to the City's standards for Master Planned Developments.

Conditions:

1. That the Engineering issues on 150 North be addressed.
2. That they obtain letters of approval from UDOT and East Bench Irrigation companies.
3. That any Center Street addresses be changed.
4. That any Power Department issues be addressed, including the SESD power being bought out.

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

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

Spanish Highlands North Preliminary Plat

Applicant: Ivory Homes

Zoning: R-1-12

Location: 150 North 1700 East

Mr. Anderson gave background and explained the proposal.

Commissioner Robins asked why this is a Master Planned Development.

Mr. Anderson said this is a Master Planned Development because the Developer has 20 acres and that is what it takes.

Commissioner Christianson said there are eight items that they are requesting bonus density for that he would like to see more presentation on.

Discussion was made regarding bonus density.

Commissioner Bradford feels that the Commission needs to meet with the City Council and get some direction from them with regard to the matrix for Master Planned Developments.

Brad Mackey

Mr. Mackey addressed the Commission. He discussed the trail.

Discussion was made with regard to Master Planned Developments.

Commissioner Lewis made a **motion** recommending approval of the proposed Preliminary Plat for Spanish Highlands North based on the following findings and subject to the following conditions:

Findings:

1. That the proposed Preliminary Plat conforms to the City's standards for Master Planned Developments in the R-1-12 zone.
2. That the proposed features warrant the requested density bonus.
3. That on the density bonus we will remove the 5-foot off set and replace it with installing the trail across the development.

Conditions:

1. That the Engineering issues on 150 North be addressed.
2. That they obtain letters of approval from UDOT and East Bench Irrigation companies.
3. That any Center Street addresses be changed.
4. That any Power Department issues be addressed, including the SESD power being bought out.
5. That they construct the trail on their property.

Commissioner Robins **seconded** and the motion **passed** with a role call vote. Commissioner Christianson voted nay.

Budgetary Impact:

Staff anticipates providing the City Council and City Council with a more detailed analysis of the monetary impact of residential development in the near future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Alternatives:

The proposed Preliminary Plat is consistent with the City's standards for Master Planned Developments in the R-1-12 zone. There are not many options that the City may pursue to require modifications. Given the fact that the applicant has requested Master Development Plan approval, the manner in which points are allocated for bonus density may be regulated. In this case, the applicant has requested a bonus density of 17 lots which represents a 15 percent increase. As noted above, the Development Review Committee found that the proposed features warrant the requested bonus density. Even so, that is something that the City Council and/or City Council may be inclined to disagree with which may result in changes to the number of allowed units. Should the Commission choose to modify the manner in which points for bonus density are allocated, staff recommends that the Commission make a significant effort to do so based on the manner in which points have been allocated to projects that have been previously approved by the City. That is to say, staff believes it is very important to maintain consistency from one development proposal to another when points are allocated for bonus density.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for Spanish Highlands North based on the following findings and subject to the following condition:

Findings:

1. That the proposed Preliminary Plat conforms to the City's standards for Master Planned Developments in the R-1-12 zone.
2. That the proposed features warrant the requested density bonus.

Condition:

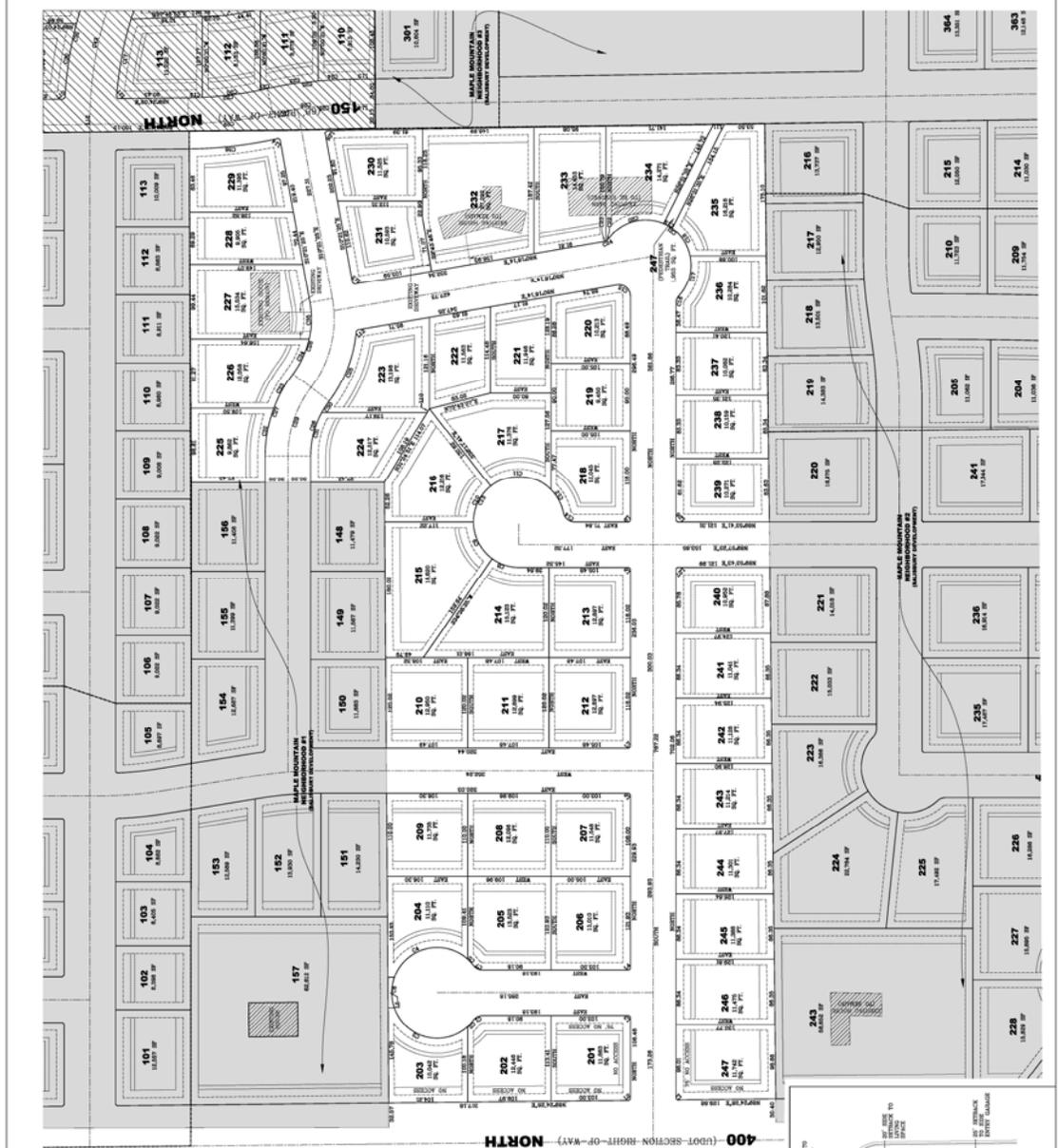
1. That the Engineering issues on 150 North be addressed.
2. That they obtain letters of approval from UDOT and East Bench Irrigation companies.
3. That any Center Street addresses be changed.
4. That any Power Department issues be addressed, including the SESD power being bought out.

Attachments:

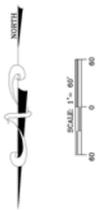
proposed Preliminary Plat for Spanish Highlands North
information from neighborhood meeting

SPANISH HIGHLANDS NORTH
 SPANISH FORK, UTAH

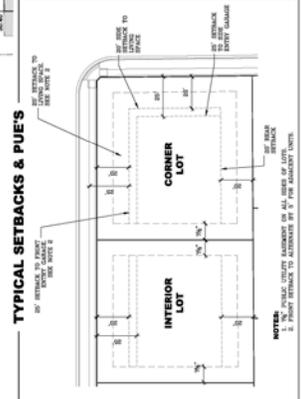
3902 N. Main St.
 Spanish Fork, UT 84660
 801-798-0555
 Fax 801-798-9393
 The Planning and Surveying Co.
 and Surveyors, Inc.



400 (UPDT SECTION RIGHT-OF-WAY) - NORTH



LOT	AREA (SQ FT)	AREA (SQ YD)
101	11,807.57	130.84
102	8,406.57	92.29
103	8,406.57	92.29
104	8,406.57	92.29
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110	8,406.57	92.29
111	8,406.57	92.29
112	8,406.57	92.29
113	11,807.57	130.84
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298	11,807.57	130.84
299	11,807.57	130.84
300	11,807.57	130.84



**Spanish Highlands North
&
Maple Mountain Subdivision
Neighborhood Meeting Minutes
September 11, 2006**

A neighborhood meeting for the proposed Spanish Highlands North and Maple Mountain Subdivision was held on September 11, 2006 at 3:30pm at the offices of LEI Consulting Engineers. The required neighborhood meeting was combined for the two subdivisions due to the interconnectivity of the developments and the common neighbors. The purpose of the meeting was to inform the neighboring property owners of the proposed development and to help answer their questions and concerns. Approximately 20 people were in attendance as demonstrated by the attached listing.

The meeting began with an overview of the proposed project, lot sizing, access, product type and a review of the Spanish Fork City approval process. A question and answer period was then started and the following issues discussed:

1. 100 South Improvements. A majority of the discussion centered on the proposed improvements to 100 south and its effects to adjacent properties. The issues included:
 - Requirement for adjacent properties to improve their frontage. It was explained that properties outside of the proposed development will not be required to improve their frontages at this time.
 - The proposed roadway cross section was discussed at length with particular attention to the proposed trail, landscaped area and wall on the south side of the road. Each property owner was encouraged to review the proposed roadway and the possible future effects to their properties.
2. 400 North Improvements. Again, concerns were raised regarding the proposed trail, landscaped area and wall on the south side of the road. Individual land owners were encouraged to review these requirements with the City.
3. Center Street Bridge. The neighbors were concerned that a plan was in place for the eventual widening of the bridge as development continues. It was explained that the City is collecting funds from developments as they occur in order to expand the bridge. In addition, the connector agreement for the existing utility crossing was discussed.
4. Pierce Property. Several options were discussed should the Pierce property wish to develop in the future. These included a road connection from Spanish Highlands North or a cul-de-sac accessing from 100 South. Conceptual drawings were provided to the land owner for review
5. Other comments and discussion items included:
 - Railroad trail and proposed trailhead park within Maple Mountain.

- High school construction scheduling
- Townhome product and proposed elevation drawings.
- Spanish Highlands construction schedule

Following the question and answer period the proposed schedule of Spanish Fork City meetings was reviewed and the residents were encouraged to review agendas posted on the Spanish Fork City website. The meeting was adjourned at 5:00 p.m.

Minutes prepared by Greg Magleby of LEI Consulting Engineers.

**Spanish Highlands North
&
Maple Mountain Subdivision
Neighborhood Meeting
3:30 PM, September 11, 2006**

	Print Name	Phone #
1	Lyle Haycock	798-7524
2	Monte Bingham	794-3288
3	David Grogan	799-8278
4	Rick Samsen	
5	J Robert Creer	798-8768
6	Paul Roach	798-7235
7	Adam Horton	798-7441
8	Brent Bowers	491-9091
9	Janet Pierce	798-9586
10	Domin Hassel, Ivory Homes	747-7000
11	Brad Mackay, Ivory	747-7440
12	Betty + Larry Webster	789-9501
13	Mark Dixon	798-8174
14	Jane Dixon	798-8174
15	Jesse McGuff	798-6025
16	Jared Clayton	798-1132
17		

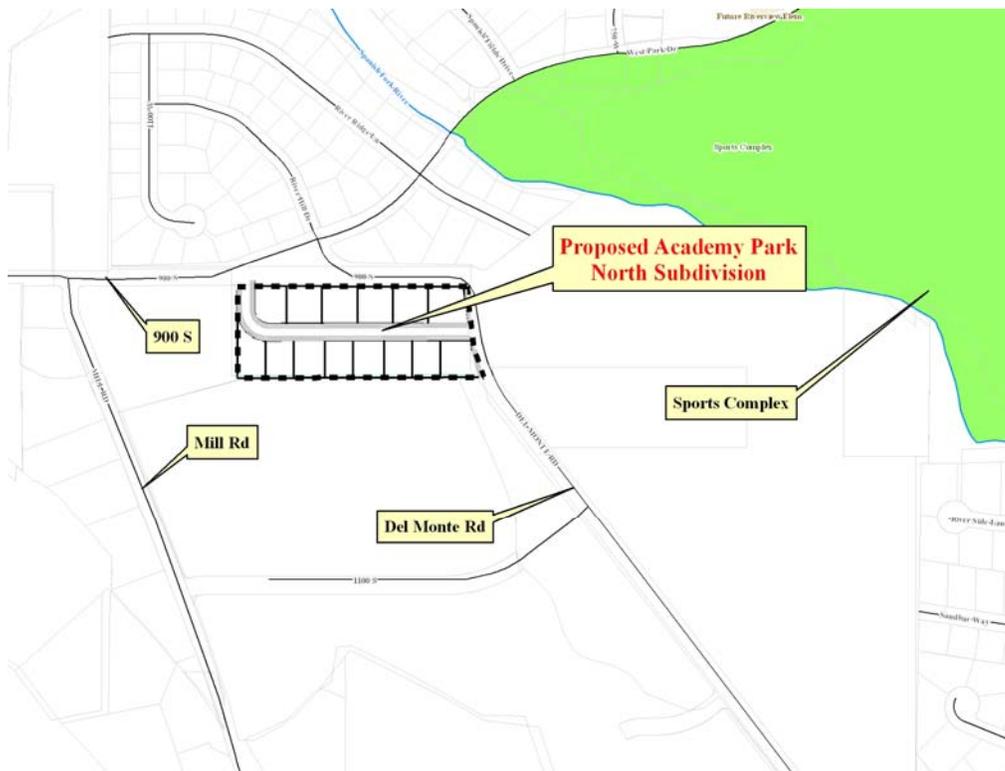
SPANISH FORK CITY
Staff Report to City Council



Agenda Date:	December 19, 2006
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Academy Park North Preliminary Plat Approval Request

Background Discussion:

The applicant, Glenn Way, is requesting Preliminary Plat approval for a 6.17-acre parcel located at approximately 1200 South Del Monte Road. The applicant has also requested that the zoning be changed to R-1-12. The General Plan designates the property as Residential 2.5 to 3.5 units per acre.



Details

The proposed Preliminary Plat is a standard subdivision that contains 14 lots. The proposed lots all meet the development requirements of the R-1-12 zone.

Development Review Committee

The Development Review Committee reviewed this request in their November 29, 2006 meeting and recommended that it be approved. Draft minutes from that meeting are provided below.

Academy Park

Location: 1170 South Del Monte

Zoning: R-1-12 and R-1-15

Applicant: Glenn Way

Mr. Anderson gave background and explained the proposal.

Discussion was made regarding the property that the City owns, access to the development, and the division of this development into three (3) separate applications (Academy Park, Academy Park North, and Academy Park South.)

Mr. Baker made a **motion** to the Planning Commission for approval of the Preliminary Plat for Academy Park North located at 1170 South Del Monte subject to the following conditions:

Conditions:

1. That the applicant provide a preliminary title report.
2. That the applicant incorporate the property to the north triangle into the plat.
3. That the applicant work with the Power Department on the power issues including working around the SESD line easement.
4. That the applicant place a berm with a masonry wall on the west border adjacent to the Leland Mill.
5. That the applicant relocate the utilities on the west end into the location they are suppose to be.
6. That the applicant redraft the legal description to the easement.
7. That a note be placed on the plat indicating that because it is adjacent to an industrial area that there will be noise and dust issues, and subject to the language being refined.
8. That the development meet the City's construction and development standards.
9. That the applicant submit a corrected electronic version.

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

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

Academy Park North Preliminary Plat

Applicant: Glenn Way

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Location: Approximately 1200 South Del Monte Road

Commissioner Robins made a **motion** recommending to the City Council approval of the proposed Preliminary Plat for the Academy Park North based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-12 zone.

Conditions:

1. That the applicant provide a preliminary title report.
2. That the applicant incorporate the property to the north triangle into the plat.
3. That the applicant work with the Power Department on the power issues including working around the SESD line easement.
4. That the applicant place a berm with a masonry wall on the west border adjacent to the Leland Mill.
5. That the applicant relocate the utilities on the west end into the location they are suppose to be.
6. That the applicant redraft the legal description to the easement.
7. That a note be placed on the plat indicating that because it is adjacent to an industrial area that there will be noise and dust issues, and subject to the language being refined.
8. That the development meet the City’s construction and development standards.
9. That the applicant submit a corrected electronic version.

Commissioner Lewis **seconded** and the motion **passed** by a unanimous roll call vote.

Commissioner Huff **moved** to go back into Public Hearing. Commissioner Christianson **seconded** and the motion **passed** all in favor.

Budgetary Impact:

Staff anticipates providing the Planning Commission and City Council with a more detailed analysis of the monetary impact of residential development in the near future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Alternatives:

The proposed Preliminary Plat is a standard subdivision that meets the City’s requirements in the R-1-12 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for the Academy Park North based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City’s standards for developments in the R-1-12 zone.

Conditions:

1. That the applicant provide a preliminary title report.
2. That the applicant incorporate the property to the north triangle into the plat.
3. That the applicant work with the Power Department on the power issues including working around the SESD line easement.
4. That the applicant place a berm with a masonry wall on the west border adjacent to the Leland Mill.
5. That the applicant relocate the utilities on the west end into the location they are suppose to be.
6. That the applicant redraft the legal description to the easement.

7. That a note be placed on the plat indicating that because it is adjacent to an industrial area that there will be noise and dust issues, and subject to the language being refined.
8. That the development meet the City's construction and development standards.
9. That the applicant submit a corrected electronic version.

Attachment:

proposed Preliminary Plat for the Academy Park North

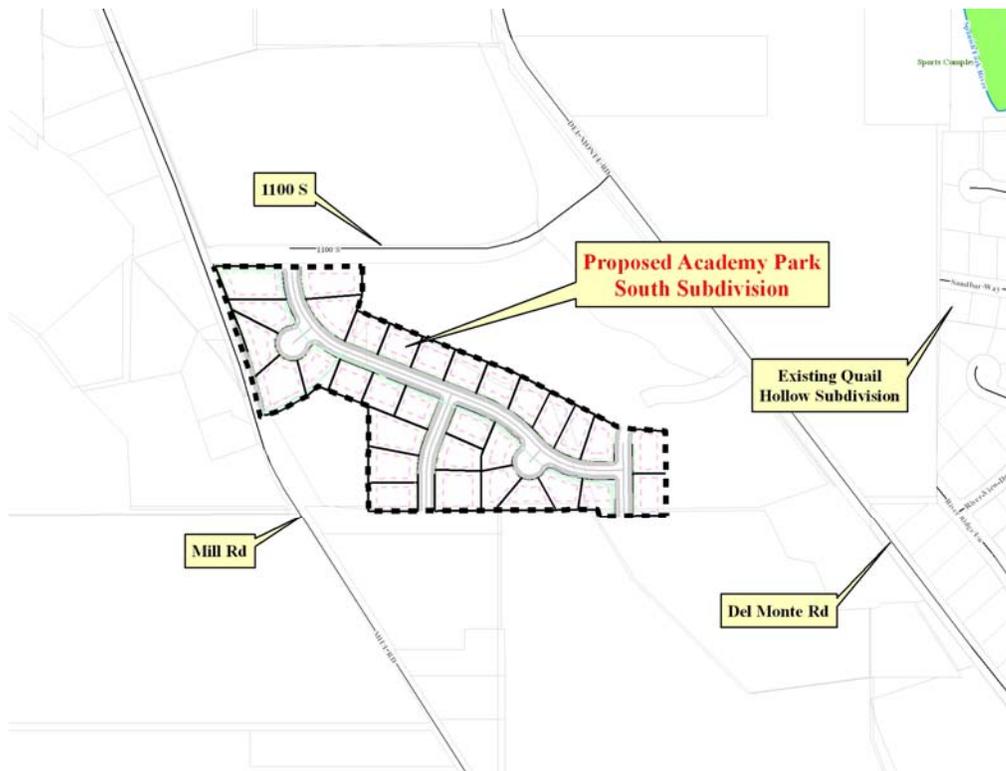
SPANISH FORK CITY
Staff Report to City Council



Agenda Date:	December 19, 2006
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Academy Park South Preliminary Plat Approval Request

Background Discussion:

The applicant, Glenn Way, is requesting Preliminary Plat approval for a 16.54-acre parcel located at approximately 1200 South Del Monte Road. The applicant has also requested that the zoning be changed to R-1-15. The General Plan designates the property as Residential 2.5 to 3.5 units per acre.



Details

The proposed Preliminary Plat is a standard subdivision that contains 32 lots. The proposed lots all meet the development requirements of the R-1-15 zone.

Development Review Committee

The Development Review Committee reviewed this request in their November 29, 2006 meeting and recommended that it be approved. Draft minutes from that meeting are provided below.

Academy Park

Location: 1170 South Del Monte

Zoning: R-1-12 and R-1-15

Applicant: Glenn Way

Mr. Anderson gave background and explained the proposal.

Discussion was made regarding the property that the City owns, access to the development, and the division of this development into three (3) separate applications (Academy Park, Academy Park North, and Academy Park South.)

Mr. Baker made a **motion** to the City Council for approval of the Preliminary Plat for Academy Park South located at 1170 South Del Monte subject to the following conditions:

Conditions:

1. That the applicant change the existing power over from SUVP to Spanish Fork remove SUVP power poles and work with the Power Department on providing a more efficient and effective service to the seminary and MATC auto shop.
2. that the applicant provide a preliminary title report.
3. That the development meet the City's construction and development standards.
4. That the applicant submit a corrected electronic version.

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

Planning Commission:

The Planning Commission reviewed this request in their December 6, 2006 meeting and recommended that it be approved. An excerpt of the draft minutes from that meeting read as follows:

Academy Park South Preliminary Plat

Applicant: Glenn Way

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Location: Approximately 1200 South Del Monte Road

Commissioner Robins made a **motion** recommending to the City Council approval of the proposed Preliminary Plat for the Academy Park South based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standard for developments in the R-1-15 zone.

Conditions:

1. That the applicant change the existing power over from SUVP to Spanish Fork, remove SUVP power poles and work with the Power Department on providing a more efficient and effective service to the seminary and MATC auto shop.
2. That the applicant provide a preliminary title report.
3. That the development meet the City's construction and development standards.
4. That the applicant submit a corrected electronic version.

Commissioner Lewis **seconded** and the motion **passed** unanimous by a role call vote.

Budgetary Impact:

Staff anticipates providing the Planning Commission and City Council with a more detailed analysis of the monetary impact of residential development in the near future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Alternatives:

The proposed Preliminary Plat is a standard subdivision that meets the City's requirements in the R-1-15 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for the Academy Park South based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-15 zone.

Conditions:

1. That the applicant change the existing power over from SUVP to Spanish Fork remove SUVP power poles and work with the Power Department on providing a more efficient and effective service to the seminary and MATC auto shop.
2. That the applicant provide a preliminary title report.
3. That the development meet the City's construction and development standards.
4. That the applicant submit a corrected electronic version.

Attachment:

proposed Preliminary Plat for the Academy Park South

