

**Adopted Minutes
Spanish Fork City Planning Commission
August 6, 1996**

The meeting was called to order at 7:00 pm by Chair Doug Barber.

Commission Members Present: Chair Doug Barber, and Commission Members J. Wayne Nelson, Brian Phillips, and David Ludlow.

Elected Officials Present: Mayor Marie W. Huff.

Staff Members Present: Greg A. Comstock, City Planner; David A. Oyler, City Manager; Richard J. Heap, Engineer/ Public Works Director; Gina Peterson, Deputy Recorder; and Heather Frost, Public Safety Department Secretary.

Citizen Present: Charles Wixom Andrew Rose, Rita Hales, and Jim Pendray.

Ivie Acres - Preliminary Plat

Mr. Heap pointed out the location of the proposed preliminary plat. He explained this property would connect to the 600 East sewer line which is currently at capacity. He also noted the property is in the affected area of the Strawberry lawsuit. Mr. Heap stated for those reasons, the Development Review Committee recommends denial of the Ivie Acres Preliminary Plat.

Mr. Charles Wixom represented the property owners as their realtor, and stated the owners of the property are aware of the sewer capacity and the Strawberry lawsuit. He explained the property is currently owned by tenants in common under a family trust. They would like to divide the land into parcels which would be individually owned. Mr. Wixom proposed approving the subdivision plat subject to the entrance of a contract by the property owners stating they will not develop the properties until such time as there is adequate sewer capacity and the Strawberry lawsuit is settled.

Mr. Heap pointed out other planning concerns as follows: 1) Possible problems with the proposed street design; and 2) Problems with access to lot one should the LDS church purchase the property as proposed.

The commission questioned the legality and the enforcement of a contract stating a property owner will not develop his property. Mr. Heap said the contract would have to be recorded with the final plat, but he felt the city attorney should give his opinion on the matter. Mr. Comstock expressed his opinion there are too many unknowns with this proposal.

Discussion took place regarding the proposed plat.

Mr. Phillips made a **motion** to table a decision on Ivie Acres - Preliminary Plat until an

opinion is received from the city attorney regarding the legality of contracts or affidavits attached to the final plat as Mr. Wixom requests. The **second** was made by Mr. Nelson, and the motion **passed** with a unanimous vote.

General Plan

Mr. Jim Pendray approached the commission regarding their recommendation for property located near Expressway Lane currently zoned M-H Manufactured Housing. The commission recommends amending that to a zone designation of R-2. Mr. Pendray informed the commission the R-2 designation will not allow the property to be developed as a private land leased manufactured housing development. He asked the commission to reconsider their recommendation. Mr. Oyler pointed out the fact that even in the existing M-H zone, a permanent foundation is required. Mr. Pendray proposes non-permanent foundations, so the land can be leased by manufactured homeowners. Mr. Oyler said if the foundation requirement is changed, it will be changed citywide, unless the commission creates a new zoning district for manufactured home parks. The commission discussed Mr. Pendray's request.

Mr. Ludlow told Mr. Pendray because the general plan and zoning ordinance and map are in the final stages, he would prefer not to consider a new zoning district. However, he stated the commission would consider his request after the adoption of the general plan and zoning ordinance and map. Mr. Phillips encouraged the developers to present their information to the city council at the council's public hearing on the general plan and zoning ordinance. Mr. Comstock reviewed the tentative schedule for the adoption of the general plan and zoning ordinance with those present.

*NOTE: Mayor Marie W. Huff arrived at 8:25 pm.

The commission then clarified some questionable areas: 1) Mr. J. Lynn Partridge property should be rural residential / business park. The commission agreed on this recommendation with the exception of Mr. Phillips who felt the property should be designated rural residential. 2) The commission discussed allowing duplexes in the R-O zoning district and the standards which must be met to have a duplex in that zone. 3) Rental of basements of single family homes. Mr. Comstock told the commission he would check into this proposal and will present information at a future meeting for consideration by the commission. Other minor issues were discussed.

Mr. Nelson made a **motion** to recommend approval of the New Zoning Map, New General Plan, New Zoning Ordinance, and Capital Facilities Plan, with noted amendments, to the Spanish Fork City Council. The **second** was made by Mr. Ludlow, and the motion **passed** with a unanimous vote.

The commission and staff members discussed the conditional use proposal in the new zoning ordinance. If the council adopts the conditional use proposal, the staff will notify those who have become non-conforming because of the conditional use provision.

Adjournment

Mr. Nelson made a **motion** to adjourn the meeting of the planning commission at 9:00 pm. The **second** was made by Mr. Phillips, and the motion **passed** unanimously.