

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
March 5, 1997**

The meeting was called to order by Commissioner Doug Christensen at 7:05 pm.

Commission Members Present: J. Wayne Nelson, Doug Christensen, Kevin Baadsgaard, Brian L. Phillips, and Matthew D. Barber. Commission Member David Ludlow arrived at 7:46 pm.

Staff Members Present: Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; and Gina Peterson, Deputy Recorder.

Citizens Present: Dave R. Herring, Paul Healey, David Kuhn, Linda Koyle, Geniel Davies, Gordon Jones, Joel Harris, Michelle Edwards, Paul Gardner, Bruce Hall, and Wallace Osborn.

Minutes

Mr. Phillips made a **motion** to approve the minutes of the January 8, 1997, meeting of the Spanish Fork City Planning Commission. Mr. Nelson **seconded** the motion, and it **passed** with a unanimous vote.

Public Hearing - Valley Asphalt - Conditional Use Permit

A **motion** was made by Mr. Barber to open the public hearings at 7:10 pm. The **second** was made by Mr. Phillips, and the motion **passed** with a unanimous vote.

Mr. Nelson **motioned** to table discussion on the Valley Asphalt Conditional Use until the April 2, 1997, Planning Commission meeting. The motion was **seconded** by Mr. Phillips, and it **passed** with a unanimous vote.

Public Hearing - Emerald Precision Casting - Conditional Use Permit

A **motion** was made by Mr. Baadsgaard to table discussion on the Emerald Precision Casting Conditional Use until the April 2, 1997, Planning Commission meeting. Mr. Nelson **seconded**, and the motion **passed** unanimously.

Public Hearing - Dave Herring Zone Change (C-2 to I-1)

Mr. Herring is requesting to rezone approximately 10.07 acres along 500 South, west of Main Street from C-2 to I-1. The uses in the area include self-storage units, a clothing manufacturing facility, a plumbing shop, a trucking facility, open firewood storage, two cellular towers, and several small repair and retail facilities. Mr. Comstock stated, with

the recent adoption of the new zoning ordinance, most of these uses are no longer allowed in the C-2 district. He feels the zone change would more accurately reflect the existing development on the properties. The Development Review Committee recommended approval of the zone change in their February 5, 1997, meeting. Mr. Nelson asked if any existing or surrounding properties would be adversely affected. Mr. Comstock answered in the negative. He stated all existing C-2 uses will still be permitted in the I-1 zone designation.

Mr. Nelson made a **motion** to recommend the City Council's approval of the General Plan amendment from General Commercial to Light Industrial and a change in the zoning designation from C-2 to I-1 for the 10.07 acres along 500 South. Mr. Phillips **seconded**, and the motion **passed** with a unanimous vote.

Proposed Modification of 17.04.050 - Nonconforming Use

With the adoption of the new zoning ordinance in November, 1996 many changes were made concerning permitted uses, property development standards, and other similar regulations. Mr. Comstock noted one change has affected many residential properties which do not meet the new minimum lot size requirements for duplexes, twin homes, and other multi-family units. The lot size for these dwelling types were increased with the new regulations, making many existing dwellings non-conforming due to inadequate lot area. Should a non-conforming lot be destroyed by fire or other means, the proposed modifications to the zoning ordinance §17.04.050 would allow the residential units to be rebuilt provided they comply with current requirements such as landscaping, setbacks, and parking. Mr. Comstock reviewed the proposed modifications in the zoning ordinance. Mr. Nelson feels people who originally built residential units in good faith should be permitted to rebuild. Mr. Phillips noted that currently the only way to rebuild a non-conforming residence is for the owner to plead a hardship before the Board of Adjustment.

A **motion** was made by Mr. Barber to recommend the City Council amend §17.04.050 of the Spanish Fork City Zoning Ordinance as presented by Mr. Comstock. The **second** was made by Mr. Baadsgaard, and the motion **passed** unanimously.

Mr. Nelson **motioned** to close the public hearing. The motion was **seconded** by Mr. Barber, and it **passed** with a unanimous vote.

Spanish Trails - Preliminary Plat

The Commission has reviewed the Spanish Trails Plat as a conceptual plat a few months ago. D.J. Elite is in the final stages of purchasing approximately 32 acres west of the ballfield to develop a master planned community. Mr. Comstock stated the Development Review Committee recommended the Planning Commission's approval on February 19, 1997, subject to conditions. He noted the CC&R's are acceptable to Attorney Baker. Mr. Heap reviewed the status of the property purchase stating issues continue to arise with the

title company. He explained the final plat will not be recordable until the property title is in D.J. Elite's name. The Commission reviewed other issues including piping of the irrigation ditch, jogging trail, and phasing of the development. Mr. Comstock explained Chief Rosenbaum's feeling that the size of the development warrants more than one entrance. Chief Rosenbaum is concerned emergency vehicles will have a difficult time getting to homes at the south of the development, especially if road blockage occurs to the north. A suggestion was made by Mr. Phillips to allow a break away fence near the condos and Escalante subdivision for emergency vehicle access. Mr. Comstock feels when the Strawberry lawsuit is resolved and the property on the west develops, a second access will be constructed. Much discussion took place on the possibility of an additional access. Mr. Comstock suggested requiring an additional entrance with plat approval in the later phases of development. Mr. Bruce Hall spoke in defense of the developer stating the City controls access on both the east and south properties, and the west property is controlled by the Strawberry lawsuit. He stated the City represented to DJ Elite that the property could be developed without any restrictions. Mr. Hall feels it is unfair to require a second access before further development can take place. He suggested the City bring an access to tie into the development.

Mr. Phillips expressed the concern that on such a large development, the Planning Commission has been minimally involved. Mr. Barber explained this type of development was a new concept for the Council. He agreed it would be beneficial for the City Council and Planning Commission to meet on large projects in the future. Due to the Spanish Trails development, Mr. Baadsgaard feels traffic will be congested on 100 South. Mr. Comstock stated the City would eventually like to engineer traffic flow to Center Street.

***Note: Commissioner David Ludlow arrived at 7:46 pm.*

Mr. Nelson feels the concerns discussed need to be continually monitored by the City Council. He made a **motion** to recommend approval of the Spanish Trails Preliminary Plat to the City Council subject to the following conditions from the Development Review Committee:

1. Development will be consistent with the Development Agreement entered into between DJ Elite and Spanish Fork City on December 18, 1996.
2. Curb, gutter and sidewalk (per UDOT standards) is to be installed adjacent to the property on 100 South, together with a six foot planter strip.
3. A detailed landscape plan be provided which shows plant materials, two-inch caliper trees, street corner plantings which comply with sight visibility triangles, and the irrigation system.
4. Original CC&R's be submitted for recording with the plat.
5. A secondary access will be required for development to take place beyond Lot 59 (this includes townhouses).

Mr. Baadsgaard **seconded**, and the motion **carried** with a **majority** vote of 5:1. Commissioners Nelson, Christensen, Ludlow, Baadsgaard, and Barber voted in favor of the motion, and Commissioner Phillips voted opposed due to the access issue.

David Kuhn Flag Lot - Preliminary Plat & Waiver of Subdivision Process

Mr. Comstock stated many new divisions are taking place in accordance with the new flag lot ordinance. Mr. Kuhn would like to develop the back portion of his property for a duplex. The property meets new standards for flag lots and was recommended for approval by the Development Review Committee subject to conditions. Discussion took place on flag lots.

Mr. Ludlow **motioned** to approve the David Kuhn Flag Lot and waive the Subdivision Process subject to the following:

1. Curb and gutter installed along the driveway for drainage purposes.
2. The water meter be moved from the sidewalk into the landscaped area.

Mr. Nelson **seconded** the motion, and it **passed** unanimously.

Geniel Davies' Lot Split

Ms. Geniel Davies is requesting the subdivision process be waived on her lot split at approximately 500 East and 700 North. The current lot contains an existing house in which all utilities are in place. Mr. Comstock stated as the lot split is fairly simple, approval was recommended by the Development Review Committee. Mr. Barber questioned if a dispute over property lines existed between Ms. Davies and the adjacent property owner Mr. Snow. Ms. Davies explained a survey of the lots is currently in process, but she does not feel there will be any conflict. Mr. Heap noted property line disputes are civil matters between neighbors and the City does not get involved.

A **motion** was made by Mr. Nelson to waive the subdivision process on the Geniel Davies' Lot Split as all utilities and improvements are in place. The **second** was made by Mr. Barber, and the motion **passed** with a unanimous vote.

Ms. Linda Koyle expressed concern with the Brent Lee home. She stated there is not enough footage and due to the poor condition she feels it should be condemned. Mr. Comstock stated if the home were destroyed, a variance would most likely be granted due to a legitimate hardship in the small size of the lot.

Spanish Fork Professional Center - Preliminary Plat

Mr. Comstock reviewed the Spanish Fork Professional Center Preliminary Plat. He explained the units will be sold individually as condos. The Development Review Committee recommended approval of the plat subject to various conditions. Mr. Hall stated the two-story office building will consist of two offices on the top and bottom with an elevator to comply with ADA standards. Four tenants will occupy the new building. Discussion took place regarding the grass planter on the east side of the property. Mr. Hall feels the planter is on Shopko's property. Potential uses for the offices were discussed. Mr. Comstock noted any different use would have to comply with parking requirements.

Mr. Nelson made a **motion** to approve the Spanish Fork Professional Center Preliminary Plat subject to installation of a

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Appointment of 1997 Planning Commission Chair and Vice-Chair

Mr. Christensen made a **motion** to appoint Mr. David Ludlow as Chair of the Spanish Fork City Planning Commission. The motion was **seconded** by Mr. Baadsgaard, and it **passed** with a unanimous vote.

Mr. Barber **motioned** to appoint Mr. Doug Christensen as Vice-Chair of the Spanish Fork City Planning Commission. Mr. Nelson **seconded**, and the motion **passed** unanimously.

Other Business

Mr. Barber stated he feels the Planning Commission and City Council should work more closely together on future projects. He feels more communication needs to take place between the two bodies.

The Commission discussed waiver of the subdivision process. Mr. Heap explained the subdivision process. He stated full improvements and all utilities have to be in place before a subdivision waiver can be approved. State Law says the organization allowed to waive the subdivision process is the Planning Commission.

***Note: Commissioner Brian Phillips left the room at 8:36 pm.*

Discussion took place on the April 1997 Planning Commission Agenda, Scenic Drive, and the City's Trail Master Plan.

Adjournment

A **motion** was made by Mr. Barber to adjourn the meeting of the Spanish Fork City Planning Commission at 8:49 pm. Mr. Christensen **seconded**, and the motion **passed** unanimously.