

**Adopted Minutes
Spanish Fork Planning Commission
May 6, 1998**

The meeting was called to order at 7:03 pm by Vice-Chair Doug Christensen.

Commission Members Present: Vice-Chair Doug Christensen, and Commission Members Kevin Baadsgaard, Chad Moffat, and Thora L. Shaw. Commissioners Roy L. Johns and J. Wayne Nelson were excused.

Staff Members Present: Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; and Gina Peterson Deputy Recorder. City Manager David A. Oyler arrived at 7:10 pm.

Citizens Present: Trent Bingham, Kyle Shelley, Dale A. Houghton, Matt Harvey, Gavin Gardner, Aaron Mackley, Regan Vance, Jana Vance, Jennings C. Fish, Merlin Fish, Mike Gardner, Mark W. Nelson, Lisa Lundell, Debra Herbert, Marci Wentz, Race Wentz, Ken Larsen, Allen Carter, Mike Latimer, Darren Marrott, Trent Ith, Ray Argyle, Helen Argyle, Jackie White, Blaine White, Alan Ashton, David Ludlow, Kimberly Lewis, Julie Ashton, Greg Peterson, Jana Peterson, Terry Durfey, Matthew Lewis, Lee Michaelis, Kathleen Michaelis, Alan Johnson, Kai Maxfield, Warren Peterson, David A. Davis, Rick Robinson, Rob McGovern, Victoria McGovern, LeAnn Miller, Jesse Conway, LEI Engineers; Randall T. Harward, and Kevin B. Bardsley.

Minutes

Mr. Baadsgaard made a **motion** to approve the minutes of the April 1, 1998, meeting of the Spanish Fork Planning Commission with noted amendments. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Butler Zone Change (R-R- to R-1-9)

Mr. Baadsgaard **moved** to open the public hearing at 7:07 pm. Mr. Moffat **seconded**, and the motion **passed** unanimously.

Mr. Comstock stated the Butler zone change request may be withdrawn by the property owners.

A **motion** was made by Ms. Shaw to table the Butler Zone Change until the June Planning Commission meeting. The motion was **seconded** by Mr. Moffat, and it **passed** with a unanimous vote.

Public Hearing - Jim Nielsen II Zone Change (R-1-8 to C-2) and General Plan Amendment

A request has been received from Mr. Jim Nielsen to amend the General Plan from Medium

Urban Residential to General Commercial, and rezone approximately 3.2 acres south of Center Street and west of U.S. Highway 6 from R-1-8 to C-2. Mr. Nielsen has stated he would like to use the property as additional parking for his new commercial center. Although the commercial center has more than adequate parking as required by City ordinance, Mr. Nielsen feels the gym located in the center will warrant the additional parking.

The Development Review Committee reviewed several concerns about the southeasterly area in particular, including the lack of access from 100 South or Highway 6, and difficulty in patrolling the fenced area. On a unanimous vote, the Committee voted to recommend approval of the request on the lot immediately west of the commercial center, but not approve the larger lot. Mr. Comstock stated he has received several phone calls from citizens voicing opposition to the change. A letter has been received from Kirsten Aitkens also noting opposition.

Mr. Terry Daley stated once the property is zoned commercial it would have more expanded uses than just parking. He feels his property value would decrease if the zone were changed.

Mr. Lee Michaelis presented the Commission with a petition of opposition from neighbors in the area. He expressed concerns with decreased property value and safety of children.

Mr. Baadsgaard asked if residents were opposed to rezoning the lot immediately to the west. Mr. Argyle expressed concerns that the commercial center building may be extended on this small piece in the future. Other citizens reiterated opposition to this change.

Mr. Mike Latimer lives on 100 South bordering the strip mall. He stated his back yard is constantly lit and expressed opposition to the zone change.

Mr. Aaron Mackley lives at the end of 100 South and expressed concerns with increase traffic. He stated he does not want a through street made out of his cul-de-sac. He also feels another type of commercial business will eventually be constructed on the proposed parking lot. Mr. Christensen clarified a through street, or access was not proposed except off Center Street.

Ms. Kimberly Lewis lives on 230 South with her backyard against a church parking lot. She stated all through the night cars squeal and excess debris it left in the parking lot.

Mr. Moffat sympathized with residents, but also expressed concern that by not allowing additional parking areas overflow parking will go onto Center Street. He feels this would be a safety hazard.

Mr. Darren Merritt, who lives on 100 South stated kids climbing on the fence into his and neighboring yards. He noted the bright lights are also a nuisance.

Mr. Ken Larsen, 100 South, expressed opposition to the request.

Mr. Regan Vance expressed concern with public safety and noise issues, as well as increased traffic problems. He feels the change will create more problems than it will help.

Ms. Jana Peterson stated the residents were in the area first and does not feel they should be encroached upon. She would like to see houses on the lots.

Mr. Christensen asked for new issues from the public which had not been addressed. No additional comment was received.

A **motion** was made by Ms. Shaw to deny the full Jim Nielsen Zone Change request. Mr. Baadsgaard **seconded**, and the motion **passed** unanimously.

Public Hearing - Bardsley Zone Change (R-R to R-1-9) & Preliminary Plat

Mr. Kevin Bardsley has submitted a request to rezone approximately 8.54 acres on the west side of 1400 East at about the 1400 South alignment from R-R to R-1-9. Preliminary plat approval will create 26 single residence dwelling lots. This area was previously tied up with the SESD lawsuit.

Mr. Comstock expressed disappointment that the CC&R's did not indicate as a high of quality as neighboring communities, but the Development Review Committee did vote to approve the request with vote of 6:1. Mr. Comstock also noted the area technically should be rezoned to the lower density district of R-1-12.

Mr. Kevin Bardsley stated he does build quality homes and feels Mr. Comstock is addressing concerns of aesthetics. He does not want to inflate the price of homes directly across from the brand new elementary school. Mr. Bardsley stated he wants to keep homes affordable for families with small children.

Mr. Christensen asked what items the Development Review Committee would like to see different. Mr. Comstock stated Wolf Hollow Heights had a higher percentage of brick, stucco or stone. He noted the quality of fencing, street landscaping and more detail that indicate a certain level of quality.

Mr. David Ludlow noted this is the first time a zone change has been requested based on density variations. He suggested the Commission be careful in making changes outside above what was intended. Mr. Ludlow agrees having mixed neighborhoods is a good idea, but feels precedence should not be set of granting high density without requiring amenities.

Mr. Dave Lewis feels the basic concept of the project will benefit the City and encouraged the CC&R's to be brought to a higher standard.

Mr. Warren Peterson lives in Wolf Hollow Heights. He stated the aesthetics of the area encouraged him to purchase a home in the area. He feels a lower standard would impact other homes that met a higher standard.

Mr. Heap addressed utilities. He stated the Steve Johnson home will need to get water, and the SESD lines will have to be addressed.

Mr. Mike Gardner lives east of the proposed project and stated he would like to see a higher standard to match the neighborhood.

Discussion took place regarding access through 1400 East to Canyon Road. It is the City's recommendation that the developer resolve right-of-ways for the road before City Council approval.

Mr. Moffat **moved** to table the Bardsley Zone Change request and Preliminary Plat until the CC&R's are upgraded and returned to Planning Commission with the following conditions:

1. Necessary right-of-way shall be acquired on 1400 East to Canyon Road to construct a 24 foot wide road with 6 foot shoulders on each side.
2. The westerly irrigation ditch shall receive agreements from both Mr. Beckstrom and Mr. Cloward that are satisfactory to the City Engineer.
3. The narrow strip between Lots 3A and Lot 6 of the Bardsley Subdivision shall be eliminated through property line adjustments.
4. Exercise the buy-out option for the existing Strawberry Electric customer.
5. Relocation of the existing electrical line.

Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Mr. Bardsley requested the project proceed to the City Council with the conditions as stated. The Planning Commission would like to see the project again with revisions before it proceeds to the Council.

McGovern Zone Change (R-R to R-1-9) & Wolf Hollow Heights East Preliminary Plat

A request has been received to rezone approximately 16.5 acres along 1240 South on the west side of 1400 East from R-R to R-1-9. Preliminary plat approval is also requested to create 41 single residence dwelling lots and 6 twin home lots. The Development Review Committee recommended approval of the zone change and preliminary plat subject to four conditions as follows:

1. Necessary right-of-way shall be acquired on 1400 East to Canyon Road to construct a 24 foot wide road with 6 foot shoulders on each side.
2. Lots 36 and 37 shall be combined into a twin home lot.
3. The narrow strip between Lots 3A and Lot 6 of the Bardsley Subdivision shall be eliminated through property line adjustments.
4. A Development Agreement shall be signed with the City which incorporates the major components of the CC&R's regarding architecture, materials, landscaping, and fencing.

Mr. Heap noted irrigation water to Mr. Steve Johnson will need to be addressed.

Mr. Harward feels the CC&R's will draw good people to the community. Mr. Dave Lewis, an adjacent neighbor, expressed support for the project.

Mr. Dave Ludlow asked if any restrictions would be required for access on 1400 East. Mr. Heap stated lots will not be allowed to face 1400 East.

Mr. Moffat asked if the same CC&R's would apply to the twinhomes. Mr. McGovern requested to the CC&R's be amended so twinhomes could be 1200 square feet on the main floor. The remaining items addressed by the CC&R's would remain the same.

A **motion** was made by Ms. Shaw to accept the McGovern/Harward zone change to R-1-9 and Wolf Hollow East preliminary plat with the recommendations from the Development Review Committee and the amendment to the CC&R's for twinhomes to allow 1200 square feet on the main floor, as well as addressing irrigation issues for Mr. Steve Johnson. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Fish Zone Change (Amendment to Text of the Zoning Ordinance)

A request has been received from Mr. Jennings Fish to amend the text of the zoning ordinance to allow a second dwelling unit on a 1.2 acre lot in the R-R zoning district. Mr. Fish would like to construct a second residence on the property for his son and the current residence would eventually become a guest house.

The Development Review Committee felt granting the request might set a precedence. Since sewer is not available in the area, a septic tank would have to be installed. It was also noted City ordinance does not allow septic tanks on new parcels less than five acres. The Development Review Committee recommended the request be denied.

Mr. Fish feels his situation is unique. He feels he cannot make best use his land without the change. If his request is not approved, Mr. Fish stated the government system does not work. Ms. Shaw stated Mr. Fish will not be unique in this situation because others will follow suite.

Mr. Christensen does not want to vote to set a precedence to double the density. Mr. Fish asked if the Commission would like to reduce his taxes because he is not getting full value of the land.

Mr. Baadsgaard asked if a new home could be built and the modular home removed after Mr. Fish is deceased. Mr. Comstock stated this would still require zoning text amendment. He feels the request could possibly be done under a conditional use permit. The Commission asked if a variance could be granted. Mr. Comstock stated the Board of Adjustment cannot issue a "use variance" allowing a second unit on one lot.

Mr. Moffat made a **motion** to deny the Fish Zone Change request. Ms. Shaw **seconded**

the motion, and it **passed** with a unanimous vote. ***Note: Mr. Baadsgaard abstained from voting.*

Mr. Baadsgaard **moved** to exit Public Hearing at 8:58 pm. Mr. Moffat **seconded**, and the motion **passed** with a unanimous vote.

Discussion on Paving of Long Driveways

The Planning Commission recently discussed the possibility of amending a provision of the zoning ordinance regarding the paving of long driveways for single residence dwellings on large parcels. Mr. Comstock reviewed the proposed change to the zoning ordinance.

A **motion** was made by Mr. Baadsgaard to recommend the City Council amend 17.28.020. B (4) with regard to paving of long driveways. The motion was **seconded** by Mr. Moffat and it **passed** with a unanimous vote.

Other Business

Ms. Shaw **moved** to appoint Doug Christensen as Chair, and J. Wayne Nelson as Vice-Chair of the Spanish Fork Planning Commission. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

A **motion** was made by Ms. Shaw to adjourn the meeting of the Spanish Fork Planning Commission at 9:05 pm. Mr. Baadsgaard **seconded** the motion and it **passed** unanimously.