

**Adopted Minutes
Spanish Fork Planning Commission
June 3, 1998**

The meeting was called to order at 7:00 pm by Vice-Chair J. Wayne Nelson.

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

Staff Members Present: Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; and Gina Peterson, Deputy Recorder. Mayor Dale R. Barney was also present.

Citizens Present: Curtis Turnbull, Kevin Bardsley, Jonathan F. Cope, Charles Albert, Jackie White, Blaine White, Sid Thomas, William Thomas, Ginger Albert, John D. Smiley, Bruce Hall, Mark E. Nelson, Elsie Thomas, Joanne Beckstrom, Jim Beckstrom, Roy B. Bennion, Nerlene Hamilton, Blair R. Hamilton, Greg Magelby, and Tina Magelby.

Minutes

A **motion** was made by Mr. Baadsgaard to approve the minutes of the May 6, 1998, Planning Commission meeting as presented. Mr. Johns **seconded** the motion, and it **passed** with a unanimous vote.

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

Mr. Baadsgaard **moved** to open the public hearing at 7:02 pm. Ms. Shaw **seconded**, and the motion **passed** unanimously.

A request has been submitted to rezone approximately 8.54 acres located on the west side of 1400 East and 1400 South. Preliminary Plat approval is requested to create 26 single residence dwelling lots. This issue was tabled from the May 6, 1998, meeting because the Commission felt the CC&R's were not compatible with the quality of homes in the area. Concerns were expressed during the last meeting on issues including housing quality, materials, landscaping, and fencing materials. The applicant has submitted revised CC&R's which indicate some upgrades to the project, however staff feels they are still not equivalent to the Wolf Hollow Heights East plat to the north.

The meeting was opened for public comment.

Mr. Bardsley stated he is being held by the standards of someone that submitted a development at same time as his project. He stated his standards are minimum, and homes can be built above this standard. He questioned why CC&R's are even required for subdivisions. Mr. Bardsley feels it is not fair to require him to use someone else's

standards. He also stated street trees were not included in the CC&R's because they were already a requirement of the City.

Ms. Jackie White owns property adjacent to the Bardsley subdivision. She expressed concerns with access to her property. She does not want her property to become landlocked after development takes place. Ms. White also stated she needs to continue to receive water to grow her alfalfa. Mr. Heap stated provisions will need to be made so people, including Steve Johnson, can continue to receive water.

Mr. Moffat reviewed sections of the CC&R's. He feels the areas adjacent to the Bardsley subdivision have nicer homes and not starter homes. Mr. Moffat stated the CC&R's need to match these areas.

Discussion took place on the requested zoning. Mr. Comstock stated the base zoning should have been R-1-12 instead of R-1-9, especially since no amenities are being provided for increased density. Mr. Comstock stated one way to warrant increased density would be to upgrade the housing products.

The Commission discussed placement of roads to allow Ms. White access to her property. Further discussion took place regarding quality of homes in the area.

Mr. Baadsgaard **moved** to approve the Bardsley Zone Change from R-R to R-1-9 and Preliminary Plat subject to the conditions recommended by Development Review Committee 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. 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 Lot 3A and Lot 6 of the Bardsley Subdivision shall be eliminated through property line adjustments.
4. Exercise the "buy-out" option for the existing SESD customer.
5. A development agreement shall be signed with the City which incorporates the major components of the CC&R's regarding architecture, materials, fencing, and landscaping.
6. Irrigation water will be piped to property owners currently receiving water.

Mr. Johns **seconded**, and the motion **carried** with a majority vote of 4:1. Vice-Chair Nelson, and Commissioners Baadsgaard, Johns, and Shaw voted in favor of the motion, and Commissioner Moffat was opposed.

Public Hearing - Hamilton Zone Change (R-R to R-1-12) and Wapiti Estates Preliminary

This request for rezoning from R-R to R-1-12 consists of approximately 32.2 acres between 1100 East and 1400 East, south of 1500 South. The preliminary plat approval will create 62 lots from approximately 25 acres.

Mr. Comstock reviewed the request. He stated the Development Review Committee believed the draft CC&R's showed a high quality of housing, landscaping and fencing standards. There is also a one acre retention basin/park proposed at the northwest corner of the subdivision which the Committee felt warranted a higher density. A number of other issues were discussed by the Committee and they recommended approval subject to the following conditions:

1. Necessary right-of-way shall be acquired on 1100 East to develop a half street plus ten feet of asphalt with curb, gutter, and sidewalk on the east side.
2. The retention basin/park shall be installed in Phase I with playground, a pavilion with tables, landscaping including grass trees and a sprinkler system. The developers shall build the playground and gazebo or pay cash equivalent to the City based on the City's estimate.
3. Setbacks from the brow of the hill for Lots 52 through 57 shall be a minimum of 25 feet from the main structure.
4. A grading plan shall be submitted for Lots 52 through 57.
5. The street in front of lots 59 through 62 must include a half street plus ten feet of asphalt, preferably with dedication of the entire road right-of-way.
6. A development agreement shall be signed with the City incorporating the major components of the CC&R's regarding architecture, materials, fencing, and landscaping.
7. Resolve relocation of the SESD power lines by either undergrounding or buying out the line.
8. Fire hydrant locations to be finalized by the Fire Department.

Mr. Comstock stated his preference would be to approve the zone change for only the Preliminary Plat and leave the remaining seven acres as R-R. Mr. Hall stated in order to purchase the property, Mr. Blair Hamilton required that rezoning take place on the full acreage. It was also noted a conceptual plat has been submitted for the Hamilton area. Mr. Hall stated Mr. Hamilton does not want to develop the remaining acreage at this time, and that it would also require 1400 East to be completed which is an expense the developers cannot bear at this time.

Mr. Blair Hamilton stated quality of his future development should not be an issue because of his family's high standards.

Developer John Smiley stated the City will still have control of the quality of Mr. Hamilton's property because subdivisions require Planning Commission approval. He also feels in order to get a higher rate of density they had to give up portion of their development for a park. Mr. Smiley stated they are giving a lot of amenities which they feel other subdivisions are not required to give. He feels standards should be monitored more closely to allow a level playing field for all developers.

Mr. Jimmy Beckstrom reiterated comments that Blair Hamilton will not abuse the zone change with his future development.

Mr. Roy Bennion expressed comments favorable to the development.

Mr. Johns asked if there would be any problem with emergency vehicle access around Lots 59 through 62. Mr. Heap answered there will be a temporary turnaround and sufficient asphalt to accommodate emergency vehicles.

Ms. Shaw asked if negotiations with purchasing the right-of-way from Dave Cloward were nearing an end. Mr. Smiley stated an agreement is still pending because of a \$100,000 difference in the two parties figures.

Ms. Shaw **moved** to approve the Hamilton Zone Change and Wapiti Estates Preliminary Plat for only the 25 acres subject to the conditions from the Development Review Committee. The motion **died** for lack of a second.

Mr. Moffat **moved** to approve the entire Hamilton Zone Change and Wapiti Estates Preliminary Plat subject to the eight conditions recommended by the Development Review Committee. Mr. Baadsgaard **seconded** the motion, and it **carried** with a majority vote of 4:1. Vice-Chair Nelson and Commissioners Baadsgaard, Johns, and Moffat voted in favor of the motion and Commissioner Shaw was opposed.

Public Hearing - H.E. Davis and Sons Zone Change (Surface Mining Overlay District)

A request has been received to rezone approximately 40 to 45 acres east of SR89 on the Ensign-Bickford property to a Surface Mining Overlay District. The Development Review Committee had no major concerns and recommended approval of the change.

Mr. Johns stated his main concern with the change would be dust control. He feels if area is wet down routinely it will not be an issue.

Ms. Shaw asked if a crusher would be located on the property. Mr. Jon Cope from H.E. Davis feels it would be logical to allow a crusher, but regulations in the Surface Mining Overlay district does not allow it. Mr. Comstock stated the Commission may see a future proposal for an amendment to the overlay district to allow a crusher.

Ms. Shaw **moved** to approve the H.E. Davis Zone Change to the Surface Mining Overlay District subject to design review approval which meets the requirements of Chapter 17.24.040 of the zoning ordinance being obtained for not more than ten acres prior to commencing any surface mining operations. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Modifications to the Subdivision Ordinance & Development Standards

City Engineer Richard Heap reviewed proposed changes to the City's Subdivision Ordinance (Title 16) and Development Standards (Policy 39).

Mr. Baadsgaard **moved** to recommend the City Council's approval of the changes to the Subdivision Ordinance and Development Standards. Mr. Moffat **seconded** the motion, and it **passed** with a unanimous vote.

A **motion** was made by Ms. Shaw to exit the public hearing at 8:31 pm. The motion was **seconded** by Mr. Johns, and it **passed** with a unanimous vote.

Albert Subdivision Waiver

Mr. Heap reviewed the subdivision waiver request for property located at 1358 South Mill Road. Mr. Charles Albert would like split off a six acre parcel from a larger 29 acre parcel. A portion of the property will be deeded to the City for Mill Road. The Development Review Committee recommended approval of the waiver.

A **motion** was made by Mr. Baadsgaard to waive the subdivision process for Mr. Charles Albert on property located at 1358 South Mill Road. Ms. Shaw **seconded**, and the motion **passed** unanimously.

Thomas Subdivision Waiver

A subdivision waiver for property located at approximately 200 South 500 East has been submitted for approval. The Development Review Committee recommends approval of the waiver with the condition of being able to obtain drainage and sewer easements for the northwest corner going west to 400 East. Assistant Public Works Director Richard Nielson will be working with the developer on this condition.

The developer stated an easement agreement has been reached with Mr. Harold Olsen. Mr. Heap stated the City will need a formal recorded document for the easement.

Mr. Moffat feels the additional development will help accentuate the area.

Ms. Shaw **moved** to approve the Thomas Subdivision Waiver. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

A **motion** was made by Mr. Baadsgaard to adjourn the meeting of the Spanish Fork Planning Commission at 9:00 pm. The motion was **seconded** by Mr. Moffat, and it **passed** with a unanimous vote.