

**Adopted Minutes
Spanish Fork Planning Commission
August 5, 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 Thora L. Shaw, Chad Moffat and Roy L. Johns. Chair Doug Christensen and Commissioner Kevin Baadsgaard were excused.

Elected Official Present: Mayor Dale R. Barney.

Staff Members Present: Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; and Heather Frost, Public Safety Department Secretary.

Citizens Present: Garry Ferre, Lynn Bendixsen, Penelope Bendixsen, Lori Cable, Doug Cheever, Larry Amdal, Joseph Curtin, Darin Cable, Joyce Snyder, Maudie Hill, Shirley Christiansen, Brenda Gillie, Matthew Finch, Spencer LeFevre, Karen Corona, Sabrina Sanchez, Ivan A. Sanchez, Clavell Anderson, David Christopher, Chelsea J. Argyle, Londo Fawcett, David T. Clark, Dennis Gillie, Cody J. Olsen, Lucinda Olsen, Rita Buckway, Patience Bernards, Jill Mulder, Seth Mulder, Craig Z. Alder, Kanda Lee Alder, Linda Bartholomew, Shelley LeFevre, Doug Weatherford, Donald Nay, Paul Godfrey, Jana Fife, Chip Farnsworth, Craig Willett, Steve Beck, Greg Vehar, Gayle Vehar, Richard Burton, Robert Pitelli, Jennifer Burton, Jesse Conway, Greg Magleby, Shirl W. Brimhall, Enoch Ludlow, Bradley William Creer, Greg Magleby, Rob McGovern, and Clark Mitchell.

Minutes

Ms. Shaw **moved** to adopt the minutes of the July 1, 1998, meeting of the Spanish Fork Planning Commission as presented. The **second** was made by Mr. Moffat, and the motion **passed** with a unanimous vote.

Public Hearing - Chesapeake Bay Investments Zone Change (R-R to R-1-8) & Maggie's Place Preliminary Plat; and Farnsworth Zone Change (R-R to C-2)

A **motion** was made by Mr. Moffat to open the public hearing at 7:05 pm. Mr. Johns **seconded**, and the motion **passed** unanimously.

Vice-Chair Nelson explained the public hearing process to those in attendance. He then turned the time to City Planner Gregory A. Comstock for review of the requests.

Mr. Comstock voiced his feeling that most of those present were there to express concern with the two requests on the agenda to change zoning from residential to commercial. He suggested the commission review those requests together because they are located near one another. Mr. Comstock reviewed the Chesapeake Bay Investments Zone Change request to rezone approximately 0.83 acres at the southeast corner of Canyon Road and

1400 East from R-R, Rural Residential, to C-1, Neighborhood Commercial and to rezone approximately 10.19 acres at the same location from R-R, Rural Residential to R-1-8, Medium Urban Residential. He explained the request for preliminary plat approval is to create 49 lots from 10.19 acres noting no specific development proposal has been submitted for the C-1 site. Mr. Comstock listed possible commercial uses allowed in the C-1 zone. He said the Development Review Committee recommended approval of this zone change request and of the preliminary plat subject to some conditions dealing with utilities.

Mr. Comstock then reviewed the Chip Farnsworth Zone Change request to rezone approximately 1.58 acres at 1395 East Canyon Road from R-R, Rural Residential, to C-2, General Commercial. He explained the applicant proposes developing mini-storage units on the property, reminding the commission of the wide variety of other commercial uses allowed in the C-2 district. Mr. Comstock pointed out the consensus of the staff that 1.58 acres of commercial zoning is appropriate at this location, however, they recommend C-1 zoning instead of the requested C-2.

Mr. Comstock pointed out proposed neighborhood commercial sites on the general plan map indicating the staff agreed there will be a need for neighborhood commercial along Canyon Road with the increasing population. He noted if the commissioners were opposed to the commercial zone change request made by Chesapeake Bay Investments, that the developers be required to submit an amended preliminary plat.

Mr. Comstock then informed the commission he had received numerous phone calls and letters from citizens strongly opposed to the commercial zone change requests.

Mr. Comstock answered questions from the commission in regards to street alignment and access to the properties from Canyon Road.

The developer of the Chesapeake Bay Investments property informed those present plans for development on the neighborhood commercial zone are not definite, but would probably be a convenience store.

Vice-Chair Nelson opened the discussion for public input.

Mr. Doug Weatherford informed the commission of the many families with small children living near the proposed commercial areas. He expressed concern for the children's safety with the increase in traffic to and from the proposed commercial sites. Mr. Weatherford then presented the commission with a petition declaring opposition to the commercial zone change requests bearing the signatures of 336 Spanish Fork City residents.

Ms. Lori Cable approached the commission and informed them she and her family had moved to Spanish Fork after living in California and then Provo, Utah. She listed their reasons for choosing Spanish Fork, including the fact that it is a small town, noting they purposely sought a home away from the commercial portion of the city. Ms. Cable advised the commission of the many school age children walking to and from school, conveying

concern for children loitering and being drawn off campus by the commercial site. She also relayed her fear of an increase in crime and also concern with traffic issues including the speed limit on Canyon Road.

Vice-Chair Nelson asked Engineer Richard Heap about plans for sidewalks on Canyon Road.

Mr. Heap explained as properties are developed along Canyon Road, developers will be required to put in curb, gutter and sidewalk. He added the city has applied to the State for sidewalk funds to aid in the installation of sidewalks along Canyon Road.

Some discussion took place regarding the existing ordinance pertaining to sidewalks.

Mr. Paul Godfrey expressed his opposition to commercial zone change requests citing three reasons: 1) The viability of two new commercial entities located so close together and the possibility for failure of one or both; 2) The need to keep businesses in the downtown district of the city; and 3) His feeling commercial sites, especially convenience stores, increase the possibility for gang and drug activity and the amount of garbage and litter.

Mr. Craig Alder listed his reasons for opposing the proposed commercial zones as follows: 1) Small children's safety and traffic; 2) Teenagers "dragging" Canyon Road; 3) Possible drug trafficking; 4) Speeding problems; and 5) Students truant because they are attracted to the commercial site.

The Chesapeake Bay Investments property developer reminded those present of other possible uses for a neighborhood commercial property besides a convenience store.

Ms. Penelope Bendixsen expressed her concerns with commercial zoning in residential areas including the decrease in property value and the transient nature of people living near commercial sites. Ms. Bendixsen urged the commission not to approve the commercial zone change requests.

Mr. Enoch Ludlow informed those present he lived near a convenience store for many years. He felt many of the concerns expressed by the citizens would not become problems should the zone be changed. He stated he enjoyed having a convenience store nearby his home.

Mr. Dennis Gillie suggested moving the proposed neighborhood commercial sites to the east end of Canyon Road near U.S. Highway 6.

Mr. David Christopher pointed out increased noise pollution and air pollution caused by commercial uses.

Mr. Chip Farnsworth explained his reasoning for the C-2 zone change request on his property. He proposes building storage units on the property. Mr. Farnsworth feels storage units would be a low impact to the area, i.e., not a lot of traffic, aesthetically

pleasing, and no increase in garbage.

Mr. Robert Pitelli, owner of Jack Rabbit Chevron convenience store, confirmed concerns of residents in regards to increased traffic, speeding, gas skips, garbage/trash at convenience store sites.

Vice-Chair Nelson thanked the public for their input. The commissioners discussed issues pertaining to the zone change requests including possible uses in the C-1 zone, traffic issues, existing road conditions and future plans for the streets. They then reviewed the general plan map.

Ms. Shaw made a **motion** to recommend denial of the Chesapeake Bay Investments Zone Change request to rezone 0.83 acres at the southeast corner of Canyon Road and 1400 East from R-R, Rural Residential, to C-1, Neighborhood Commercial and to further recommend denial of the Chip Farnsworth Zone Change request to rezone approximately 1.58 acres at 1395 East Canyon Road from R-R, Rural Residential, to C-2, General Commercial. The **second** was made by Mr. Moffat, and the motion **passed** unanimously.

Vice-Chair Nelson does not feel the root of all evil revolves around convenience stores. He stated he knows a lot of decent people that run these types of businesses.

Discussion ensued in regards to the Maggie's Place Preliminary Plat portion of the Chesapeake Bay Investments request. The developer presented drawings of the proposed residential portion of the development. Some discussion took place regarding the requested density of the development.

The commission agreed to review an amended zone change request and modified preliminary plat at the next meeting of the planning commission and a **motion** was made by Ms. Shaw to continue the Chesapeake Bay Investments Zone Change and Maggie's Place Preliminary Plat public hearing to the September 2, 1998, Spanish Fork City Planning Commission meeting. Mr. Moffat **seconded**, and the motion **passed** unanimously.

Public Hearing - William Creer Zone Change and Creer Preliminary Plat

Mr. Comstock reviewed this request to rezone approximately 5.4 acres along 1240 South between 1400 East and 1700 East from R-R, Rural Residential, to R-1-9, Standard Urban Residential and request for preliminary plat approval to create 20 lots from 5.4 acres. Mr. Comstock then reviewed the Development Review Committee's recommendation for approval subject to: 1) Lots 17-20 cannot be developed until 1400 East is adequately improved to Canyon Road; and 2) Pressurized irrigation and a storm drainage line from the retention basin at the school is designed in accordance with engineering department requirements. Mr. Comstock suggested the commissioners consider requiring Dr. Creer participate with other developers in improvements on 1400 East or requiring him to wait until the improvements are completed to develop not only lots 17-20, but also all lots up to the dividing line between lots 7 and 8.

Mr. Bradley William Creer, representing his father, Dr. William Creer, informed the commission his father, Dr. William Creer is anxious to move forward on this development

to recoup costs already invested in this property. Mr. Creer informed the commission of his father's willingness to work with the city and the school district in the past in the development of the Canyon Elementary school and the street located south of the proposed development. Mr. Creer said there is no contention in participating in the improvement of 1400 East for lots 17-20 of this development, however, requiring additional participation in improving 1400 East could delay the entire project.

Mr. Craig Alder stated he is in favor of the Creer zone change request. Mr. Rob McGovern, Wolf Hollow Heights developer, stated he would love to see the commissioners set a precedent by not requiring Dr. Creer to participate in the improvements on 1400 East.

Mr. Heap reviewed the city's requirements for street improvements for new developments.

Mr. Greg Magleby, LEI Consulting Engineers, estimated total costs for improvements along 1400 East and the breakdown for each developer including Dr. Creer.

Discussion took place on improvements to 1400 East and those involved in participating in the costs.

Mr. Brad Creer reiterated the willingness to participate in the costs for lots 17-20, which front 1400 East. Mr. McGovern pointed out none of the lots in his development front 1400 East. He stated the issue is not the fronting, but the usage of 1400 East.

Mr. Moffat asked the staff if an agreement had been made between the city and Dr. Creer. Mr. Heap answered a portion of the street was dedicated by Dr. Creer, Mr. Heap said because of the Strawberry Electric Service District lawsuit, the city was not able to review a plat at that time. Mr. Creer stated his father had put forth the funding, which was a sizable investment and is anxious to recoup his costs.

Discussion took place regarding the developers participating in the improvement of 1400 East working together. Mr. Magleby stated timing for the developers is critical. Vice-Chair Nelson reviewed the recommendation of the Development Review Committee. Mr. Heap stated his feeling that lots 1-8 and 14-20 would be using 1400 East.

Ms. Shaw **moved** to recommend approval of the William Creer Zone Change and Creer Preliminary Plat subject to the following conditions: 1) Participation in the improvement of 1400 East is required of lots 1-6 and lots 14-20; and 2) Pressurized irrigation and a storm drainage line from the retention basin at the school is designed in accordance with the engineering department requirements. Mr. Moffat made the **second**. The commissioners discussed the motion on the floor. Vice-Chair Nelson called for a vote and the motion **passed** with a majority vote of 3:1; with Ms. Shaw, Mr. Moffat and Mr. Johns voting in favor of the motion and Vice-Chair Nelson voting opposed.

Public Hearing - Amendment to the Subdivision Ordinance Which Formally Authorizes Connector's Agreements

The commission reviewed the proposed amendment to the subdivision ordinance. No public input was received.

Ms. Shaw made a **motion** to recommend approval of the proposed amendment to the subdivision ordinance which formally authorizes connector's agreements. The **second** was made by Mr. Johns, and the motion **passed** with a unanimous vote.

Child Annexation

Mr. Comstock reviewed the Child annexation request. He informed the commission the Development Review Committee recommends approval of the request subject to the condition the property is initially zoned R-R, Rural Residential. Mr. Clark Mitchell was present to answer questions of the commission.

A **motion** was made by Mr. Moffat to recommend approval of the Child Annexation request to annex 5.84 acres east of SR 51 east of the Lynnbrook subdivision subject to the condition the property is initially zoned R-R, Rural Residential. Ms. Shaw **seconded** the motion and it **passed** with a unanimous vote.

Magellan (Palesh) Annexation

The annexation request was reviewed by the commissioners. Mr. Comstock pointed out this annexation request is consistent with city policy in the general plan. The Development Review Committee recommends approval subject to the initial zoning of C-O, Commercial Office.

Mr. Myron Child stated the intent of the development is professional offices.

Mr. Johns made a **motion** to recommend approval of the Magellan (Palesh) Annexation request to annex 15.3 acres on the south side of Expressway Lane east of 1100 East subject to the condition the property be zoned C-O, Commercial Office. The **second** was made by Mr. Moffat, and the motion **passed** unanimously.

Morley Annexation

Mr. Comstock outlined the request of Ray Morley to annex 3.22 acres. He advised the Development Review Committee recommended approval subject to three conditions as follows: 1) The second dwelling unit may only be used as a guest house and not a rental unit; 2) The two SESD payments be made prior to annexation; and 3) The property be zoned R-1-8.

Mr. Johns asked if additional buildings could be built on the property. Mr. Heap indicated there would not be accessibility for an additional building.

Ms. Shaw **moved** to recommend approval of the Morley Annexation request to annex 3.22 acres south of 400 North and west of 600 West subject to the following conditions: 1) The second dwelling unit may only be used as a guest house and not a rental unit; 2) The two SESD payments be made prior to annexation; and 3) The property be zoned R-1-8, Medium Urban Residential. The **second** was made by Mr. Johns, and the motion **passed** with a

unanimous vote.

Grant Beagley Subdivision Waiver

Vice-Chair Nelson informed the commissioners he and Mr. Beagley are neighbors and good friends.

Mr. Comstock reviewed the request with the commissioners noting the Development Review Committee recommends approval with the installation of a fire hydrant and specific direction for the storm drainage.

The staff and commission discussed Mr. Beagley's request.

A **motion** was made by Ms. Shaw to approve the Grant Beagley Subdivision Waiver subject to the following conditions: 1) A fire hydrant is installed on the north property line at 300 West; and 2) The storm drainage is directed into the storm drain from Mitchell subdivision along I-15. Mr. Moffat **seconded** the motion and it **passed** unanimously.

Park View Terrace Condominiums

Mr. Frank Johnson presented a proposal for a condominium development located at 1000 North 300 East. Plans are similar to those of the development Mr. Johnson recently completed east of the proposed condominium development. Mr. Comstock advised the Development Review Committee recommended approval of the development subject to conditions.

Ms. Shaw made a **motion** to recommend approval of the Park View Terrace Condominiums Subdivision subject to conditions as follows: 1) An additional fire hydrant be placed in the area near the dumpster enclosure; 2) An additional electrical junction box be placed in the northeast corner; and 3) The developer consider installing lighting for the parking lot area. The **second** was made by Mr. Johns, and the motion **passed** with a unanimous vote.

Mr. Johnson noted those conditions had been met and were included on the subdivision plat.

Adjournment

Mr. Moffat **moved** to adjourn the Spanish Fork City Planning Commission meeting at 9:40 pm. Ms. Shaw **seconded**, and the motion **passed** unanimously.