

**Adopted Minutes
Spanish Fork Planning Commission Meeting
September 2, 1998**

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

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

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

Citizens Present: Bruce Hall, Vic Deauvono, Bill Creer, Andrew Beddoes, Lew Christensen, Evelyn Christensen, Peggy Thomas, Lex Thomas, Leon Thomas, Raul Christensen, Melissa Iketan, Russ Naylor, Ron Bagley, Glenda Lyman, Larry Franck, Eric Moulton, Robert Bagley, and Craig Willet.

Minutes

Ms. Shaw made a **motion** to approve the minutes of the August 5, 1998 meeting of the Spanish Fork Planning Commission with noted amendments. Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

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

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

Chesapeake Bay Investments is requesting a zone change on approximately 11.02 acres at the southeast corner of Canyon Road and 1400 East from R-R, Rural Residential, to R-1-8, Medium Urban Residential. Preliminary Plat approval will create 53 lots from the 11.02 acres.

Mr. Comstock noted these items were tabled from the August 5, 1998 Planning Commission meeting. The original application included a request for C-1 zoning on 0.82 acres at the intersection of Canyon and 1400 East. At the previous meeting there was substantial opposition to the proposed commercial zoning, and the Commission denied that portion of the project. The applicant has now redesigned the project to incorporate that area into the residential subdivision.

Mr. Craig Willet commented on the unique development with larger front setbacks. He stated the neighborhood will have a park-like feel. Mr. Willet updated the Commission on the status of obtaining sewer easements. He noted the only remaining agreement to

obtain is with Mr. Mike Gardner. Mr. Willet stated an easement is not actually needed from Mr. Gardner due to boundary line differences, but they will offer Mr. Gardner some compensation because his landscaping will be destroyed.

Chair Christensen opened the meeting for public comment.

Dr. William Creer relayed his concerns that if 1400 East is not finished his property will be undevelopable. He noted his contribution of money to construct part of 1240 South for the school. Dr. Creer feels if the Maggie's Place development is not approved it will create complications for his development. Chair Christensen expressed appreciation for his comments and stated the Commission is aware of Dr. Creer's concerns.

Mr. Moffat clarified issues regarding the CC&R's. He asked if a minimum house size would be specified. Mr. Willet stated the smallest allowed house product is 1200 square feet.

Mr. Nelson made a **motion** to recommend approval of the Chesapeake Bay Investments zone change from R-R, Rural Residential, to R-1-8, Medium Urban Residential, and the Maggie's Place Preliminary Plat subject to the following conditions:

1. Must obtain sewer easements along 1400 East and enter into a development agreement for reimbursement.
2. The irrigation ditch to the south must be abandoned or piped.
3. No buildings may be located within the landscape easement along 1400 East.
4. Provide an electrical easement along Canyon Road for the SESD line.
5. Streets shall be numbered and not named.
6. Canyon Road and 1400 East improvements shall be completed in the first phase of development.

Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Dave Cloward / Bruce Hall Zone Change (R-R to R-1-9); and Parkside Estates Preliminary Plat

The request from Dave Cloward and Bruce Hall will rezone approximately 13.1 acres at approximately 1400 South 1100 East from R-R, Rural Residential, to R-1-9, Standard Urban Residential. Preliminary Plat approval will create 37 lots from approximately 13.1 acres.

Mr. Comstock noted Mr. Hall and Mr. John Smiley have received approval for the plat directly south called Wapiti Estates. The retention area/park has been moved from Wapiti Estates to this development. The retention area will be fully developed.

A general discussion took place regarding the plat.

Mr. Vic Deauvono asked if any credit is being given to the developer for the park. Mr. Heap stated the developer will get full reimbursement for the land, landscaping, and

improvements of the park through the drainage impact fee. Mr. Deauvono asked if that same formula would apply to other developments. Chair Christensen stated the Commission is not educated enough about reimbursement issues. He asked Mr. Deauvono to direct his question to City staff.

Mr. Hall stated they have tried to make the development tie into the quality and looks of nearby neighborhoods. He feels the project will be one to be proud of, due to the high quality.

Mr. Moffat agreed the development is nice, with many proposed amenities. He questioned if this development would be a basis for future developments in requiring other developers to put in a park. Mr. Comstock stated the City will want to double retention basins with parks wherever possible, but the City will be less inclined to take over smaller parks. Mr. Moffat expressed concerns regarding equal treatment among all developers. Mr. Comstock acknowledged this has been a concern with Mr. Hall, but he noted they are getting reimbursed for a fair amount, as well as getting an additional density bonus.

Mr. Hall agreed they have struggled with many issues surrounding amenities of the development. He feels the concept should be reversed because they are providing a high quality, profitable development for the City and are being required to provide many amenities.

Mr. Nelson stated each situation needs to be looked at for its own merits because circumstances vary for different areas. He does not feel every decision that is made sets a precedent unless it is capricious. Additional discussion took place regarding the issue.

Mr. Nelson **moved** to recommend approval of the Dave Cloward / Bruce Hall Zone Change from R-R, Rural Residential, to R-1-9, Standard Urban Residential, and Parkside Estates preliminary plat subject to the following conditions:

1. The retention basin/park shall include a basketball court in addition to the improvements already being installed in conjunction with the Wapiti Estates Subdivision.
2. The irrigation ditch along the southerly property line shall be piped or abandoned.
3. The development will use the same CC&R's as was used for Wapiti Estates.

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

Public Hearing - Bagley Zone Change (R-R to R-1-8); and Bagley Estates Preliminary Plat

A request has been submitted by Mr. Bob Bagley to rezone approximately 24.1 acres south of 100 South and east of 630 West from R-R, Rural Residential, to R-1-8, Medium Urban Residential. Preliminary Plat approval will create 93 lots from 24.1 acres.

Piping of the ditch to the east was discussed. The forty foot portion of property containing the ditch currently has no ownership because the property lines do not match. Mr. Comstock noted Mr. Bagley has accommodated the need for piping of the ditch by

including this portion of property on the revised plat. He noted the new plat will gain three lots, which will hopefully offset the cost of piping the ditch.

Mr. Comstock noted the Development Review Committee was concerned with the proposed house products, but did not feel any action could be required because the requested density is so low.

The meeting was opened for public comment.

Mr. Vic Deauvono expressed concerns with regard to the proposed road at the east of the Bagley subdivision. The road will tie the Bagley project to his Spanish Trails development. Mr. Deauvono stated Spanish Trails is a semi-private development and the road will cause unnecessary access to his subdivision. He stated this road was shown as part of the Spanish Trails development only because he once thought they could purchase the Bagley property. Mr. Deauvono is opposed to the road at this time. Chair Christensen commented the Public Safety Department requested an additional access from the Spanish Trails development to address safety concerns.

Mr. Comstock stated the street will be a valuable connection for emergency vehicles as well as a convenience for residents living there. He feels the road will be an advantage to Spanish Trails residents and cause a greater impact on the Bagley development.

Mr. Matt Barber owns property on 100 South. He asked if the City is setting themselves up for problems by approving a project without a developer. Chair Christensen stated he would feel more comfortable knowing what type of products will be allowed and having more definite CC&R's. Mr. Barber stated he does not want his property negatively impacted by a low quality housing development.

Mr. Lew Christensen feels the new ballpark will be great for the City, but he has reservations in paying for the road to the ballpark that will be used by everyone, including rich people. Mr. Comstock clarified Mr. Christensen would dedicate the land with a full right-of-way, but he would not be obligated to spend any money for construction of the road.

Mr. Lex Thomas lives near the proposed project and stated he would like to see high quality homes in this development. He also stated people need to accept the fact they are moving into a farm area.

Chair Christensen asked if it was normal to approve a preliminary plat before housing products are determined. Mr. Comstock stated when standards are varied, or increased density is requested, the City asks for certain additional amenities including CC&R's. The higher the density, the more amenities should be provided. Mr. Comstock stated the ordinance may need to be reviewed in this aspect, but it is the City's feeling they cannot ask for more amenities due to the low density requested.

Greg Magleby, LEI Engineers stated some of the requirements of the draft CC&R's are

above a base R-1-8 zoning. He stated the CC&R's do not specify products, but there are stipulations regarding what can be built. Mr. Comstock stated the Commission needs to determine how far they want to get into house product review.

Mr. Nelson stated he is not in favor of being too prescriptive about housing products. He asked where citizens with moderate incomes are supposed purchase homes.

Ms. Shaw **moved** to recommend approval of the Bagley Zone Change from R-R, Rural Residential, to R-1-8, Medium Urban Residential, and the Bagley Estates Preliminary Plat subject to the following conditions:

1. The plat include all the property on the west side of the sect ditch
2. The northerly diagonal section of the sect ditch be piped in the first phase.
3. 100 South be improved, including sidewalk, from 630 West to the east side of the sect ditch in the first phase.
4. The retention basin be developed and landscaped in the first phase. The City shall accept maintenance of the basin one year from completion.
5. The off-site storm drainage system shall be installed in the second phase of development
6. A development agreement shall be signed with the City to reimburse the developer for the off-site storm drain improvements.
7. Discussion can take place regarding the need for the easterly street going into the Spanish Trails subdivision.
8. Amended CC&R's for the project must be completed before proceeding for City Council approval.

Mr. Baadsgaard **seconded** the motion, and it **passed** with a unanimous vote.

Public Hearing - Smith Auto Conditional Use Permit

Smith Auto is requesting a conditional use permit to allow an automobile dealership (retail business greater than 7500 square feet) in the I-1 zoning district. They propose to construct a new automobile sales facility on approximately 7.4 acres at 2534 North 200 East. The dealership will face I-15 to the east, but will have vehicular access to the west from 200 East. This access is currently under construction. The project is being designed to accommodate a possible future interchange at 2700 North and I-15.

Mr. Comstock noted the Development Review Committee recommended approval subject to conditions.

A **motion** was made by Mr. Moffat to grant site plan approval and the conditional use permit for Smith Auto to allow a retail use greater than 7500 square feet in the I-1 zoning district subject to the following conditions:

1. Clusters of trees shall be planted in the front center planter along 200 East.
2. Fire hydrants shall be moved in accordance with Fire Department specifications
3. Electrical service in accordance with Mr. Foster's requirements.

The motion was **seconded** by Ms. Shaw, and it **passed** with a unanimous vote.

Ms. Shaw made a **motion** to exit the public hearings at 9:05 pm. Mr. Johns **seconded**, and the motion **passed** unanimously.

Spanish Fork Business Center Preliminary Plat

Preliminary plat approval for the Spanish Fork Business Center will create 23 lots on 33.22 acres in an I-1 District between Chappel Drive and 1100 East at 1920 North. The project is proposed to contain a mixture of small office/warehouse buildings and larger sites which could accommodate single use industrial or other employment related uses. The Development Review Committee recommended approval subject to conditions.

Mr. Nelson made a **motion** to approve the Spanish Fork Business Center Preliminary Plat subject to the following conditions:

1. The concrete ditch on the northwest corner of Lot 1 be piped
2. 1100 East be connected to the existing road to the south when the area east of Lot 17 is developed.
3. Drainage restrictions of 0.2 cfs discharge per acre is noted on the plat.
4. Extend a power line from the development approximately 1200 feet to the south to connect to the line on Chappel Drive. Mr. Foster will provide a cost estimate for this line.

The **motion** was seconded by Mr. Johns and it **passed** unanimously.

Thomas Annexation

A request, known as the Thomas Annexation, has been received to annex approximately five acres at 100 North 920 West, west of the Sunset Park subdivision. The property is contiguous to the City limits on two sides.

A **motion** was made by Mr. Baadsgaard to recommend approval of the Thomas Annexation consisting of five acres at 100 North and 920 West, with the initial zone of R-R. The **second** was made by Mr. Moffat and it **passed** with a unanimous vote.

Possible Zoning Ordinance Amendment Regarding Carports on Small Lots

At the Board of Adjustment's meeting on August 12, 1998 there was discussion about building carports or garages on small, narrow lots in the City blocks. The Board has reviewed several variance requests for carport or garage additions on such lots and has granted variances to the side yard setback on some of these where there seemed to be no practical alternative.

At the August 12 meeting the Board was again faced with such a request, and rather than approve or deny the request, they recommended the Planning Commission study the feasibility of a zoning ordinance amendment which would allow a reduced setback for carports, and possibly garages, on narrow lots. Mr. Comstock noted current ordinance requires a minimum five foot setback.

Discussion took place among the Commission about fire code issues. It was determined

to have Mr. Comstock research possible repercussions regarding the fire code, including an increase to the City's fire rating, and report back.

Adjournment

A **motion** was made by Mr. Moffat to adjourn the meeting of the Spanish Fork Planning Commission at 9:35 pm. The motion was **seconded** by Ms. Shaw, and it **passed** with a unanimous vote.