

**Adopted Minutes
Spanish Fork Planning Commission Meeting
July 7, 1999**

The meeting was called to order at 7:00 pm by Vice-Chair Chad Moffat.

Commission Member Present: Vice-Chair Chad Moffat; and Commissioners Kevin Baadsgaard, Roy L. Johns, David E. Lewis and Thora L. Shaw. Chair J. Wayne Nelson was excused.

Staff Members Present: David A. Oyler, City Manager; Emil Pierson, City Planner; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Nate Crow, GIS Specialist; Chris Thompson, Design Engineer; and Gina Peterson, Deputy Recorder.

Citizens Present: Dale R. Barney, Dave Anderson, *Hubble Engineering*; Dave Gren, Maureen Gren, Larry Bastian, Mike Watson, Brian Gabler, *LEI Consulting Engineers*; Dave R. Herring, Chris McDannell, Gordon Jones, Vic Deauvono, Blayne Davis, Richele (Shelly) Brockbank, Margaret Clark, Bert Bearson, Frank Santos, Paul Washburn, Rick Elliott, Lynne Elliott, Jon Miller, Larry Franck, Glen Bradley, Brenda Bradley, Don Morehouse, Glen Nelson, *U.S. West Wireless*; Allen Hughes, and Susan Phelps.

Introduction

Mr. Oyler introduced Mr. Emil Pierson the new City Planner.

General Discussion on Planning Issues

Mr. Oyler reviewed concerns regarding the rezoning of property. In the past developers have submitted a preliminary plat with a zone change. If the developer does not follow through with the purchase of the property or the development, the zone change is still in effect on the property and any developer could then come in with a development using the base zoning requirements. The Commission discussed the possibility of having an overlay zone for specific developers. If property purchase or development falls through the property would then revert back to previous zoning. The concept of a standardized residential zone was also discussed.

Mr. Pierson distributed a draft of proposed monotony controls and indicated he would like to discuss the issue further at the next Planning Commission meeting.

Attorney Baker suggested the zone changes for the current agenda be approved as R-1-12.

The Commission then discussed holding an extra meeting each month to be used as a work session. It was also suggested by Commission members the meetings begin at 6:30 pm with a 1/2 hour agenda review.

Mr. Johns made a **motion** to begin Planning Commission meetings at 6:30 pm with agenda review and to hold an extra meeting on the third Wednesday of each month until no longer needed. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

It was noted the extra meeting for July will be held on the fourth Wednesday due to the Fiesta Days Celebration.

Minutes

Mr. Johns made a **motion** to approve the minutes of the June 2, 1999 Planning Commission meeting as presented. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - J. Ross Nielsen Zone Change (R-R to R-1-8)

Ms. Shaw made a **motion** to open the public hearings at 7:30 pm. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

***Note: Property representatives were not present at the meeting.*

A request has been received from the Spanish Fork Grazing Association to rezone 2.15 acres at 1700 East Canyon Road from R-R, Rural Residential to R-1-8, Medium Urban Residential. A preliminary plat was not submitted with the request.

Mr. Oyler noted the General Plan shows the bulk of the property planned for commercial use. He also stated the City has been trying to minimize access onto Canyon Road, and granting a zone without any proposed use could allow the possibility of opening several driveways from Canyon Road. The Development Review Committee recommended denial of the zone change based on the General Plan designation of commercial. It was also noted there is a road proposed as a main connector to U.S. Highway 6 at the west of the property.

Vice-Chair Moffat opened meeting for public comment. None was received.

Mr. Moffat stated he is not comfortable approving a zone change without CC&R's and a property plan being addressed at time of the zone change.

Mr. Johns made a **motion** to recommend the City Council's denial of the J. Ross Nielsen zone change from R-R to R-1-8 based upon the General Plan designation. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - H.E. Davis & Sons Zoning Text Amendment

H.E. Davis has submitted an application to amend the zoning ordinance to allow a rock crusher in an industrial zone which has a Surface Mining Overlay zoning designation. Specifically, H.E. Davis proposes to put a crusher at the mouth of the Canyon on the Ensign-Bickford property which is currently zoned I-3 with a Surface Mining Overlay. The Development Review Committee reviewed the request and recommended the

amendment be tightened to allow rock crushers as a conditional use permit in an I-3 zone only, with Surface Mining Overlay designations. The Committee included in their recommendation that as a condition to the permit, consideration be given to the proximity of residential properties.

Mr. Moffat opened the meeting for public input. None was received

Mr. Oyler noted conditions for approval would be placed at the time of Conditional Use Permit approval.

Mr. Johns made a **motion** to approve the zoning text amendment to allow a rock crusher as a conditional use permit in I-3 zone in a Surface Mining Overlay zone only. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - U.S. West Wireless Conditional Use Permit

U.S. West Wireless is requesting a conditional use permit to allow an 80 foot high wireless communication tower and antenna at 130 West 500 South in an I-1- zoning district. The tower is already existing at 60 feet and would be raised to 80 feet.

Mr. Glen Nelson representing U.S. West Wireless addressed the Commission. He stated the pole is currently designed for co-location, and the site already has fencing and a non-climbable pole.

The meeting was opened for public comment.

Mr. Rick Elliot from the east bench area asked why the pole needs to be extended 20 feet. Mr. Nelson answered the additional height is needed for proper coverage. Mr. Elliot asked if the tower would cause interference with anything. Mr. Nelson answered no.

Mr. Oyler stated staff will need to determine if the Conditional Use Permit has to be amended at the time someone wants to co-locate.

Mr. Baadsgaard made a **motion** to approve the Conditional Use Permit for U.S. West Wireless to allow an 80 foot wireless communication tower and antenna at 130 West 500 South subject to the following conditions:

1. The tower will be a maximum of 80 feet tall,
2. The site designed to be co-locateable,
3. Through either fencing or design of the pole, the pole cannot be accessible to the public.

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

Ms. Shaw made a **motion** to exit the public hearings at 7:56 pm. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

Birchwood Square Preliminary Plat

Mr. Oyler reviewed the Birchwood Square Preliminary Plat. The Preliminary Plat will create 2 commercial units from 1.31 acres at approximately 630 Kirby Lane. One commercial unit will be condominiumized for use as retail stores, and the other commercial unit is planned for use as a restaurant. Mr. Oyler indicated a site plan for a Wingers restaurant has been approved by the Development Review Committee. The property is currently zoned C-2. The developer noted cross easements are ready to be signed at the closing of the property.

Ms. Shaw made a **motion** to recommend approval of the Birchwood Square Preliminary Plat subject to the following conditions:

1. Cross easements shown on the plat;
2. Relocation of power subject to the Electric Department;
3. 25 foot minimum setback from Kirby Lane.

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

Changes to Construction & Development Standards and Subdivision Ordinance

This item was tabled from the June 2, 1999 Planning Commission meeting.

Design Engineer Chris Thompson reviewed additional proposed changes for the City's Construction & Development Standards and the Subdivision Ordinance. A public hearing was held with the Planning Commission on these items at a previous meeting.

Mr. Thompson requested the Commission approve the standard to require permanent property pins in lot corners. He feels this will cut down on calls to survey property lines.

Mr. Lewis made a **motion** to recommend the City Council's approval of requiring property pins in lot corners as proposed by the Engineering Department. Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

The discussion then turned to timing when issuing building permits. City staff still feels strongly about requiring underground street utilities, curb, gutter, sidewalk and asphalt be in place before a building permit will be issued. The City feels sidewalk is important for safety reasons.

Mr. Chris McDannell suggested the City require extra bond money for sidewalks to ensure they are installed. He stated many developers will hold off on installing sidewalks until all homes are framed so the sidewalks don't break.

Mr. Vic Deauvono stated some issues are being over regulated. He feels the risk of not installing sidewalks is not that great. He asked how many claims or lawsuits there have been with regard to lack of sidewalks and felt the developer would be sued, not the City.

Mr. Moffat asked about the possibility of the developer indemnifying the City from any risk regarding lack of sidewalks. Mr. Oyler stated the City is trying to minimize risk with this

requirement.

Much discussion took place on the issue. Items discussed in previous meetings were again reviewed.

Mr. Moffat made a **motion** to recommend amendment of the Construction and Development Standards to require the following before a building permit can be issued:

1. Utilities in the underground road area;
2. Curb, gutter, and sidewalk;
3. 4 inches of road base.

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

Esther Ridge Zone Change (R-R to R-1-12) and Preliminary Plat

A request has been submitted to rezone 39.59 acres at approximately 1600 South 2300 East from R-R, Rural Residential, to R-1-9, Standard Urban Residential. Preliminary plat approval will create 110 single family units, 6 twinhome units, and 21 townhouse units from the 39.59 acres for a total of 137 units and density of 3.46 units per acre. The general plan shows residential: 2.5-3.5 units per acre. Mr. Oyler gave a brief review and noted a public hearing took place on the issue at the June 2, 1999 Planning Commission meeting.

Discussion took place regarding amenities provided with the park, monotony issues, enforcement of the CC&R's, quality of housing materials,

Mr. Moffat asked if the finished square footage on the single family homes could be a minimum of 1200 square feet and 1000 square feet for the townhomes. Mr. Washburn agreed to the changes, but stated when costs are added, a lot of people are disqualified from purchasing the homes because the price of the home will be increased.

Ms. Shaw made a **motion** to recommend approval of the Esther Ridge Zone Change from R-R to R-1-12 and Preliminary Plat subject to the following conditions:

1. Town homes being reversed to face streets;
2. Eliminate two twinhome units, or three town house units at the developers choice;
3. Park to be designed to City standards;
4. CC&R's which include a minimum of 20% of total units will be brick, stucco or rock, and verbiage in the CC&R's, satisfactory to City Attorney, that guarantees no repetition of housing products, and the park will be maintained by the homeowners association.
5. CC&R's to reflect Single family homes to have a minimum of 1200 square feet finished on the main level, and townhomes to have a minimum of 1000 square feet finished on the main level. Split levels will be required to have a minimum of 1200 square feet finished area between both floors.
6. Utilities and vehicular access to come from 2300 East.

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

Maple Meadows Zone Change (R-R to R-1-12) and Preliminary Plat

A request has been received to rezone 47.25 acres at approximately 1700 South 2300 East from R-R, Rural Residential to R-1-9, Standard Urban Residential. Preliminary Plat approval will create 127 single family units and 38 twinhome units from 47.25 acres. The single family lots range in size from 8200 to 19600 square feet.

Mr. Oyler noted a public hearing was held regarding this issue at the June 2, 1999 Planning Commission meeting. The Planning Commission delayed a decision to allow time for review of the development's CC&R's.

Mr. Moffat felt monotony issues should be addressed with the CC&R's. Fencing and amenities for the park were discussed.

Mr. Moffat made a **motion** to recommend approval of the Maple Meadows Zone Change from R-R to R-1-12 and Preliminary Plat subject to the following conditions:

1. A detailed plan for the park, including specifics on playground equipment.
2. Show piping of the westerly ditch on the plat;
3. Review of the CC&R's, including requirement of 20 square foot covered porch or larger; and up to 15% on gable ends sided, the remainder would have to be masonry, stucco, or brick.
4. The masonry wall and streetscape of 2300 East subject to the standard being developed for the Abbie Court development;
5. Meet all utility requirement with easements where appropriate;
6. 2300 East must be widened if not already done by Abbie Court developers with a minimum of 24 asphalt and 6 foot gravel shoulders.
7. To avoid confusion, the plat name must be changed from Wapiti Meadows.
8. CC&R's to include a clause to address monotony, similar to Esther Ridge CC&R's.
9. Change "Homeowners Association" in the CC&R's to "Architectural Review Committee", and include the requirement of "two car" garages in the CC&R's.

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

Ridge Cove Preliminary Plat

Mr. Oyler reviewed the Ridge Cove Preliminary Plat. The Preliminary Plat will create (2) four-plex units and (1) duplex for a total of 10 units from 1.1 acres at 1000 East 500 North. The property is currently zoned R-3, High Residential. It was noted the irrigation ditch to the east will be piped.

Developer Mike Watson indicated a homeowners association will be formed to handle year round maintenance. He outlined amenities included with the project such a landscaping, picnic and small park areas.

Property owner Richard Davis stated he purchased the property four years ago with the intent of building storage units. Zoning on the property was changed in November 1996

with adoption of the City's new Zoning Ordinance. Mr. Davis expressed concern in recuperating his costs from the original purchase of the property. He stated he is responsible to make improvements on the property allowing it to be developed. Due to City ordinance Mr. Davis will be required to install a masonry block fence where his property borders U.S. Highway 6. He does not feel a fence should be required, but requested he be allowed to install the masonry fence himself. Much discussion took place regarding fencing and if the requirement could be waived in certain circumstances. The Commission recommended the Council and Attorney Baker determine whether a vinyl or masonry wall should be installed

Mr. Moffat made a **motion** to approve the Ridge Cove Preliminary Plat subject to the following conditions:

1. Covered parking for the middle four-plex moved to the south of that building;
2. Asphalt to tie in with the existing asphalt on 500 north and 1000 east;
3. Property lines be aligned with the existing road right-of-way for the road dedication;
4. Consider the feasibility of purchasing the Vic Bell property to the south for use with the development (i.e. RV parking);
5. Soils testing will be required to ensure groundwater issues are resolved.;
6. Lot numbers included on the plat;
7. The City Council resolve issues regarding fencing along Highway 6.

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

Canyon Crest Preliminary Plat

The Canyon Crest Preliminary Plat was reviewed by Mr. Oyler. Preliminary Plat approval will create 55 single family units, and 55 town house units from 31.4 acres located at 1660 South 3200 East. Lot sizes will range from 9000 to 17600 square feet. The property is currently zoned R-1-12, Low Urban Residential.

The developers outlined the project in detail including various ways monotony will be addressed through CC&R's. Amenities in the project were reviewed.

Mr. Oyler requested details regarding how solid waste will be handled.

Mr. Heap reviewed connections of the roads to U.S. Highway 6. He indicated details regarding this interchange will need to be complete before final plat approval. Realignment of the roads will be paid by the developer. Mr. Heap directed the developers to meet with UDOT on the road.

Representatives from Hubble Engineering stated they would like to make a contribution for a trail system whether it be monetary or by providing engineering services.

City Planner Emil Pierson requested wood fencing not be allowed behind the townhomes. The developers indicated they will install some type of vinyl fencing.

Mr. Lewis made a **motion** to approve the Canyon Crest Preliminary Plat subject to the following conditions:

1. 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;
2. Guard rails or adequate safety measures installed on the road near Lots 23, 24 and 25. The developers will work with Richard Nielson on the appropriate safety standards;
3. Finished main floor area in ramblers will be 1200 square feet, 1600 square feet combined finished area on two story homes;
4. Details for garbage receptacles at the townhomes to be determined prior to recording.

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

Adjournment

Mr. Baadsgaard made a **motion** to adjourn the meeting of the Spanish Fork Planning Commission at 11:03 pm. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.