

**Adopted Minutes  
Spanish Fork Planning Commission Meeting  
December 1, 1999**

The meeting was called to order at 6:30 by Chair J. Wayne Nelson for a preliminary review of the agenda. At 7:00 p.m. regular agenda items commenced.

Commission Members Present: Chair J. Wayne Nelson and Commissioners Kevin Baadsgaard, Roy L. Johns, David E. Lewis and Thora L. Shaw.

Staff Members Present: Emil Pierson, City Planner; Richard Heap, Engineer/Public Works Director; Nate Crow, GIS Specialist, and Janet Bryan, Secretary Public Safety Dept.

Citizens Present: Doug Barber, Walter Heyman, Melvin Morrow, Lynn Stratford, Les Allen, Robert Gull, Brian Jex, Deanna Jex, and Bruce Hall.

**Minutes**

Ms. Shaw made a **motion** to table the approval of Commission Meeting minutes for October 6, 1999 and November 3, 1999, until all commission members had received copies to review. Mr. Baadsgaard **seconded** and the motion **passed** with a unanimous vote.

At 7:02 a **motion** was made by Mr. Baadsgaard to open the public hearing. Ms. Shaw **seconded**, and the motion **passed** unanimously.

**Public Hearing - Jex/Barber General Plan Amendment**

City Planner, Emil Pierson reviewed the request of Bryan Jex and Doug Barber to amend the City's General Plan relating to the area on the north side of Center Street from Main Street to 100 East and the east side of Main Street from Center Street to 100 North, from Residential Office and General Commercial to Downtown Commercial. He advised that many of the current properties which are now non-conforming under current zoning would become conforming under the C-D zone, with the exception of Ken's Auto Body.

Mr. Pierson advised that, after reviewing the request at length, the Development Review Committee has recommended approval of this amendment. Staff also recommends that the Planning Commission give a positive recommendation to the City Council for this amendment subject to the following conditions, as suggested by the DRG:

1. That Mr. Jex obtains a separate business license for the business run from the home at 31 North 100 East.
2. That the water meter be removed, placed in a landscaped area and be approved by the City Engineering Department.

Chair Nelson opened the meeting for public comment. None was received. Referring to previous discussion held on this issue during the Agenda Review meeting, the Commission concluded the amendment would be a sensible solution that would be

equitable to all parties involved. There were no further recommendations or conditions from the committee.

Mr. Baadsgaard made a **motion** to recommend approval by the City Council of the amendment to the General Plan from General Commercial and Residential Office to Downtown Commercial on the north side of Center Street from Main Street to 100 East and the east side of Main Street from Center Street to 100 North subject to the following conditions:

1. That the property at 31 North 100 East be required to get a business license.
2. That the water meter be removed, placed in a landscaped area and be approved by the City Engineering Department.

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

### **Public Hearing - Main Street Development Zone Change (R-R to R-1-8) and the Rock Cove Preliminary Plat**

Julia Stout, an intern with the City Engineering Department, reviewed the request for a zone change and preliminary plat approval by Melvin Morrow and Walter Heyman of Main Street Development Group. The applicants are proposing to construct 32 twin homes and 8 single family units at approximately 2300 East Canyon Road. The property is currently vacant except for some farm buildings located in the southeast corner. The proposed density is 4.74 units per acre. This area is currently zoned R-R, Rural Residential. The property to the west is an R-1-30 zoned subdivision. To the north and east are subdivisions that are zoned R-1-8 and to the south is vacant property that will be another subdivision of single-family homes.

Mr. Johns had questions regarding the fencing on the lots that backed the proposed park. The Development Review Committee and Staff recommends fencing along the north side of Lots 2 through 6 be non-site obscuring, to be installed by the homeowner and not required of the developer.

The meeting was opened for public input.

Mr. Walter Heyman, one of the developers of Rock Cove, introduced himself and offered to answer any questions about the project.

Ms. Shaw had concerns regarding item number 5(a) Term: Method of Termination, in the CC&R's of Rock Cove that states they shall be in effect for a term of twenty years. She questioned setting such a long period of time without the possibility of change.

Mr. Bruce Hall felt it shouldn't be locked in for so long. Changes may need to be made sooner and the homeowners should have the right to do something. Chair Nelson added there would still need to be some public oversight to ensure that things aren't changed in the future because the needs of specific homeowners may change.

Richard Heap offered three options of city control in the Method of Termination. The city

could be allowed to: 1) have veto power, 2) have a certain amount of the vote or 3) have an advisory position within the association.

Melvin Marlow, also a developer of Rock Cove, stated he would not be offended if this item in the CC&R's were to read that the vote needed to be approved by the city council.

Mr. Pierson suggested that the city attorney review the Restrictive Covenants prior to final plat approval.

Discussion followed on who would have responsibility for maintenance of the 3/4 acre neighborhood park within the proposed subdivision. It was assumed by the developers that the city would maintain the park. Ms. Shaw stated the city can become overwhelmed with the responsibility of caring for all neighborhood parks. It was decided that the Homeowners Association should be authorized to collect fees for maintenance of the park. The developers agreed that the Restrictive Covenants could be easily changed to require maintenance of the neighborhood park by the Homeowners Association and to allow the association to collect fees for such maintenance from the property owners within the project.

Ms. Shaw made a **motion** to approve the Main Street Development Zone Change of the property at approximately 2300 East and Canyon Road from Rural Residential (R-R) to Medium Urban Residential (R-1-8). The Commission makes the following findings in approving the zone change:

1. The amendment is consistent with the policies of the General Plan;
2. Consideration will be given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties with preliminary plat approval.

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

Ms. Shaw made a **motion** to exit the public hearings at 7:35 p.m. Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

Discussion continued on the Rock Cove Preliminary Plat

Mr. Lewis requested further information on condition #2 set by the DRC regarding the electric poles on Canyon Road and 2300 East to be worked out with the power department. Mr. Pierson explained that the poles will need to be removed and the power lines placed underground.

Discussion was held on the fencing for the project. A masonry fence will extend around the perimeter of the development, with the exception of the park area, which will be a black wrought iron fence to comply with the non-site obscuring condition. This fencing is to be approved by the City Planner.

The developers stated they will be selling the lots themselves.

Mr. Baadsgaard made a **motion** to approve the preliminary plat for the Rock Cove Subdivision subject to the following conditions:

1. Setbacks for the development to be 25 feet-front, 25 feet-rear, 10 feet each side, corner lots 20 feet to living and 25 feet to garages.
2. Electric poles on Canyon Road and 2300 East to be worked out with the power department.
3. Amenities for the park to include a 6-foot wide concrete walkway to the park, non-site obscuring fence surrounding the park, basketball court, sand volleyball court, and tot lot as shown in development packets.
4. Fencing along the north sides of Lots 2 through 6 must be a non-site obscuring fence. The fence may be installed by a homeowner, and is not required of the developer.
5. Wrought iron fence, and masonry wall along 2300 East and Canyon Road to be approved by the City Planner. Landscaping along Canyon Road designed to City Planner's specifications.
6. Minimum of four (4) different housing designs with the same design not being within 120 feet of another.
7. 100% solid surface product must be used on the front elevation of buildings or 50% of the entire building elevation solid surface.
8. Gate installed on 2300 East for maintenance, fires and other emergencies.
9. No lots to have access onto 2300 East or Canyon Road.
10. The park must be built in the first phase of the development as well as all walls and fences.
11. All tree types in the park and park strips along 2300 East and Canyon Road must be approved by the Shade Tree Commission and be a minimum of 2-inch caliper.
12. Amend the Covenants, Conditions and Restrictions to require the maintenance of the park be the responsibility of the Homeowner's Association and to allow for the Association to collect fees from the homeowners to cover the cost of the maintenance.
13. The Method of Termination as stated in the Covenants, Conditions and Restrictions, could only occur with the approval of the City Council.

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

### **Preliminary Plat - The Oaks Plat H**

Mr. Pierson reviewed the request by Dos Amigos, LC for preliminary plat approval of The Oaks, Plat H. The property is located at approximately 2400 East Fairway Drive, adjacent to the golf course, and is currently vacant. The developer is proposing to build 22 twin homes with an Old European theme in the construction, enhanced with antique lamp posts and period mailboxes.

The Strawberry Canal is located to the southwest of this project and to the southeast is a

pond that holds water from the canal. There may be a problem with the Strawberry Water Association regarding an easement along the canal. They have filed a Notice of Intent and claim they have had the easement since 1984, but nothing has been determined as yet. If the improvements cannot be completed in the recommended amount of time, there may be a need to approve a temporary turn-around that would be located halfway up Fairway Drive instead of at the end by the canal. If Strawberry doesn't want the Canal Road used, some type of injunction may be put on its use until the matter is settled. The city wouldn't want the completion of the improvements delayed because of something beyond the developer's control.

Mr. Lynn Stratford, the developer of The Oaks, was introduced. He discussed the design of the homes in reference to the Old European theme stating it was their desire to have something a little different and unique with character, like having two separate homes, yet connected.

Ms. Shaw questioned the close vicinity to the golf course and the possibility of damage to the stucco material of the homes. Mr Stratford said they had design suggestions for homeowners such as porches on the back of the homes along the golf course to help alleviate the threat of direct hits from golf balls. Other suggestions to minimize possible damage by golf balls are limiting windows on the golf course side of the homes and working with the golf course in the placement of large trees or groups of trees along the fairway backing up to the development.

It was noted that the CC&R's should make homeowners aware that any damage resulting from the golf course is their responsibility, not the responsibility of the city.

The Commission was generally impressed with the intent of the developers in their plans for the unique design and character for the improvements of this project.

Mr. Lewis made a **motion** to approve The Oaks preliminary Plat H, subject to the following conditions:

1. Setbacks for the development to be 25 feet-front, 25 feet-rear, 10 feet each side.
2. That a hammerhead turn-a-round be provided at the southeastern end of the development and be approved by the Engineering Department.
3. That an agreement be entered into with the city pertaining to the water tank being completed prior to the sales of the homes and that the agreement have a clause that the City is not liable during construction for providing adequate fire protection due to low water pressures if the tank is not completed.
4. That there are not cuts made into the canal banks and any cuts must have a soil engineer's recommendation.
5. No accessory buildings will be allowed within the development.
6. No sight obscuring fences will be allowed along the golf course and all fences must be wood.
7. That the Shade Tree Commission and the Golf Course approve the type and

location of trees in the rear of the properties.

8. That the subdivision meets all plans and profiles approved by the City Engineering Department.
9. That the development be constructed with the same theme "Old European" as shown at the DRC meeting held on November 24, 1999.
10. That the developer have the homeowners indemnify the City from damage resulting from the golf course.
11. That the monument sign entering into the subdivision be approved by the City Planner.

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

### **Hill Annexation**

Mr. Robert Gull is requesting the annexation of the approximately 28 acres west of the Spanish Fork boundaries. The property address is approximately 2700 North 800 West and is contiguous to the City limits on its east boundary line. Mr. Gull has a welding business on the corner of 2700 North 800 West. There are a number of properties involved and are currently owned by Ricky Hansen, Robert Gull, David James and Gerald Hill.

The property immediately to the north and west of the proposed annexation is within the city boundaries and zoned light industrial (I-1). The property to the north is owned by the City and is part of the airport.

Annexation of properties outside the Growth Management boundary is typically discouraged "except in cases where environmental, open space, or safety concerns can better be managed if the property is within the City limits." Because the portion outside the Growth Management boundary adjoins the current city boundaries and abuts Spanish Fork City's airport boundaries, it would be appropriate to annex the property in order to create a proper perimeter. Annexations of such areas are consistent with City policies in the General Plan. City utilities are not available to the property, and it will be the property owner's responsibility to connect to the closest available City utilities.

Mr. Pierson noted that the Development Review Committee reviewed this request at its November 3<sup>rd</sup> meeting and recommended approval of the annexation subject to the seven conditions, as follows:

1. The southerly property line will be adjusted to match the northerly right-of-way.
2. Property owners understand utilities are not readily available and will have to be extended.
3. The existing residential units will be non-conforming.
4. Aviation easements will be provided for the airport which include flyover and noise. Easements must comply with the general plan of the airport.
5. The property will be zoned I-1, Light Industrial.
6. Acreage of the annexation may not decrease in size.
7. Ownership of property along the airport must be determined.

In reference to the last condition, Mr. Pierson explained that it is unclear if the property line along the airport is actually along the fence or not. The exact property lines need to be determined before annexation.

Mr. Pierson also noted that Mr. Gull would need to conform his welding business property to city standards in regard to signs, no displaying of merchandise or materials in front of the building and providing a 15-foot landscape strip adjacent to the public streets. Mr. Gull understood the changes that would need to be made to his business property.

Mr. Baadsgaard questioned the feelings of all property owners involved in the annexation. Mr. Robert Gull, representing the property owners, assured the commission all of them have signed a petition in favor of the annexation.

Mr. Johns made a **motion** to approve the annexation of 28.676 acres located at approximately 4800 South (2700 North) 770 West, subject to the following conditions:

1. That all property be zoned as light industrial (I-1).
2. That southerly property line will be adjusted to match the northerly right-of-way;
3. Property owners understand utilities are not readily available and will have to be extended.
4. The existing residential units will be non-conforming.
5. Aviation easements will be provided for the airport which include flyover and noise. Easements must comply with the general plan of the airport.
6. Acreage of the annexation may not decrease in size.
7. Ownership of property adjacent to the airport must be determined.
8. That the property (business) meet the City's 15-foot landscape strip adjacent to public streets (2700 North and 800 West).
9. That the signage meet the new City standards pertaining to signs in industrial areas.
10. That no displaying of merchandise or materials be allowed in front of the building or designated "front" of the lot and the property be maintained in a property manner.

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

### **Adjournment**

Mr. Johns made a **motion** to adjourn the meeting of the Spanish Fork Planning Commission at 8:20 p.m. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.