

**Adopted Minutes
Spanish Fork Planning Commission Meeting
January 2, 2002**

The meeting was called to order at 7:00 p.m. by Chair Kevin Baadsgaard.

Commission members present: Chair Kevin Baadsgaard, and Commissioners Roy L. Johns, David E. Lewis and Thora L. Shaw. Commissioners Paul Healey and Thad S. Jensen were excused.

Staff Members Present: Emil Pierson, City Planner; Richard J. Heap, City Engineer/Public Works Director; Nate Crow, GIS Specialist and Marlo Smith, Engineering/Planning Secretary.

Citizens Present: Brian Bridge, Frank Santos, Mike Spencer and Kevin C. Kelter.

Agenda Review

The Planning Commission reviewed the staff reports for each item on the agenda.

Preliminary Activities - Pledge of Allegiance

The Pledge of Allegiance was led by Chair Kevin Baadsgaard.

Minutes

Commissioner Shaw made a **motion** to approve the minutes of the November 7, 2001 meeting of the Spanish Fork Planning Commission with noted corrections. Commissioner Johns **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Johns made a **motion** to approve the minutes of the December 5, 2001 meeting of the Spanish Fork Planning Commission with noted corrections. Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote.

Public Hearings

Commissioner Johns made a **motion** to open the public hearings at 7:05 p.m.. Commissioner Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Verizon Wireless Conditional Use Permit

City Planner Emil Pierson discussed the conditional use permit request from Verizon Wireless to increase the height of an existing monopole from 60 feet to 100 feet in the light industrial (I-1) zone. The location is at 150 West 500 South adjacent to the storage units owned by Dave Herring. According to Section 17.20.110 C Uses Subject to Conditional Use Permit states that

telecommunication towers taller than sixty (60) feet must go through the conditional use permit process.

Mr. Pierson discussed that the Development Review Committee reviewed this request at its December 12, 2001 meeting and recommended approval of the 40-foot increase in height with no conditions.

Discussion took place on the other cell towers that are located in the area. Verizon Wireless will take down the current 60-foot pole and replace it with a new 100-foot pole.

Chair Baadsgaard asked for any public input. Mr. Brian Bridge discussed that Verizon Wireless is extending the pole for better coverage and that this new 100-foot pole will have other poles co-locate.

Commissioner Lewis made a **motion** to approve the Conditional Use for Verizon Wireless to increase the height from 60 feet to 100 feet for a telecommunication tower at 150 West 500 South with the following findings and no condition(s):

Findings:

1. That the increase in tower height is consistent with the policies of the City's General Plan and the purpose of the light industrial zoning district in which the site is located.
2. The increase in tower height will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the light industrial zone and neighborhood of the proposed use.
3. The proposed site is adequate in size and shape to accommodate the increase in the monopole height and it will meet all the requirements for the light industrial zoning district.
4. The site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use, and that on-site circulation is adequate to permit driveways, parking, pedestrian ways, and loading requirements in a manner which is safe and efficient.
5. That no additional conditions or stipulations were needed to negate any detrimental effects of an increase in height of the monopole from 60 feet to 100 feet.

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

Commissioner Shaw made a **motion** to close the public hearing at 7:11 p.m. Commissioner Johns **seconded** and the motion **passed** with a unanimous vote.

Preliminary Plat - Utah Department of Workforce Services

Mr. Pierson discussed that Kevin Kelter of KL & KL Investments Inc., is requesting preliminary plat approval to create two industrial lots at approximately 1200 North Chappel Drive. The subject property is located in the S-C, Shopping Center Zoning District and the General Plan for this area envisions retail uses on the property. This is located by Food 4 Less.

The Development Review Committee reviewed this request at its December 19, 2001 meeting and recommended approval of the preliminary plat subject to no conditions.

Mr. Pierson discussed the improvements are being installed now for both lots. Commissioner Johns questioned how big the building on the second lot would be. Mr. Pierson stated that it would have to meet the set back requirements of 25 feet with a minimum of 15 feet of landscaping on the main road. Discussion took place regarding parking and the detention basin.

Chair Baadsgaard asked Mr. Kevin Kelter if he had any comments. Mr. Kelter discussed that all the ground work was completed. There were no other questions.

Commissioner Shaw made a **motion** to give a positive recommendation to the City Council on the Utah Department of Workforce Services preliminary plat with no conditions. Commissioner Lewis **seconded**, and the motion **passed** unanimously.

Subdivision Waiver - Berkley Flag Lot

Mr. Pierson spoke about the applicant, Berkley Mortgage Corporation is requesting subdivision waiver approval in order to develop two (2) lots in the Medium High Residential zoning district. Currently the property is one single family lot and the applicant is requesting to develop a single family home on a flag lot. The setbacks for the subdivision will be 20 feet in the front with garages being 25 feet. Side setbacks at 5 feet and rear setbacks at 25 feet. The flag lot will be 12,079 square feet and the front lot will be 8,457 square feet. Access to the flag lot will be from 500 East on a 20-foot driveway with curb and asphalt.

Mr. Pierson stated that the Development Review Committee reviewed this request at their December 19, 2001 meeting. Discussion took place regarding the power lines and fire hydrant location. DRC recommended approval of the Subdivision Waiver (flag lot) subject to the following conditions:

1. Relocate the power lines as per the Electric Department and at the owner's expense.
2. Install a fire hydrant at 500 East 533 North (near the driveway).
3. Install a driveway according to the development standards.

Discussion took place regarding if a fence would be required or not. Mr. Pierson stated that a fence is not required.

Mr. Mike Spencer discussed that he works for Berkley Corporation and is interested in developing the open space in that area. Discussion took place regarding the open area and allowing an ordinance to use the driveway for more than one unit. Mr. Spencer is going to take into consideration asking the City Council for an ordinance change.

Commissioner Johns made a **motion** to approve the Berkley Flag Lot Subdivision Waiver subject to the following conditions:

1. That the development meets all plans and profiles approved by the City Engineering Department and Utility Department.

2. Relocate the power lines as per Electric Department and at the owner's expense.
3. Install a fire hydrant at 500 East 533 North (near the driveway).
4. Install a driveway according to the development standards.

Commissioner Shaw **seconded**, and the motion **passed** unanimously.

Preliminary Plat - Esther Ridge Amended

Mr. Pierson discussed that applicant, Frank Santos, is requesting to amend the Esther Ridge Preliminary Plat and receive re-approval of the Preliminary Plat. The preliminary plat was first approved by the City Council on August 3, 1999. Plat A was recorded on February 29, 2000. The developer has one year from that date to keep the preliminary plat active or get a six-month extension by the City Council. In this case Esther Ridge Plat C was submitted January 23, 2001 in the one year time frame and was approved by the DRC on March 3, 2001. It was never recorded nor was Plat B. In the meantime the developer decided to amend the CC&R's to allow for smaller homes but for all of the homes to have a hard surface front. This request is only dealing with Final Plats C, D and E. This request does not include the town homes in Plat F. Plat A has been recorded and is currently being built. Plat B owned by Northstar is in court dealing with a connectors agreement.

Mr. Pierson discussed that Mr. Santos sells paper lots. Mr. Santos takes the subdivision through the City process and then after it is recorded sells the subdivision. Mr. Pierson discussed that he and Mr. Heap met with the developer to discuss getting the project re-approved. At this meeting the park/detention basin was a big topic because Plat A and B were sold off to Northstar and Plat A has homes being built by other contractors than Northstar. City Staff felt that the home owners would have a difficult time wanting to pay maintenance fees when they probably won't feel like they are part of the rest of Esther Ridge. Therefore, staff recommended that the developer eliminate the park/detention basin and town homes and create more single family lots while keeping the same number of lots. The developer concurred and now the plat shows single family lots instead of the park and town homes.

Mr. Pierson stated that in the DRC meeting it was discussed that in lieu of the park the developer will donate funds to the Spanish Fork Parks and Recreation for improvements in other city parks and that the final figure is to be determined by the costs for adding asphalt, sumps and other costs in the storage of the storm drainage. The figure is to be determined prior to going to the City Council. Mr. Johns expressed his concern on the dollar amount not being negotiated before Planning Commission approval. Mr. Johns was worried if the developer did not approve of the dollar amount what would happen. Mr. Pierson stated that if the amount can't be negotiated then the developer would be required to apply for approval with Planning Commission again. Commissioner Shaw feels that a negotiated amount will be reached. Commissioner Lewis questioned whose idea to eliminate the park. Mr. Pierson stated that it was the City Staff. Mr. Heap discussed what was needed for storm drainage retention in storage instead of on the surface.

Discussion took place regarding the homeowners association elimination, condo parking and who approves permits to make sure they are meeting CC&R's.

Mr. Frank Santos discussed his plans for the approval of the subdivision and the upgrades to the homes. Commissioner Shaw stated that she approves of the upgrades. Discussion took place on the ordinance at the prior approval requiring 75% single family and 25% multi family dwellings in a subdivision.

Commissioner Lewis discussed his feelings on eliminating the park and the value for the open area. Mr. Pierson stated that the money donated could be used for park equipment only.

Commissioner Shaw made a **motion** to give the Amended Esther Ridge Preliminary Plat and re-approval request a positive recommendation to the City Council subject to the following conditions:

1. Donate funds to the Spanish Fork Parks and Recreation fund to be used in other city park for the elimination of the private park, the final figure to be determined by the costs for adding asphalt, sumps, and other costs to be included in the storage of the storm drainage. The figure to be determined prior to this going to the City Council,
2. That all single family homes to have a minimum of 1,200 square feet finished on the main level of a rambler and split-level, and a minimum of 1,500 square feet finished on the main level of a two-story and 1 ½ story home;
3. One hundred percent of the front elevation to be a hard surface,
4. Fifty percent of units are to have all hard surfaces,
5. All corner lots are to have hard surfaces with a side entry garage,
6. All homes are to have a 5/12 roof pitch,
7. That no home shall have the same footprint (style, elevation) within 200 feet of another, as determined by the City Planner,
8. Set backs will be as follows: Front - 20 feet to living area; 25 feet to garage; Rear - 25 feet, and side - 10 feet. Corner lots - 15 feet to living area and 25 feet to garages.
9. CC&R's approved by the City Planner and City Attorney;
10. The development must meet all current Construction and Development standards.
- 11.

Commissioner Lewis **seconded** the motion and it **passed** unanimously.

Release and Election of Planning Commission Chairman

Commissioner Shaw made a **motion** to release Kevin Baadsgaard as Planning Commission Chairman with a vote of thanks for his five years of service and dedication. Commissioner Johns **seconded**, and the motion **passed** unanimously.

Commissioner Johns **made** a motion to elect Commissioner David Lewis as Planning Commission Chairman. Commissioner Shaw **seconded** and the motion **passed** unanimously.

Adjournment

Commissioner Lewis made a **motion** to adjourn the meeting of the Spanish Fork Planning Commission

at 8:15 p.m.. Commissioner Johns **seconded**, and the motion **passed** with a unanimous vote.