

**Adopted Minutes
Spanish Fork City Planning Commission
April 16, 2003**

The meeting was called to order at 7:05 p.m. by Chair Lewis.

Commission members present: Chairman David E. Lewis; Commissioners Roy L. Johns; Thora L. Shaw; Paul Bradford; and Ted Scott.

Commission members absent: Thad S. Jensen.

Staff Members Present: Emil Pierson, City Planner; Richard J. Heap, City Engineer/Public Works Director; Marlo Smith, Engineering Secretary.

Citizens Present: Andrew Herseth, Scott Peterson, Marianne Biesinger, Jim Biesinger, Chris Biesinger, Shauna Gardner, Rdean Clark and Greg Roberts

Preliminary Activities - Pledge of Allegiance

The Pledge of Allegiance was led by Chair Lewis

**Public Hearings – Child’s Rezone
Staff Reports – Sunset Ponds Preliminary Plat**

Commissioner Johns made a **motion** to open the public hearing at 7:09 p.m. Commissioner Shaw **seconded** and the motion **passed** unanimously.

Mr. Pierson reviewed the request from Scott Peterson in behalf of Chris Child and the Lynn Child family trust to rezone approximately 8.0 acres from Commercial Office (C-O) to Medium High Residential (R-1-6). If the rezone is approved the developer would like to construct a townhouse development. Everyone within 300 feet of the property was noticed of the public hearing as well as being published in the Daily Herald 14 days prior to the public hearing. Mr. Pierson reviewed the surrounding parcels of ground and the general plan for this area. Mr. Pierson stated the Development Review Committee recommended approval of changing the zoning from C-O to R-1-6 with no conditions.

Commissioner Johns asked Mr. Peterson if he will be building the townhomes as well as developing the property. Mr. Peterson stated that he will not build the townhomes. The property will be sold to Steve Maddox after it is developed into lots.

Commissioner Bradford stated that he is concerned of the high density already in this area of Spanish Fork. Mr. Bradford is concerned of the deteriorating buildings that are vacant and now the mass of new buildings being built.

Commissioner Shaw stated that the intent of the general plan was not for apartment buildings only for townhomes. Mr. Peterson stated that the townhomes will be sold as owner occupied townhomes. The townhomes are designed for entry-level homeowners. Commissioner Shaw stated that this town is already saturated with entry-level homes.

Mr. Peterson reviewed the added amenities to the area and the best way to utilize the ponds.

Commissioner Shaw asked Mr. Peterson about the other area he has developed. Mr. Peterson stated he has worked in civil engineering for 7 years and has developed the Pioneer Drive Inn area in Provo.

Jim Biesinger – Mr. Biesinger stated he is the property owner to the North and he is concerned of the traffic on 800 North that the townhomes will bring.

Commissioner Bradford asked Mr. Biesinger what his future plans were for his property to the North. Mr. Biesinger stated he will subdivide it into 9 single family lots.

Discussion took place regarding the ponds in the area.

Mr. Pierson stated that most of the questions being asked were in regards to the development and not to the zone change. Mr. Pierson suggested the presentation of the preliminary plat be presented to alleviate most questions.

Mr. Pierson reviewed the request from Mr. Peterson for preliminary plat approval in order to develop a townhome project at 800 North and Highway 51. The property is currently vacant and has three ponds. Mr. Peterson is proposing 63 units for townhomes and one single family home. The elevations will be similar to the Davencourt project to the Southeast. There will be a solid white vinyl fence for the backyards of each unit and along 800 North and units 1-6. An open vinyl fence will be along units 7-20 next to the ponds to utilize the open space. A masonry wall will be required along Highway 51. The landscaping plan shows 2" caliper trees every 30 feet along the public right of ways (Highway 51 and 800 North) as required by ordinance. All other landscaped areas shall include at least one tree and three shrubs for each 800 square feet of landscaped area. The amenities will include a pavilion which is shown on the west side of the project by unit #6-7. They are also proposing an open swimming pool located in the middle of the development. A tot-lot is being shown on the northeast corner of the project and would be fenced off. The city looked at the possibilities of taking care of the ponds, because of the larger amounts of open space the city already has and the costs of maintenance issues the city has requested this area not be dedicated to the city. The open space would be purchased and maintained by the person who purchases lot 64. The ponds area would be recorded as a non-buildable lot.

Mr. Pierson stated that the proposed development is between a major highway and railroad tracks and has another highway running by the side. Mr. Pierson stated that this area may be hard to sell for large single family homes because it wouldn't be the most desirable area.

Discussion took place regarding the open space area around and including the ponds being proposed as open space and not be available for public use. Chair Lewis told Mr. Peterson he would like to see information from an insurance company on the liability for the homeowners association if they were able to utilize the ponds and open space area.

Commissioner Shaw stated she would like to see the pavilion over by the pool.

Discussion took place on the angle of the road at 800 North and Highway 51.

Discussion took place regarding the school traffic walking over the railroad tracks.

Marianne Biesinger – Mrs. Biesinger stated she feels comfortable with the outlook of the project. Mrs. Biesinger stated she just doesn't like to see so many units. She would like to see stable people move in who will stay in the area. She thinks the townhomes would be hard to sell and would like to see twin homes built instead.

Chris Biesinger – Mr. Biesinger stated he is currently building a 250,000 dollar home across the street. He is putting down roots and raising a family in this area. Mr. Biesinger stated he is very uncomfortable with the project and would like it be restricted to a lower density.

Commissioner Johns would like to see the open space utilized for the public. Commissioner Johns pointed out all the single family homes in the area.

Discussion on the possible amount of single family homes on this property. An approximate of 24 single family homes could be built on this property.

Jim Biesinger – Mr. Biesinger stated that the proposed amount of units of 36 is too many units for the amount of buildable area.

Mr. Peterson stated he lives in Spanish Fork and is in his third home which is still under \$250,000.00. Mr. Peterson stated that the original concept idea utilized the ponds as public open space but because of the liability issues it forces them to make it private open space.

Discussion took place regarding the 800 North street design to be signified as a minor collector road. Mr. Heap stated that 800 North exceeds the requirements to be a minor collector road.

Discussion took place regarding the size of the lot may possibly be too small for 65 families. Commissioner Shaw recommends having a swing set installed.

Discussion took place regarding options for single car garages. Commissioner Johns would like to see the roof line on the covered parking be the same as the roof line on the buildings.

Discussion took place regarding the findings for the rezone and if the findings have been met.

Commissioner Johns made a **motion** to approve rezoning the property located at 800 North Highway 51 known as the Child's property or Sunset Ponds from Commercial Office (C-O) to Medium High Residential (R-1-6) with the following findings:

That the zone change is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan; and

That consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Condition(s):

None

Commissioner Scott **seconded**. Commissioner Shaw questioned the requirements of the R-1-6 zone. Commissioners Lewis, Johns, Bradford and Scott approved. Commissioner Shaw was opposed. The motion **passed** with a majority vote.

Commissioner Bradford made a **motion** to table the Sunset Ponds Preliminary Plat located at 800 North Highway 51 until the May 7, 2003 Planning Commission Meeting. Commissioner Johns **seconded** and the motion **passed** unanimously.

Staff Reports – Mike Gardner Subdivision Waiver

Mr. Pierson stated that Mike Gardner is requesting a subdivision waiver for one lot at 1440 South 1580 East. The rezone on the property was approved last night at the City Council meeting. The rezone is not effective until twenty days after publication. All improvements in to the lot are already complete. A right of way dedication for the road needs to be done. Mr. Pierson stated the Development Review Committee approved the subdivision waiver with 2 conditions.

Commissioner Shaw made a **motion** to approve the Mike Gardner Subdivision Waiver at 1440 South 1400 East subject to the following condition(s) of approval:

1. The deed is recorded for the right of way on the west side of the road, and,
2. Contingent on the rezone becoming effective.

Commissioner Bradford **seconded** and the motion **passed** unanimously.

Adjournment

Commissioner Scott made a **motion** to adjourn the April 16, 2003 Spanish Fork Planning Commission meeting. Commissioner Shaw **seconded** and the motion passed **unanimously**. The meeting was adjourned at 9:45 p.m.