

Adopted Minutes
Spanish Fork City Planning Commission
May 7, 2003

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

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

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

Citizens Present: Bruce Hall, John Smiley, Gordon Jones, Jeff Simonsen, Todd Stewart, Todd Hyer, Josh Binks, James C. Biesinger, Michael Ward, David Hughes, Marlo Hughes, John Landry, Phil Carroll, Kris Dudley, Brett Esch, Patty Esch, Jenny Baadsgaard, Scott Peterson, and Dave Hutchings.

Preliminary Activities - Pledge of Allegiance

The Pledge of Allegiance was led by Chair Lewis

Minutes

Commissioner Shaw made a **motion** to approve the minutes of the April 2, 2003 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Johns **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Shaw made a **motion** to approve the minutes of the April 16, 2003 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Bradford **seconded**, and the motion **passed** with a unanimous vote.

Community Housing Services Conditional Use Permit

Mr. Pierson stated to the Planning Commission that Mr. Carroll will be updating the Planning Commission of any new information.

Mr. Carroll reported to the Planning Commission on the public meeting that was held with the neighbors. Community Housing Services have made two modifications from the last submittals. The changes are as follows:

1. The whole height of the building has been reduced by three feet with the front facing 1400 East reduced to a one story level.
2. Surveyors found a discrepancy on the boundary lines, which moves the front setback from 25 feet to 62 feet.

Mr. Carroll showed the Planning Commission the new layout of the building. Mr. Carroll stated with the extra room, it will allow more parking, but prefers to keep it as open space with a condition to add more parking in the future as needed.

Discussion took place regarding the aesthetics of the building.

Kris Dudley - Ms. Dudley stated that the first notification of this building was in May 2003. Ms. Dudley feels as if the City ignored the neighbor's comments and concerns. Ms. Dudley wonders why the neighborhood wasn't notified when the developer first looked at this property.

Patty Esch - Ms. Esch stated that the neighborhood meeting with Community Housing Services was very nice and they are trying to work with the neighborhood. Ms. Esch would like to see a place like Hearthstone Manor built.

Discussion took place regarding the comments from Ms. Dudley regarding the notification from the City when the developer first looked at this property.

Commissioner Jensen stated that this conditional use request has been beat to death for the past couple of months. The proposed use is consistent with the policies of the City's general plan.

Commissioner Jensen made a **motion** to approve the Community Housing Services Conditional Use Permit at 1470 South 1400 East subject to the following conditions of approval:

1. The height of the building is not to exceed 30 feet to the peak of the roof from the grade at 1470 South with a waiver of 18 inches for the foundation wall. One home and the church in the area are found to be approximately 30 feet in height. The northwest corner (along 1400 East) of the building be one story in height.
2. The building must meet all fire code requirements.
3. The exterior material on the West and South faces are to be of a hard material; stone, stucco, brick, or a type of masonry and are to be articulated appropriately. The exterior on the North and East sides of the building are to be dryvit.
4. There is to be a white vinyl fence along the North and East sides of the property and the South property line as shown on the site plan,
5. Landscaping is to be placed on the North and East sides of the building with trees every 20 feet, to grow to a minimum of 25 feet, and landscaping on the South and West sides of the property as shown on the site plan and with the approval of the Shade Tree Commission,
6. The facility shall not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of themselves or other individuals or result in substantial physical damage to the property. A background check must be performed on all residents and no individual who has been convicted of a violent felony or who has been listed on a state's sex offender registry list may be allowed to reside therein. (BCI background check),
7. The Federal Fair Housing Act is to be followed as pertaining to age,
8. The facility is to remain a senior housing facility for 99 years with all of these conditions or the conditional use permit will be terminated,

9. Meet all Construction and Development Standards,
10. There will be no more than 41 residential units,
11. The electrical and communication issues are to be resolved as per the Engineering Department,
12. The roof is to be architectural shingles with at least a 5/12 roof pitch.
13. That only 40% of the units be allowed to own or be in possession of a vehicle that is parked at the site.
14. The storage building be located on the south side of the facility behind the main building.
15. The project have a manager on-site 24-hours and 7 days a week.
16. No residents are allowed to have friends or relatives stay longer than three (3) days and two (2) nights.
17. The landscaping be installed and maintained as per the landscaping plan that has been submitted and approved.

Discussion took place regarding the motion. If there is a second made, the motion can be amended, if there is no second to the motion, the motion dies.

The Planning Commission then discussed the following findings:

1. The proposed use is consistent with the policies of the City's General Plan and the purpose of the zoning district in which the site is located. The R-1 rezone district allows nursing/senior retirement homes.
2. The proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, when consideration is give to the character and size of the use and hours of operation. A senior retirement home will not affect the health, safety, or general welfare of the adjacent homes or uses. This is a home for elderly individuals over the age of 62.
3. The proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met. The senior retirement home does meet all of the setback, landscaping, fencing, and buffering from the adjacent homes. The shape of the property is not unique and does not dictate where the facility can be located. The building has setbacks located on the lot and does not distract nor block people's views.
4. The proposed 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. The use had adequate access to public streets and located on a minor collector. The street is adequate in size to handle traffic from this facility. The use meets the zoning ordinance dealing with parking, and on-site circulation is fine.

5. Adequate conditions or stipulations have been incorporated into the approval of the Conditional Use Permit to insure that any anticipated detrimental effects can be minimized. Adequate conditions have been incorporated into the approval of the Conditional Use Permit to mitigate any anticipated detrimental effects. The mass of the building is a concern and most of the homes in this area are not two stories in height.

Chair Lewis stated there is a motion made. Commissioner Johns **seconded**.

Chair Lewis stated he cannot support the conditions without additional conditions made to include parking and aesthetic looks. Discussion took place regarding aesthetic looks to the building.

Mr. Carroll stated that there is not income to support a manager on-site 24-hours 7 days a week. Discussion took place regarding paid staff members.

Chair Lewis asked for a vote on the motion that is still open. Commissioners Jensen, Scott, Bradford, and Johns are in favor of the motion. Commissioners Lewis and Shaw are opposed to the motion.

Discussion took place regarding amending the motion. A re-vote was conducted to due misunderstanding that the original motion could be amended.

Commissioners Jensen and Scott are in favor of the motion. Commissioners Lewis, Shaw, Johns and Bradford are opposed to the motion. The motion **does not pass** with a vote of 2:4.

Commissioner Johns made a **motion** to approve the Community Housing Services Conditional Use Permit at 1470 South 1400 East subject to the following conditions of approval:

1. The height of the building is not to exceed 30 feet to the peak of the roof from the grade at 1470 South with a waiver of 18 inches for the foundation wall. One home and the church in the area are found to be approximately 30 feet in height. The northwest corner (along 1400 East) of the building be one story in height.
2. The building must meet all fire code requirements.
3. The exterior material on the West and South faces are to be of a hard material; stone, stucco, brick, or a type of masonry and are to be articulated appropriately. The exterior on the North and East sides of the building are to be dryvit.
4. There is to be a white vinyl fence along the North and East sides of the property and the South property line as shown on the site plan,
5. Landscaping is to be placed on the North and East sides of the building with trees every 20 feet, to grow to a minimum of 25 feet, and landscaping on the South and West sides of the property as shown on the site plan and with the approval of the Shade Tree Commission,
6. The facility shall not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of themselves or other individuals or result in substantial physical damage to the property. A background check

must be performed on all residents and no individual who has been convicted of a violent felony or who has been listed on a state's sex offender registry list may be allowed to reside therein. (BCI background check),

7. The Federal Fair Housing Act is to be followed as pertaining to age,
8. The facility is to remain a senior housing facility for 99 years with all of these conditions or the conditional use permit will be terminated,
9. Meet all Construction and Development Standards,
10. There will be no more than 41 residential units,
11. The electrical and communication issues are to be resolved as per the Engineering Department,
12. The roof is to be architectural shingles with at least a 5/12 roof pitch.
13. That only 40% of the units be allowed to own or be in possession of a vehicle that is parked at the site.
14. The storage building be located on the south side of the facility behind the main building.
15. The project have a manager and cleaning personnel on-site during work hours and on call 24-hours and 7 days a week.
16. No residents are allowed to have friends or relatives stay longer than three (3) days and two (2) nights.
17. The landscaping be installed and maintained as per the landscaping plan that has been submitted and approved.
18. Architectural design be compliant with the neighborhood structure as approved by the City Planner.
19. The parking lot will be amended in the future as needed. Based on the recommendation from the traffic engineer for Spanish Fork City.

Commissioner Shaw **seconded**, and the motion **passed**. Commissioner Jensen and Scott were opposed.

Mr. Pierson stated that any resident within 300 feet can appeal within 30 days to City Council.

Chair Lewis asked for a five minute recess.

Public Hearings - Butler/Quail Hollow Rezone Staff Reports - Quail Hollow on the River Preliminary Plat

Commissioner Johns made a **motion** to go into public hearing at 8:36 a.m. Commissioner Shaw **seconded** and the motion **passed** unanimously.

Chair Lewis stated for the record he and Mr. Smiley had lunch and discussed the residential or commercial zoning on the property.

Mr. Pierson asked to combine the preliminary plat request and the rezone request at the same time. The commissioners approved.

Mr. Pierson stated Randy Butler and Cabin Creek Development are asking for rezone approval of approximately 58.25 acres from Rural Residential (R-R) to Low Urban Residential (R-1-12). If approved Cabin Creek Development is planning to subdivide the property into a large lot development known as Quail Hollow on the River. The property is located next to I-2, C-2 and I-1 zones. Development Committee has reviewed and approved the zone change with no conditions.

Discussion took place regarding the pedestrian/vehicle bridge and location. Discussion took place regarding the time limit for help with the bridge from the City and other developments. Mr. Heap stated a connector's agreement is only for ten years where a developer's agreement is paid with impact fees and has no time limit.

Discussion took place regarding road and bridge requirements.

Commissioner Bradford asked about the City's responsibility if the river ever flooded the homes. Mr. Heap stated there is a new Flood Plain Map approved by FEMA that relieves the City of any liability.

Discussion took place regarding the City Council's decision to participate in 50% of the funding of the bridge. Mr. Hall believes the ball park will have more impact on the bridge than the subdivision.

Discussion took place regarding a traffic study to state when the bridge is needed.

Mr. Smiley stated this development is intended to be a nice area such as the Provo Riverbottoms. With the same CC&R's as Aspen Meadows. There will be nicer homes in this area. Twin homes will be by Arrowhead Trail with very nice view lots.

Commissioner Shaw asked if the FEMA maps show this area in the flood plain. And if so, will they be required to have flood insurance. Mr. Heap stated this area is not in the flood plain as per FEMA approved maps.

Commissioner Johns asked if the water table was an issue in this area. Mr. Smiley stated they are getting a solid confirmation, but with the test holes there are no issues.

Jennie Baadsgaard - Ms. Baadsgaard stated she is concerned about the increase in traffic. There are a lot of big trucks (Dump-trucks, etc.) in this area and she is concerned about throwing cars in the area of trucks. Ms. Baadsgaard is concerned about the farm areas being turned into city areas. What effect is this going to have on the farming community?

David Hughes - Mr. Hughes stated there has been a lot of discussion regarding the development of his adjacent property. Until his property is sold and developed the traffic shouldn't be discussed.

Jennie Baadsgaard - Ms. Baadsgaard is concerned about complaints the City will receive from residents of the proposed development regarding dust from HE Davis Construction, Valley Asphalt and other nearby construction areas.

Discussion took place again regarding the bridge and traffic study. Discussion took place regarding the cost estimate of the bridge.

Commissioner Johns made a **motion** to approve the Randy Butler “Quail Hollow” Rezone of 58.25 acres at Del Monte and Arrowhead Trail from Rural Residential (R-R) to Low Urban Residential (R-1-12) with the following findings and condition(s):

- 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):

1. The developer of the Butler property participates in the cost of constructing a pedestrian/vehicle bridge over the Spanish Fork River.

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

Discussion took place regarding at what point a traffic study will be required.

Commissioner Shaw made a **motion** that we approve the Quail Hollow on the River Preliminary Plat located at Del Monte Road and Arrowhead Trail subject to the following condition(s):

1. Install a masonry wall behind lots on Arrowhead Trail as applications for various phases are received and bonding is approved and a solid vinyl or monster wood fence along lots 13-15.
2. Install, with phase one, improvements along Del Monte Rd., with the exception of sidewalk being required only along lot 1,
3. Provide a temporary emergency access into the development behind lots 13-16 and lots 52-56 until a second entrance is accessible,
4. No hill area excavation is to take place without approval from the city engineer,
5. Provide a flood plain update and a wetlands report to the city,
6. Provide cross sectioning of lots 25,26,27,33,34, and 35 to the city,
7. Upon development of 50 percent of the lots, a 14-foot asphalted pedestrian access between lots 96 and 97 and then to the river; and a pedestrian bridge over the river that will connect to the city trail is to be bonded for and installed at the developers expense,
8. Submit a plat conforming to all the preliminary plat standards,
9. Install an 8-inch water line connection through lot 57,
10. Submit covenants, codes and restrictions for the development to the city,
11. The developer is to sign off on all house plans in the subdivision,

12. Provide the city with a title report,
13. Construct the road layout as shown on map (option 1) that was submitted to the Development Review Committee,
14. The project meets all of the construction and development standards,
15. The development follows the same CCRs as the Aspen Meadows Subdivision,
16. The developer of the Butler property participates in the cost of constructing a pedestrian/vehicle bridge over the Spanish Fork River,
17. A traffic study be completed for this development and other surrounding development areas which will be determined by the traffic engineer. This traffic study must be complete before the 2nd plat can be submitted. The cost of the traffic study will be deposited prior to the Plat A recording and distributed by the City. The cost of the traffic study will be credited to the developers actual portion of the actual costs of the bridge. Other developers in the traffic study area will be required to pay their portions of the costs of the bridge.
18. The developer design and give solid cost estimates of the bridge prior to going to City Council.

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

Commissioner Jensen made a **motion** to close the public hearing at 11:00 p.m. Commissioner Scott **seconded** and the motion **passed** unanimously.

Staff Report - Sunset Ponds Preliminary Plat

Mr. Peterson discussed all the changes to the preliminary plat as follows:

1. Intersection at 800 North Highway 51 has been squared up.
2. Jogging/walking trail is back on the plans around the ponds to be owned by the Homeowners association.
3. Units on 800 North will face 800 North. 2 single family lots on 800 North instead of one single family lot.
4. Architectural changes to the building.
5. Landscaping - found room for 93 trees, tot lot is shaded, added 2 benches, took away swimming pool.

Discussion took place regarding facade of the pavilion.

Commissioner Shaw asked how deep the ponds were. Mr. Peterson stated the front pond is 16' deep and the back ponds are 8-10' deep.

Jim Biesinger - Mr. Biesinger complimented Mr. Peterson on the changes that were done to the project to make it more appealing. Mr. Biesinger stated his concern about parking congestion on 800 North. Chair Lewis stated 800 North will have the same parking restrictions as other city streets, and if it becomes a problem in the future it will be looked at some other time.

Discussion took place regarding the look of the project, the buildings, and the amenities included.

Commissioner Jensen made a motion to approve the Sunset Ponds Preliminary Plat located at 800 North Highway 51 subject to the following condition(s):

1. Develop the property as shown on the preliminary plat site plan, Development Review Committee packet, and drawings,
2. Have at least 10 feet of space between buildings,
3. Phase one include all of the improvements along Highway 51 including curb, gutter, sidewalk, and the wall.
4. Adjust lot 64 to include all of the open space delineated with cross hatching to indicate non-buildable areas and wetland areas.
5. Ponds and water channels are to be shown as storm drain easement areas,
6. Receive approval from Mr. Foster concerning electrical service installation and bring the power from the Willowbend Subdivision,
7. Provide a free and clear preliminary title report prior to the approval of the final plat,
8. Provide a letter from UDOT approving improvements along Highway 51,
9. Install trees and grass along Highway 51 and 800 North which is to be maintained by the Homeowners Association.
10. A total of 93 - 2 inch caliper trees be installed throughout the project and be approved by the shade tree commission and they review and approve the landscaping plan. The 2" trees on 800 North be extended to across lots 62-63,
11. That a stone element be added to the front elevation of each building as well as a variety of materials (EIFS, and hardy plank) and articulation on the front facades to create variety,
12. A swingset with at least 2 swings be added to the tot-lot (playground) area,
13. That the open space around the ponds be cleaned, mowed at least three times a year, and maintained by the HOA,
14. That the trail system around the ponds be constructed as per Spanish Fork City standards,
15. That the project be constructed as shown on the preliminary plat, landscaping plan, and the packets as submitted by the developer,
16. The fence on lot 64 along Highway 51 be an open vinyl fence with no gates, and,
17. Variation of colors, roof and window designs is required.

Commissioner Johns **seconded** and the motion **passed**. Commissioner Bradford was opposed.

Commissioner Jensen made a **motion** to adjourn the May 7, 2003 Spanish Fork Planning Commission meeting. Commissioner Scott **seconded** and the motion **passed** with a unanimous vote. The meeting was adjourned at 11:48 p.m.