

Adopted Minutes
Spanish Fork City Planning Commission
June 4, 2003

1 Agenda review at 6:30 p.m. Emil Pierson covered what was going to be on the agenda and
2 covered the requirements of the R-1-6 zone. Mr. Pierson also stated that the agenda is amended
3 and that item 3. C. Preliminary Subdivision , Biesinger Slough Preliminary Plat, will not be
4 included at this time.

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

6 Commission members present: Chairman David E. Lewis, Commissioners Roy L. Johns, Paul
7 Bradford, Thad S. Jensen and Ted Scott.

8 Commission members not present: Thora L. Shaw

9 Staff Members Present: Emil Pierson, City Planner; Richard J. Heap, City Engineer/Public
10 Works Director; Chris Cope, Secretary.

11 Citizens Present: Rollin Sattler, 261 South 800 West, Payson; Charles O'Brien, 487 East Robin
12 Road, Orem; Paul Lofgreen, 98 South 400 West; Enoch A. and Caroline Ludlow, 74 West 100
13 South; Vic Devauno, 510 North Palisade, Orem. Utah.

14 **Preliminary Activities**

15 **Pledge of Allegiance**

16 The Pledge of Allegiance was led by Chair Lewis.

17 **Minutes**

18 Commissioner Jensen made a **motion** to approve the minutes of the March 5, 2003 meeting of
19 the Spanish Fork Planning Commission as included. Commissioner Scott **seconded**, and the
20 motion **passed** with a unanimous vote.

21 Commissioner Johns made a **motion** to move into the Public Hearing portion of Planning
22 Commission meeting. Commissioner Scott **seconded**, and the motion **passed** with a unanimous
23 vote.

24 **Public Hearings - Spanish Fork Manor Rezone 460 West 100 South (R-1-8 to R-1-6)**
25 Applicants: C&R Development and Abram Turner.

26 Chair Lewis also asked that items 1A, Spanish Fork Manors Rezone, and 3A, Spanish Fork
27 Manors Preliminary Plat, be reviewed and discussed at the same time.

28 Mr. Pierson stated that C&R Development, LLC (Rollin Sattler), is requesting to rezone
29 approximately 3.03 acres from Medium Residential (R-1-8) to Medium High Residential
30 (R-1-6).

31 At this time the property has an existing residence that would remain as well as splitting the rest
32 of the property into 11 single family lots (see preliminary plat). Mr. Lange, the adjacent property
33 owner on the Northeast corner of the development, received a letter requesting that his property
34 be a part of the rezone. The property is 3.03 acres in size.

35 To the North is the High School zoned R-1-8. To the South is 100 South and Spanish Fork Trails
36 located in the R-1-8 residential Zone. To the East is Ginnie J PUD zoned R-1-6 and to the West
37 is property being farmed zoned R-1-8. The General Plan for this whole area is Medium High
38 Urban Residential 5 to 8 u/a (R-1-6) and also Commercial Office. This was not developer's first
39 proposal, but it is his first in Spanish Fork.

40 Staff commented that the first rendition of the plat was a PUD concept with the same number of
41 units but with a lot of common area and shared driveways. Staff was concerned with the access to
42 each unit and the closeness of the units. The developer revised the plat and submitted a plat
43 meeting all of the requirements of the R-1-6 zone.

44 The R-1-6 requirements include: a front setback of 20 feet to living area and 25 feet for the
45 garage, a 5 foot side setback, and a rear setback of 25 feet. All of the lots must be at least 6,000
46 square feet and have a 50 foot frontage.

47 Twin homes and duplexes must be at least 10,000 square feet in size with a side setback of 10
48 feet.

49 The Development Review Committee reviewed this request at their May 28 meeting. The DRC
50 recommended approval with the following recommendation(s):

- 51 1. The subdivision is to meet all of the requirements for an R-1-6 zone,
- 52 2. The subdivision is to meet all construction and development standards, and,
- 53 3. The developer is to address any electric power issues as directed by the Electric
54 Department.

55 Staff discussed the Development Review Committee condition that included the Lange property
56 at 460 West 100 South.

57 Chair Lewis asked if the developer had any comments.

58 Mr. Sattler stated that he has a history of building large homes in Los Angeles as well as one in
59 Mona, Utah.

60 Chair Lewis asked why Mr. Sattler desires to develop small lots.

61 Mr. Sattler stated that this provides a new opportunity to develop property.

62 Commissioner Bradford asked if a 50 foot frontage is adequate.

63 Mr. Sattler stated that the lots are luxurious. He had looked at other products and these lots will
64 develop nicely.

65 Chair Lewis asked Mr. Sattler if he could show the Commission examples. Mr. Sattler did not
66 have any examples available at the meeting.

67 Chair Lewis asked if the developer will develop the lots himself or sell them.

68 Mr. Sattler stated that it would be a mix depending upon the market.

69 Mr. Chuck O'Brien stated that this development is modeled after the Pioneer Development in
70 Provo and that DR Horton develops small lots. Hamlet has also developed many 50 foot lots and
71 has been successful.

72 Chair Lewis asked what the price range of homes will be.

73 Mr. O'Brien stated that the price range will be \$150-160,000 and they are going to try to target
74 seniors. Since last August they have had the property under contract but could not develop
75 because of the city utility moratorium.

76 They are expecting this development to takeoff as the Pioneer project in Provo. Research has
77 indicated that the market is soft for twin homes, but strong in the \$150-170,000 price range for
78 new homes.

79 Commissioner Johns asked if the homes will be one or two stories and be constructed of brick or
80 stucco.

81 Mr. O'Brien replied that the buildings will be one story.

82 Mr. Sattler stated the construction will be a mix of stone, brick and stucco.

83 Mr. Heap asked if the construction materials would be protected under covenants.

84 Mr. Sattler stated that no, it will not be protected under covenants but will follow the Spanish
85 Fork City building requirements.

86 Chair Lewis asked if there were any other public remarks to be read.

87 Mr. Pierson read the public comments for the citizens that could not be present at the meeting.

88 Holly Burninger - 425 West 100 South. She is against the rezone because of the traffic, fugitive
89 dust, more cars on roads.

90 Chair Lewis asked if there was any further public comment.

91 Mr. Enoch Ludlow - 74 West 100 South - stated that he has a farm west of the street. The wind
92 blows and he has a hard time cutting hay. Will the net wire fence be left?

93 Mr. Pierson stated that there is one-half plus 10 feet along the road in addition to two feet of
94 buffer zone. This is more than what city requires.

95 Mr. Ludlow stated that he is concerned with children and toys along the fence line.

96 Chair Lewis stated that the developer is targeting to older residents, not young families.

97 Mr. Ludlow asked if the road will be widened in the future and would the City require him to
98 provide for the road.

99 Mr. Heap stated that Mr. Ludlow would be responsible for 10 feet of asphalt plus curb, gutter and
100 sidewalk.

101 Mr. Vic Devauno-(510 North Palisade, Orem; developer of Spanish Trails)- stated that he owns
102 property near the area in question. There is a senior center up the street. He would like his elderly
103 father to be closer to him and the surrounding facilities. The density is good, a school is located
104 close by, traffic is good. Local residents have not had a tremendous problem there. 400-500 West
105 is no problem. Mr. Devauno stated that he is in favor of development if it is similar in materials
106 of other homes in the area and that it is up to the developer to enforce requirements on the front
107 facade.

108 Mr. Ludlow agrees that the development should be made into a senior development because of
109 its location to the Senior Citizens center.

110 Mr. Devauno stated that this is similar to the developments near the University of Utah,
111 subsidized by developers to ensure quality of life and good services. If the developer can
112 guarantee curb appeal, he believes this would be a good development.

113 Mrs. Caroline Ludlow - 74 West 100 South - asked if there are plans for Spanish Fork to develop
114 west toward the freeway and what the city's plans are for Center Street.

115 Mr. Pierson explained that the road narrows from Center Street as it connects to 100 South, West
116 of 630 West.

117 Mrs. Ludlow asked whose land this will go through.

118 Mr. Pierson explained that will go through the property west of the Bill's property.

119 Mr. Heap stated that Center will be the thru street and will narrow at the SFCN Tech Center.

120 Mr. Devauno asked if the plan for Center Street includes a single lane in each direction with the
121 existing turn lane.

122 Mr. Pierson stated that there is a 66 foot right-of-way.

123 Mr. Devauno supports a single lane.

124

125 Chair Lewis stated that this would be dependent upon any future development.

126 Chair Lewis stated that he has questions for Mr. Pierson regarding the conditions.

127 Mr. Pierson stated that staff had recommended the three conditions listed to this point and that
128 the Commission can easily add a fourth condition regulating the types of building materials to be
129 used.

130 Commissioner Bradford stated that the discussion seems to be moving toward talk of a senior
131 center. The design of Ginnie J lots being back to back is ideal and there is a big demand for
132 senior developments.

133 Mr. Heap asked Commissioner Bradford whether he meant the town homes or the individual lots
134 were appealing.

135 Commissioner Bradford stated that he likes the layout of Ginnie J.

136 Mr. Pierson stated that there is a larger number of lots in this development and suggested that the
137 question of the developer's intent to steer toward a senior center would need to be asked of the
138 developer.

139 Chair Lewis stated that the Commission would need to seek the intent of the developer.

140 Chair Lewis asked if there were any further questions or comments. There were none. The
141 Commission was also reminded that the vote first would be either for or against the rezone, then
142 to determine approval on the preliminary plat.

143 Commissioner Jensen made a **motion** to approve the rezoning of the property known as the
144 Spanish Fork Manor's rezone (Abe Turner property) located at 460 West and 100 South from
145 Medium Residential (R-1-8) to Medium High Residential (R-1-6) with the following findings
146 and condition(s):

- 147 • That the zone change is consistent with the policies of the General Plan, including
148 any policies of the Capital Improvements Plan; and
- 149 • That consideration has been given to include any conditions necessary to mitigate
150 adverse impacts on adjoining or nearby properties.

151 Mr. Pierson asked the Commission if this includes the Lange property.

152 Chair Lewis stated that it does include the Lange property.

153 Commissioner Johns **seconded** the motion and the motion **passed** with a unanimous vote.

154 Commissioner Jensen made the **motion** to go out of public hearing. The motion was **seconded**
155 by Commissioner Johns and **passed** with a unanimous vote.

156 **Recommendation-Preliminary Plat**

157 Commissioner Johns asked if the materials for the facade would be included as a condition.

158 Chair Lewis stated that the condition governing materials would be decided with the application
159 for rezone.

160 Mr. Pierson stated that if the developer was in agreement with a motion including a condition
161 governing materials then the condition could be added. Mr. Pierson recommended that the
162 Commission confirm with the developer the understanding that the developer is not receiving a
163 density bonus.

164 Commissioner Johns asked the developer if they were in agreement with this stipulation.

165 Mr. Sattler stated that he would agree to this condition.

166 Commissioner Johns made a **motion** to approve the Spanish Fork Manors Preliminary Plat at 460
167 West 100 South subject to the following conditions of approval:

- 168 1. The subdivision is to meet all of the requirements for an R-1-6 zone,
- 169 2. The subdivision is to meet all construction and development standards, and,
- 170 3. The developer is to address any electric power issues as directed by the Electric
171 Department.
- 172 4. The front facades be of brick, stucco or stone.

173 Commissioner Bradford **seconded** and the motion **passed** with a unanimous vote.

174 **Recommendation - Community Housing Subdivision Waiver**

175 Mike Gardner and Community Housing Services (Phil Carroll), are requesting Subdivision
176 Waiver approval in order to split Mike Gardner's 5.06 acres into two lots. It is located in the Low
177 Urban Residential (R-1-21) zoning district that was approved on March 4, 2003. This item was
178 tabled at the April 2, 2003 Planning Commission meeting until the Conditional Use Permit was
179 approved by the Commission. Staff has now received an appeal to the Planning Commission's
180 decision on the CUP and it will go before the city Council on July 1, 2003.

181 Lot one would be 1.41 acres in size and would be the location of the senior retirement center.
182 The remaining property will be subdivided in the future. To the North is the property zoned R-R
183 (school) and R-1-9 (Canyon View subdivision). To the South is the Fox Run subdivision that is
184 zoned R-1-12. To the West is 1400 East and property zoned R-1-9.

185 Mr. Pierson stated that this item was tabled at the April 2, 2003 Planning Commission meeting.
186 The City Council has now received an appeal on the decision made by the Planning Commission.
187 The appeal was submitted by Patty Esch. Mr. Pierson stated that the basis of the appeal deals
188 with the issues of density and the number and height of the units.
189

190 Mr. Pierson stated that the density interpreted by the Commission was based on the zoning and
191 the fact that the structure consists of one building. The density is not determined by the number
192 of people residing in a single-family dwelling. Mr. Pierson also stated that the Commission did
193 an excellent job with these findings.

194 Mr. Pierson stated that utilities are located in either 1400 East or 1470 South. All improvements
195 in the right-of-way from 1470 South to Canyon Elementary will be completed as part of the
196 conditional use permit. He expects to see the development begin once utility restrictions are
197 lifted.

198 The Development Review Committee recommended approval subjected to the following
199 condition(s):

- 200 1. Receive a conditional use permit; and
- 201 2. Community Housing Service commits to construction of the facility; and
- 202 3. Install improvements in from of the whole length of the Gardner property along 1400
203 East; and
- 204 4. Meet all other requirements required by the Planning Commission/City Council as part
205 of the Conditional Use Permit.
206

207 Mr. Pierson stated that the conditional use permit has now been completed and that Community
208 Housing Services has stated that they will commit to the construction of the project.

209 Chair Lewis asked whether or not this includes the subdivided lot.

210 Mr. Heap stated that one lot cannot be deeded and require the improvements to run the whole
211 length of the property due to dedicated roads.

212 Commissioner Scott made a **motion** to approve the Community Housing Services Subdivision
213 Waiver subject to following conditions

- 214 1. Receive a conditional use permit; and
- 215 2. Community Housing Service commits to construction of the facility; and
- 216 3. Install improvements in-front of the whole length of the Gardner property along 1400
217 East; and
- 218 4. Meet all other requirements required by the Planning Commission/City Council as part
219 of the Conditional Use Permit.

220 Commissioner Jensen **seconded** the motion and the motion **passed** with a unanimous vote.

221 Chair Lewis stated that it is appropriate to ask for clarification on a motion.

222 Commissioner Bradford asked if it is right to require improvements to be made by Mike Gardner.

223 Mr. Pierson stated that it is.

224 Chair Lewis stated that arrangement can be made between buyer and seller regarding
225 improvements.

226 Mr. Pierson stated that Community Housing will not purchase the property until the matter of
227 improvements is settled.

228 Chair Lewis provided procedural clarifications regarding motions. If a Commissioner seconds a
229 motion, they must also vote in favor of that motion. If a Commissioner is not in favor of the
230 motion, he or she is not to second it.

231 Chair Lewis also stated that he would like a formal entry made into the ledger that the Chairman
232 is allowed to make a motion.

233 Mr. Pierson suggested that rules be made and set forth at the next meeting of the Planning
234 Commission.

235 Mr. Baker stated that he agrees with Mr. Pierson and procedures need to be clarified.

236 Mr. Pierson stated that the City Council trusts the decisions made by the Planning Commission
237 and thus has fewer questions on issues that have already been addressed by the Planning
238 Commission.

239 Chair Lewis stated that because of the City Council's trust, there is more responsibility on the
240 part of the Planning Commission to be clear.

241 **Adjournment**

242 Commissioner Scott made a **motion** to adjourn the June 4, 2003 Spanish Fork Planning
243 Commission meeting. Commissioner Johns **seconded** and the motion **passed** with a unanimous
244 vote. The meeting was adjourned at 8:00 p.m.