

**Adopted Minutes**  
**Spanish Fork City Planning Commission**  
**October 1, 2003**

Agenda review at 6:30 p.m. Mr. Pierson discussed the Hawk Landing Land use map and annexation. The Commissioners will receive additional information packets. The General Plan Amendment petition regarding the trails was brought by Ted Livingston and staff. This was discussed by the Development Review Committee who discouraged a recommendation for approval. The Spanish Vista Rezone and Preliminary Plat were tabled from September 3, 2003. The annexation is not necessarily a Public Hearing, but input may be received. As a Point of Order, the Public Hearing portions of the meeting do not need to be opened and closed individually. The Jack B. Parsons Conditional Use Permit was tabled on September 3, 2003 for one month. The applicant has not submitted any further applications and the issue will not be heard at this time.

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, Ted Scott.

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

Citizens present: Mike Stewart, David and Alyn Olson, Del Robins, Kirk Humphreys, Justin Humphreys, Greg Magleby, Don Harreld, Mike Pearson, Beth Pearson, Shawn Harding, Jeannine Harding, Mary Holm, Kevin Mills, Doug Lukins, Dirk, DeHart, Mark Gulbrandsen, Richard A. Evans, Brenda Evans, Tom Beatty, Denise Irwin, Tammy Fawcett, Londo Fawcett, Nathan Hales, Craig Martinez, Shantelle Martinez, Julie Cheney, J. Doug Bayless, Glen R. Larsen, Jenny Gulbrandsen, Larry Amdal, Lindi Christensen, Jason Crandall, Stacy John, Richard John, Patricia Osborne, Diana Butler, Matthew Gould, Ted Livingston, Rod Nielsen, Matt Moody, Mr. And Mrs Richard Williams, Jeremy Stone, Brandon Plewe, Doug Flake, Shannon Nielsen, Laura Hanks, MarJean Straightiff, Mike Dunn, David Adams, Steve Murphy, Victor Hanson, David and Tara Brown, Paula Wilson, Alan Vincent, and Karen Vincent.

### **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 September 3, 2003 meeting of the Spanish Fork Planning Commission with corrections as noted. Commissioner Bradford seconded, and the motion passed with a unanimous vote.

Commissioner Shaw stated that although the September Planning Commission minutes indicate the Jack B. Parsons CUP will be decided tonight, the Commission has not received an application and the matter will not be heard tonight.

Chair Lewis stated that it is a privilege to have a place to gather as a community and debate issues. It is a privilege of both the Commission and the public to live in a country governed by diplomacy.

Chair Lewis stated that a Public Hearing gives the public an opportunity to speak and is fact finding meeting for the Commission. He addressed the procedure for public hearings and the nature of public meetings in general. There are residents present that are concerned about the items on the agenda and the Commission will listen to their concerns and the Commission has sympathy for them. At the same time, ordinances have been designed by both the State of Utah and Spanish Fork City that give the Planning Commission certain rights. At times the Planning Commission is bound by law to follow certain rules and laws already voted for and approved by the City Council. Legally, morally, and ethically, there are some decisions they can and cannot make per law. If the citizens are unhappy with the ordinances there are opportunities to change them. The best time for citizens to voice their concerns is as the ordinances are being created and revised. Once the changes are made the Planning Commission has an obligation to follow the new ordinances.

### **Public Hearing**

Commissioner Johns made a **motion** to enter into Public Hearing. Commissioner Scott **seconded** and the motion passed with a unanimous vote.

### **Hawk Landing Rezone, Location: 2300 East Canyon Road, 1.73 acres in size. Zoning R-1-30 to R-1-8**

Applicant(s): William and Glenda Lewis

Mr. Pierson stated that the applicants are requesting to rezone 1.73 acres from Very Low Urban Residential (R-1-30) to Medium High Residential (R-1-8). In the future, the developer is planning to subdivide the property into seven single family lots.

The General Plan for the property is 3.5 to 5 u/a. This designation provides for the R-1-8 and the R-1-9 zoning designations. Development Review Committee recommended with one condition

Commissioner Shaw stated that the residents in the area have animal rights and want to know if they still will have their animal rights in the future.

Mr. Pierson stated that the residents will always have their animals rights but they must meet the city ordinance.

Chair Lewis asked Richard Heap if the driveways will access onto 2300 East. Mr. Heap stated that this is the only way that the area can be developed.

Chair Lewis asked if there can be two sets of town homes at either end of a shared driveway. Mr. Pierson stated that R-1-8 does not allow for this. Garage placement will be addressed when the Preliminary Plat is brought before the Commission.

Chair Lewis asked if the applicant is present. He is not present at this time. Chair Lewis asked if the Commissioner had any other question for staff. There were none. He asked for public comment. There was none.

Commissioner Johns made a **motion** to approve rezoning the property located at 2300 East and Canyon Road known as the Hawk Landing Rezone from Very Low Urban Residential to Medium Urban Residential (R-1-8) with the following findings and condition(s):

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

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

**Condition(s):**

1. Trees are to be planted along 2300 East similar to trees on the opposite side of the street, to be planted at the time of future development.

Commissioner Bradford asked if the Commission can include in the conditions a provision for side yard garages. Chair Lewis stated that this issue will be addressed when the Preliminary Plat is brought before them.

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

**Annexation Petition and General Plan Amendment - Public Hearing. Location: 100 South 920 West.**

Applicant(s): Fieldstone Homes

Fieldstone Homes has requested to amend the General Plan Land Use Map to adjust the density line which is Residential 3.5 u/a to 5 u/a further to the south. They are also requesting to annex 155.14 acres on the west side of town into the City.

The applicant is making this request to adjust the density line to the south to add density to his proposed project. They are proposing a number of amenities such as a trail along the river and also on the Westside of their project, a pavilion at the city sports complex and a trail head with a parking lot on the south side of the project. Fieldstone is also proposing larger homes and the construction of the bridge over the Spanish Fork River and road adjacent to sports complex (west). They are looking at 411 single family lots within the project and have provided a packet of information.

As part of this annexation, an agreement will be entered into between Spanish Fork City and the

developer. The agreement pertains to the proposed amenities as part of their development that will be constructed during the development process. As part of the density bonus the developer will deed 50 feet along the river trail. All of the details of the placement and construction of the amenities will be spelled out in the annexation agreement.

Mr. Pierson stated that Brenda Bradford voiced concerns about the annexation. Jeff and Anne Boatman and Steven and Janna Murphy signed the petition to annex. Jesse Memmott requested to be zoned R-1-8. Vic Devauno of D Land Elite has requested that the zoning be R-R to preserve animal rights on the Elsie Thomas property. Jeff and Claudine Thomas requested that they be zoned R-R, which was also recommended by staff.

The Development Review Committee minutes are attached to the agenda. The DRC recommended approval subject to Conditions 1 & 2 as outlined in the agenda and recommended approval of the General Plan Amendment.

Mike Stewart, representing Fieldstone stated that Fieldstone will be purchasing the Murphy property (see packet). Section 1 of the packet contains annexation documents and the plat map. 155 acres includes the Thomas and Bradford properties. The Losser property will need to be annexed as well. A breakdown of the petitioners is included in the packet showing an 84% representation of the property owners and 91% of the property values.

The General Plan Amendment includes a 3.5 to 5 u/a and also 1 and 2.5 u/a area within in the boundaries of the project. A project tabulation illustrated in the packet breaks down the density. The table regarding Spanish Field south density bonus items and applications was created by staff and has been used in the past. The total density for the project is 3.58 u/a with the average being around 8,000 square feet all of the lots are for single family detached homes. Lots sizes will transition within the project with larger lots along the river and smaller lots towards 100 South.

A 30-foot right-of-way will be turned over to Spanish Fork City along the west boundary to the south at the trail head. The trail head will provide a trailer access and parking. Currently the area is used as a pasture. Fieldstone intends to preserve and deed to Spanish Fork City the irrigation drainage ditch.

Chair Lewis asked the developer to clarify if there will be a similar trailer area at 100 South. Mr. Stewart stated that the trail will continue to 100 South and another parking area could be a future project.

A sewer pump station serving the east side of the project will be installed at the south west corner of the project. Fieldstone is willing to continue the access road along Volunteer Drive and has worked with staff to determine the value of this access. Fieldstone has further agreed to construct a pavilion similar to veterans pavilion at the Sports Complex.

In the first phase the finished homes will be 1,200 -3,500 square feet with brick and stone masonry. Stucco will be optional. The homes in the second phase, zoned R-1-12, will be 1,500-

3,500 square feet finished with brick and stone. Stucco is optional.. Homes will have two car garages with an option for a 3-car garage. Mr. Stewart stated that the average size of the homes will be large. Illustrations of similar homes are in the packets.

Commissioner Shaw asked Mr. Stewart that if sewer pumps are to be constructed, will the homes have basements. Mr. Stewart stated that no, there will be no basements. The existing properties have no basements.

Commissioner Jensen asked if the open space shown on the slide presentation indicated the area for parking and horse trailers. Mr. Stewart stated that this area is designated as the access to the trail.

There are 59 acres in the upper portion of the project at 3.5 to 5 u/a for a total of 296 units. There are 55 acres in the lower portion at 1 to 2.5 u/a for a total of 115 units.

Commissioner Shaw asked if there are only three styles of homes in the R-1-8 zone. Mr. Stewart there will be approximately 40 variations.

Commissioner Johns asked if the developer has looked into flood insurance coverage. Mr. Stewart stated that the property is not in the flood plain. Commissioner Scott stated that the same area has flooded in the past. Commissioner Johns stated that the only way to protect homeowners is by having individual flood insurance. Mr. Stewart stated that the homeowners can choose to do that if it is available. Commissioner Shaw explained that there are two plans available for flood insurance and that they are expensive.

Commissioner Bradford asked what other roads will exit the development besides Volunteer Drive. Commissioner Johns stated that there is not much in the way of an access when traffic will be heavy. Mr. Stewart stated that there are two points of access now, a third proposed in the future, and the fourth is Volunteer Drive.

Chair Lewis asked if this development has been calculated for traffic. No actual study had been done by the developer but they stated they will have one done.

Mr. Stewart stated that originally a road along the east had been planned but that it was modified to protect homeowners. Commissioner Johns asked Mr. Stewart to clarify the roads accessing 100 South. Mr. Stewart showed two roads and points of access that will take five to six years to complete.

Commissioner Shaw asked if development will begin on the north end and follow to the south. Mr. Stewart stated that the first phase will be the northeast section due to the installation of utilities. The second phase will be from the center to the south and the access road will be built at that time. The final phase will be from the north to the south. Chair Lewis stated that he approves of this due to the control of construction traffic.

Commissioner Johns asked if there will be a storm drain. Mr. Stewart stated that the

development slopes and drains north to south. There is a retention basin in the diagram.

Chair Lewis asked if the Commission has any other questions. There were none. The meeting was opened for Public Hearing.

Glen Larsen-1236 West 6930 South-He is the former owner of the Bradford property. His daughter now owns it and he is representing her. He asked if the Thomas and Bradford properties had already been annexed.

Chair Lewis stated that no, they had not. Jeff Thomas requested to be annexed.

Mr. Larsen asked what the benefit would be to annex.

Commissioner Johns stated that the Bradford's cannot remain part of the county surrounded by city property.

Mr. Pierson stated first, the city taxes are cheaper than the county taxes. Second, the rural farming can retain the current zoning. He stated that the applicant did not first include the existing properties in the annexation. When it was reviewed by the City Council Jeff Thomas requested annexation. The county would require the Losser's to be annexed into the city so it would not remain landlocked.

Mr. Larsen stated that he is not opposed to annexation. Farming near a subdivision is difficult. He inquired as to the procedure the property owners need to take for annexing.

Mr. Pierson stated that the property owner will not need to take any action and that the annexation will take place if approved by the Planning Commission and the City Council.

Mr. Larsen stated that the location of the homes is concern. He referred to the 1984 flood. The property owners tried to get the Army Corps of Engineers to dredge the river and it has not happened.

Jesse Memmot-748 West 6800 South said he is in favor of annexation and request an R-1-8 designation.

Mary Holm-922 South 1700 East said she asked if there will be a traffic light at the intersection of Volunteer Drive and Main Street. She asked if the city still owns property that will be used to build more ballparks. Mrs. Holm wants to know where the children in the new project will go to school and if Nebo School District is planning to build.

Mr. Heap stated that Main Street is a state owned road and this intersection per UDOT standards does not merit a light. The ballparks will be built to the south. The school district is still in negotiations regarding land for a new school.

Commissioner Scott stated that a future school is an issue for the school district to address.

Mr. Pierson stated that if the Commission approves this annexation, staff recommends that Condition 3 state the Thomas and Bradford properties be added. Staff further recommends striking the phrase "Along with the parcels to the west". Condition 8 is to be added since the Losser's contacted the city and want to be zoned I-1, light industrial.

Chair Lewis stated that Condition 3 will be changed and the recommendation needs to be clarified.

Commissioner Bradford asked what the city's obligation is regarding flood damage because he has seen the flooding that occurred in that area.

Mr. Heap stated that FEMA revised the flood plain maps for the area near the Sugar factory. He agrees that the river does need maintenance and stated that Mayor Barney is working with Utah County to accomplish this. Residents can choose to buy flood insurance but are not required to, as it is not in the flood plain. The area within the project is not designated as flood plain and there is no liability.

Commissioner Shaw stated that if FEMA designates the area as flood plain, mortgage companies can require residents to purchase flood insurance, as is the case in Palmyra.

Chair Lewis asked the applicant if Fieldstone has considered this aspect.

Mr. Stewart stated that the largest lots will be along the river and there will be a 50-foot buffer to the north. The developer understands the flood concerns and will look at this in-depth. One option is to build up the land one foot above the flood plain in that area. He reminded the Commission that there will be no basements. Fieldstone can evaluate the boundary line along the south end of the development per the FEMA maps and will disclose to buyers the flood information.

Chair Lewis noted to the developer that there is property further up the river where the owner has created two lots, front to back. The lot along the river cannot be built on while the other lot was designated as buildable area.

Chair Lewis asked if there was any further comment. There was none.

Commissioner Johns asked if the density bonus would be clarified.

Chair Lewis stated that this issue is regarding the annexation as it relates to the General Plan Amendment. He asked if there were any other questions. There were none.

Commissioner Shaw made a **motion** to approve the Amendment to the General Plan.

Mr. Pierson stated that Condition 2 regarding density needs to be addressed although it can also be modified at a later time.

Commissioner Shaw **withdrew** the motion.

Mr. Stewart stated that the density information is included in the packet. Fieldstone is asking for 10%. The developer will also construct the trail, which will be 3,500 feet. The equestrian trail will also be 3,500 feet. The developer will also construct a pavilion.

Commissioner Johns is concerned that 29 units is high in exchange for a pavilion.

Commissioner Shaw stated that the percentages on both the north and the south ends of the project are duplicated. Chair Lewis stated that the benefits will apply to two locations.

Commissioner Shaw asked what would happen if the market goes sour. Mr. Pierson stated the annexation agreement will require any developer who buys this property to provide amenities. Chair Lewis clarified that the bonuses are tied to the actual annexation and the agreement will stipulate this. Mr. Pierson stated land will be deeded to Spanish Fork City and the city can develop that area in the future if needed.

Chair Lewis asked what would happen if the developer was under contract and did not purchase the property. Mr. Stewart stated that the annexation agreement will specify which phase is to be completed to coincide with improvements, which will be made regardless of who develops the land.

Chair Lewis asked if the pads are predetermined or bought as is by the resident. Mr. Stewart said they are done as they are purchased.

Chair Lewis asked Mr. Stewart if he is flexible on the density. Mr. Stewart stated that yes, they are.

Fieldstone will pay the cost to construct the bridge for Spanish Fork City's and Nebo School District's share of the bridge cost. The developer will construction one-half of the width plus ten feet of road along Volunteer which will cost approximately \$132,000. Mr. Pierson stated that this was taken into consideration for the bonuses and that staff did discuss this with Mr. Baker, the City Attorney.

Mr. Stewart stated that they intend to construct the parking lot trail head and park. Fieldstone will work with the Recreation Department.

Commissioner Johns asked the applicant for a breakdown on units versus amenities.

Mr. Stewart stated that a breakdown per unit would not be equal. The developer is spending approximately \$600,000 overall on amenities. Chair Lewis stated that Mr. Pierson mentioned flexibility in the numbers and that they are preliminary. Mr. Pierson stated that the amenities are tied to the annexation agreement and are flexible.

Chair Lewis stated that he is concerned about the improvements being tied to the annexation agreement.

Mr. Stewart intends to do what is proposed. If during the Preliminary Plat review the bonuses need to be evaluated he will be flexible.

Commissioner Shaw reviewed the bonuses and asked for number of units in the south portion. Mr. Pierson stated that it is a total of 150 units. 56 units would be at the lowest allowable density and 139 units is the highest.

Chair Lewis stated that the developer, in asking for the maximum density, recognizes that the proposed amenities are substantial in dollars and will provide future benefits to the residents on the west side of town.

Commissioner Johns asked for the time frame to cover the ditch running to the Larsen property. Mr. Stewart explained that the ditch will be piped as Mr. Heap deems necessary.

Chair Lewis asked if there are any other questions regarding the density.

Commissioner Shaw stated that is difficult to visualize that number of homes in that area. Chair Lewis stated that according to statistics Spanish Fork will double in size in ten years.

Commissioner Shaw made a **motion** to give the Fieldstone (Boatman-Murphy) Annexation at 100 South 920 West a positive recommendation to the City Council subject to the following findings and conditions:

**Findings:**

1. The annexation is consistent with the Annexation Plan of Spanish Fork City; the General Plan; and is shown to be within the City's growth boundary and follows the Capital Facilities Plan.

**Conditions:**

1. The Development Review Committee review any conditions recommended with the annexation and,
2. The density bonuses are approved as presented with the exception of phase 1 and 2 parking lots in exchange for the roadway from Volunteer Drive to the river.
3. That the D Land Investments, Bradford and Thomas properties be zoned Rural Residential (R-R).
4. The Memmott property be zoned R-1-8.
5. The Boatman, Murphy, and Galt properties be zoned as per the General Plan Amendment that is proposed with the north portion of the properties being zoned R-1-8 and southern half being zoned R-1-12.
6. The petitioner enter into an annexation agreement with the City as proposed in the packet submitted to the city. Including but not limited to deeding 30-foot width trail on the west side of the Boatman property, the 50-foot trail width along the river measured from the north bank, the construction for the roadway along the west sports complex property, the construction of a pavilion at the sports complex.
7. The developer of the Boatman, Murphy and Galt properties participates in the cost of

constructing a pedestrian/vehicle bridge over the Spanish Fork River; to the percent indicated by an updated traffic study.

8. The Losser property be zoned Light Industrial (I-1).

Commissioner Scott **seconded** the motion **passed** with a unanimous vote.

Commissioner Shaw made a **motion** to give the Fieldstone General Plan Land Use Map Amendment at 100 South 920 West a positive recommendation to the City Council subject to the following conditions:

1. That the General Plan Land Use Map Amendment as presented.

Commissioner Scott **seconded** the motion and it **passed** with a unanimous vote.

### **General Plan Amendment-Public Hearing, City Wide**

Applicant(s): Ted Livingston

Ted Livingston has requested to amend the General Plan Trails Map to include a horse and multiple-purpose trail from Canyon Road to the Riverbottoms. Mr. Livingston first went to the City Council, who recommended that this request go through the Planning Commission, Parks and Trails Committee and then back to City Council.

The Parks and Trails Committee discussed this issue at their September 8, 2003 meeting. Discussed was the number of horse riders in the area and the location of the trail. The Committee gave the request a negative recommendation, citing flies, smell and maintenance.

The Development Review Committee reviewed this request September 17 and tabled it until September 24, when they recommended denial of the Amendment. The sidewalks and bike lanes along 1400, 1700 and 2300 East are sufficient for walkers, bikers and horse riders to access the Riverbottoms. Comments from the Police Department and staff who own horses were taken into consideration. Of the few horse riders, most of them ride their horses in the mountains.

Mr. Livingston's concern is safety. Along Canyon Road many people use joggers and bicycles. 1400 and 2300 East are not used due to traffic. 1700 East will have future traffic problems. The proposed trail will be well used.

Commissioner Johns asked how this property will be acquired. Mr. Livingston stated that it is up to the city to acquire the land. He is just asking for the modification of the trail plan.

Commissioner Johns stated that it will be difficult to obtain land along the river.

Mr. Livingston stated that once the property is sold and will be developed, city has a requirement to maintain the easement and trail.

Chair Lewis asked why the trail is proposed to go through properties rather than along property lines.

Mr. Pierson stated that the layout of the trail can be changed.

Commissioner Bradford asked about the safety in having horses and bikes sharing a trail and stated that a bike may startle a horse.

Mr. Livingston said that in his personal experience there are no safety hazards when bikes and horses meet they accommodate each other. A bike could startle a horse, but so can a car.

Chair Lewis asked for the number of horse owners in the area and asked if Mr. Livingston lives on a one acre lot.

Mr. Livingston stated that he does live on a one acre lot. There are two horse owners now. He does not know how many are on the other side of Canyon Road.

Chair Lewis asked Mr. Pierson to address the concerns of the Parks and Trail Committee.

Mr. Pierson researched five other cities that have horse trails. Each of the cities that he has specs from have no complaints about smell, waste or flies. The waste is trampled into the dirt and composts, which most of those residents endorse.

Commissioner Shaw stated that personally, she objects to the trail, but is not a horse owner.

Chair Lewis asked if the example in the agenda is the actual proposed design. Mr. Pierson stated that he has examples from five cities. Mr. Pierson showed these diagrams to the Commissioners.

Commissioner Shaw asked if Mr. Dave Adams is present and if Mr. Livingston and Mr. Adams have discussed the trail.

Mr. Adams stated that he and Mr. Livingston came up with two options for staff to review.

Chair Lewis asked Mr. Adams if he is open to developing the trail through Spanish Vista.

Mr. Adams stated that he is open to different options.

Chair Lewis asked if there will be a parking area and if the trail will be of asphalt or gravel.

Mr. Adams stated that this is still in the planning stage.

Commissioner Shaw stated that dirt may not be good for bikes. One option is that the existing roads could be striped for bikes.

Commissioner Johns stated that 16 feet is a very wide trail.

Mr. Pierson stated that if the trail were for horses only it would be of dirt and 10 feet wide. If the trail is asphalt it will need to be 16 feet wide.

Commissioner Shaw stated that an unimproved trail will be easier to maintain.

Commissioner Johns stated that he does not see that all users can share the trail. In considering dirt versus asphalt, the trail must be compatible for all users.

Mr. Livingston stated that the acquisition of ground needs to be addressed. As a developer builds, a planned trail and the land it occupies would be deeded over to Spanish Fork City.

Chair Lewis stated that in a PUD there will be more flexibility for a planned trail. He asked what will happen at the southern end of the development for a continuation of the trail.

Mr. Pierson stated that the city cannot require property owners to deed over an easement in a straight zoned area. There must be a trade.

Chair Lewis stated that in a PUD a proposal for density bonus can be made.

Mr. Pierson can only make a request and encourage owners to deed over property.

Chair Lewis clarified that the trail design is a proposal and that there are different ways to acquire land. A problem is that the trail can only be developed south to a certain point. If the landowners south don't want the trail it cannot be forced.

Mr. Livingston asked what the purpose of the trails plan is unless land can be acquired.

Mr. Pierson stated that this is simply a plan for the future. Developers can be given incentives to deed land. This is only the first step.

Chair Lewis stated that if the land is not in plan there is no reason to pursue the trail. The Development Review Committee recommended denial stating that 1400, 1700 and 2300 East are wide enough to accommodate potential trail users

Commissioner Shaw asked what would happen if the trail goes into this area and down the street. She has had several phone calls from residents having to clean up after horses.

Mr. Livingston has horses now and has not heard negative comments.

Commissioner Shaw pointed out that there are only two horse owners now and the neighbors don't have horses. Until the southern neighbors develop, they have to use 1700 East anyway.

Mr. Livingston agrees.

Chair Lewis asked if Mr. Pierson was at the September 24 Development Review Committee meeting and asked him to clarify the recommendation.

Mr. Pierson was present at the meeting and stated the negative recommendation was due to the small number of horse owners and the maintenance the city would have to provide. Carl Johnston made a motion that the horse trail would be improper use of funds. Mr. Peterson seconded it and

the motion passed.

Chair Lewis asked for public input.

Dave Cloward said he owns property to the south of the proposed trail area. He is surprised to see this on agenda as the trail goes through his property. He was never contacted by Mr. Livingston. Is this hearing procedurally appropriate without notification? He has submitted a Preliminary Plat several months ago that is in review. He has spent \$20,000 to draft the plat. All this time no one suggested this trail. If this were to be approved he would need to redraft his plat. His development will attract younger families and kids will attend Canyon View Elementary. Having a horse trail as a substitute for a sidewalk does not make sense and cleanliness is an issue. He objects to the trail.

Chair Lewis asked Mr. Cloward if using the east side of property and then developing the trail south would be feasible.

Mr. Cloward stated that he has already drafted a proposal and has not accounted for a trail. The City cannot take the land. He asked how the trail will be constructed and if it will be fenced. He asked why someone would want to ride horses through a subdivision. This is a case of the wants of a few versus the many and he is opposed.

Chair Lewis asked what Mr. Cloward would think of a pedestrian only trail.

Mr. Cloward stated that this is what sidewalks are for and those are already in a subdivision.

Frank Santos a property owner also to the south agrees with Mr. Cloward.

Chair Lewis stated that per ordinance there is no stipulation for notification on trails. Notification is made in the agenda and newspaper.

Mr. Cloward asked why Mr. Livingston and staff have worked with Mr. Adams and not with the neighbors.

Mr. Pierson stated that this issue is still in staff review and in following the rules a General Plan Amendment is not noticed except by newspaper.

Mr. Cloward stated that if the amendment is going to be granted, then the whole trail needs to be approved. Half of a trail has no value.

Alan Vincent-1249 South 1880 East- He has no horses and is on a one acre lot. He agrees this needs to be a multipurpose trail, with the issue of land acquisition, and the cleanliness. Maintenance could be done by volunteers. The trail would not be safe for children.

Diane Butler- 1073 South 2230 East- Lives on a 1/2 acre. She has young children and agrees with Mr. Vincent. One benefit to landowners is nearby trail access.

Rick Evans-1705 East 1310 South- He stated that trail placement can be flexible and that the area is only general. He agrees with safety issues.

Del Robins-1777 East 1310 South-He would volunteer to maintain the trail.

Mr. Livingston agrees on the issue of notification. He was not aware Mr. Cloward and Mr. Santos are planning a subdivision. He is only asking for approval on an amendment.

Commissioner Johns stated that the trail will have to go through someone's property and that permission will be needed from Mr. Cloward and Mr. Santos.

Chair Lewis stated that if there is no amendment to the plan, there is no reason to ponder the placement and land acquisition. If the Trail Plan is amended, this is a proposed feature of the neighborhood, not a requirement of a developer. Again, if the development is a PUD, density bonuses can be negotiated.

Commissioner Johns stated that this is possible only if the parties are willing to compromise.

Mr. Santos agrees

Commissioner Shaw stated that there are two proposals. One is for an undeveloped 10 foot trail. The other is for an improved hard surface, 16 foot trail.

Chair Lewis stated that his personal opinion is that the trail can be a 10 foot multipurpose one and he would be in favor of it. There is nothing required of any landowners and he sees no detriment to having a trail.

Commissioner Shaw stated that she is concerned about the location.

Commissioner Johns stated there are only two places the trail can go.

Chair Lewis stated that the amendment needs to be put in now in order to consider a trail in the future.

Commissioner Bradford asked for clarification on the issue to be voted upon.

Chair Lewis stated that the applicant is only asking to approve a proposal in general for future consideration.

Commissioner Shaw asked what would be accomplished if the trail could only be built so far south.

Chair Lewis stated there would be a short trail that residents will have to volunteer to maintain.

Mrs. Butler stated that even if it is a short trail, it would provide safe access for kids going to

school. She would volunteer to maintain it.

Mr. Cloward suggests an engineering study be done since he has spent considerable money on his Preliminary Plat. If someone else pays for study he will agree to it. He will not pay for study as he is the developer affected by it and not requesting the trail.

Chair Lewis suggested that developers can use this as an amenity to attract potential buyers. Mr. Cloward is not required to do anything.

Mr. Cloward reiterated that he has already planned his development and is not interested.

Chair Lewis stated that there are other landowners who are interested in a trail and there is no burden on Mr. Cloward personally.

Mr. Pierson recommended that the Planning Commission not leave an option to pave the trail and include that in a decision.

Chair Lewis made a **motion** to approve to add to the Trails General Plan an amendment for a multi use trail located between 1700 East and 2000 East. Commissioner Bradford **seconded** the motion. The motion **passed** with a vote of five in favor, Commissioner Shaw opposed.

**2.4 Staff Report: Spanish Vista Rezone, 80.5 acres in size. Location: 1700 East to 2300 East and Canyon Road to 1200 South. Zoning R-R to R-1-8, R-1-9**

Applicant(s): ESAD, LC and Nebo School District.

This item was tabled from the September 3, 2003 meeting of the Planning Commission. The Rezone and Preliminary Plat will be heard together. A number of changes have been made since the September meeting.

Mr. Pierson read from the additional recommendations distributed to the Planning Commission. Dr. Call will keep the property he currently owns and this land will not be counted as part of the overall Spanish Vista acreage. The developer will negotiate money to be donated to Spanish Fork City on a per lot basis for parks as the city sees fit.

Chair Lewis asked if Condition 31 will address the trail system. Mr. Pierson stated that yes, it will.

Dave Adams stated that he has acknowledged the citizens concerns and has worked to mitigate them. The Humphreys-1940 East Canyon Road-have negotiated with Mr. Adams to sell the property surrounding their home to the developer. This property may be incorporated into the project. Dave Olsen has negotiated with the developer to have a solid 6-foot privacy fence along the east side of his property. Mr. Olsen would possibly prefer financial compensation over a piped ditch.

The traffic on 1700 East is a significant issue. The condos will be moved closer to the church. The access road was moved from 1700 East to the north at Canyon Road to disperse traffic.

Mr. Adams is on the City Council in Alpine where there is a multi use 6 foot soft trail. The citizens there volunteer to maintain it. Mr. Adams is willing to give a 10 foot public access in the rear of the lots for a trail. Commissioner Bradford asked if the trail will be fenced. Mr. Adams suggested that the owners fence it off from their own back yards as the fences are not part of the project.

The irrigation supplying Spanish Fork Country Estates will be preserved. The Vincent's are highly impacted by the development, therefore the CC&Rs will require homes that will conform to that area.

Chair Lewis reviewed and clarified Condition 30 for Mr. Adams (Lot 189 cannot be counted in the total acreage for the project) and does not have any concerns with it.

Commissioner Shaw asked if the school district approves of the access road on 2300 East. The road may give the school a better access and stated that traffic is a concern. Mr. Adams stated that Nebo School District has not been informed about the road yet and that Nebo wants the road and access set up the way it is planned now. Commissioner Lewis is concerned with there being a roundabout at the school and whether or not it will be considered a cul de sac. Mr. Adams stated that as of yet it is not considered a cul de sac.

Commissioner Shaw told the developer to consider the winter parking ordinance.

Chair Lewis asked the Commission if there were any further questions. There were none.

Doug Bayless-2079 East 1400 South-stated his neighborhood was not notified of the meeting. The neighbors notified each other. Mr. Bayless stated that the Commission is not bound by law and can make independent decisions. There are attorneys who live in the neighborhood who can advise the resident of the laws.

Chair Lewis stated that notification by the developer is a question for Mr. Adams to address. He also asked if the citizens had any statement from the attorneys regarding their concerns. Mr. Bayless stated that the attorneys are present. Chair Lewis stated that Mr. Pierson has the ordinance regarding notification. Mr. Pierson replied that the developer did what was required to notify the residents and had to submit appropriate documents to verify notification. Mr. Adams stated that the developer hired an outside firm to gather resident information and addresses and to notify and he cannot account for the mistakes.

Chair Lewis again instructed the residents regarding the protocol for public hearings. Citizens must present facts, not emotions, as that is what the decisions will be based upon. Mr. Baker, the City Attorney was contacted regarding notification. The residents who were not notified last meeting were notified this time.

Mr. Pierson stated he was unaware that the residents to the south east of the project were not notified. He can address the City Council and require the applicant to re-notify. Mr. Pierson stated that has not experienced this problem in the past. Per ordinance the subdivision does not need to be noticed. Chair Lewis stated that this will be taken into consideration, however, the majority of opinions that would be expressed by those not present would already be expressed by those present tonight and last month.

Denise Erwin-1658 South 2250 East-stated that the quality of life is the issue. She is concerned with the teacher-student ratio and traffic and has spoken with the school district.

Don Harreld-1102 South 1700 East-is the spokesman for his neighborhood and showed a Power Point presentation illustrating statistics. Residents are concerned with the type of development, not the development itself. He referred to the General Plan. Commissioner Shaw stated that page 37 in the General Plan he refers to is the 2002 version.

Rick Evans-1705 East 1310 South-thanked Mr. Adams for responding to the needs of the residents. He believes that the Planning Commission concluded last months meeting in haste. He overheard outside comments made by some Commissioners regarding certain legal obligations of the Commissioners to stop the project.

Dave Olsen-1942 East Canyon Road-asked the Planning Commission to consider how the land would be developed if they personally owned it. Mr. Adams has done everything he can to satisfy Mr. Olsen and the General Plan is the problem. Spanish Fork City has assured residents that the roads will handle the traffic according to the General Plan, therefore the General Plan needs to be changed. Chair Lewis stated that the way to make changes to the ordinances and the General Plan is through citizens who address these issues at meetings such as this. He welcomes input.

Paula Wilson-1890 East Canyon Road-wants R-1-9 and R-12 zoning and opposes any other zoning. She has a home based salon and the traffic is a concern for her customers. She agrees that the land needs to be developed wisely.

Joyce Webb-1042 Sterling Drive-said that the same opposition and concerns faced the developer of the Jex subdivision. The outcome for everyone was fine and the residents on the east bench will be fine with a new development here as well.

Todd Wilson-stated that the developer has been accommodating. He wants a park in the development. The Abbie Court park has lots of patrons. The 10 foot side setbacks won't accommodate ATV's. There is no storage and they will have to be parked on the street.

Tammy Fawcett-1142 South 2200 East-stated that the situation is not fair to the residents that were not notified. Residents that were notified were able to negotiate with the developer for benefits.

**Jason Crandall-1577 South 2250 East- agrees with Mr. Wilson's comments regarding**

**parks. He referred to Master Plan 17 28.050 findings, page 47 . Density goes beyond zoning and types of homes, allowing condos. Interpretation: no multi-family units. He asked the Commission to give a significant justification to deviate from the zoning.**

Julie Cheney-1103 South 2230 East-agrees with the comments regarding a park. Added that an elementary school playground cannot be used during school hours.

Kirk Humphreys-1940 East Canyon Road-would have town homes surrounding his house. He feels he was forced into a position he did not want. He chose to sell the property rather than move.

Bryan Quesenberry is concerned about traffic safety and agrees with Jason Crandall. The nature of the development is that of young families. He researched the issue and there will be a very large number of young children.

Sarah Weierhausen is also concerned about not being notified and agrees with the comments regarding the safety of children and traffic. Chair Lewis stated that he has been listening to the comments regarding traffic. The existing traffic problems are due to the residents that now live in the area.

Matt Moody-1400 South 2117 East-stated that the Planning Commission has the authority to make independent decisions. Residents are feeling they are banging their heads against a wall. He agrees with having lower density and lot sizes consistent with the surrounding area. His is on an 8,000 square foot lot.

Mr. Pierson stated that the lots in the middle of the subdivision are consistent. The town homes are similar to the town homes on Spanish Oaks Golf Course and the remaining lot sizes are identical to the adjacent area.

Mr. Moody stated that the citizens do not benefit from this high of a density. Chair Lewis stated that Mr. Moody knew when he purchased his home that a future development would go in that area. He bought on a corner lot and knew there would be a road developed there. The lot sizes are similar to those proposed and the area has always been zoned for town homes. The Planning Commission is here to listen to the concerns of the residents.

Beth Pearson-1692 East 1000 South-agrees with comments made regarding the General Plan and traffic safety. The school is not for future children but for the ones who already live there. She disagrees with Mr. Humphreys that residents need to accommodate for development. She was present at training meeting and agrees with comments made there is plenty of time to review the development and deny it for now. Approving it is simply leading developer on and passing the buck to the City Council. Commissioner Shaw stated that either way this must be addressed by the City Council.

Paula Wilson-1890 East Canyon Road-stated that the city is setting a precedence for lack of open space.

Chair Lewis stated that the residents are welcome to review the General Plan and be put on the agenda to propose changes to the plan regarding the east bench. He asked if there were any other public comment. There was none.

Commissioner Shaw asked Mr. Adams for the size of the retention area near the church. Mr. Adams stated it is 1/4 acre. The land is depressed but could possibly be landscaped for a park.

Chair Lewis asked Mr. Pierson about notification and stated that this issue was discussed with Mr. Baker. Staff is not aware that a neighborhood was not notified. This issue has never come before the Planning Commission and protocol was discussed. Mr. Pierson stated that one option is to table the item and require the applicant to notify again. The Planning Commission needs to consider that this may set a precedence for future developers. Chair Lewis asked Mr. Pierson to clarify. Mr. Pierson stated that if a developer does not follow proper procedure for notification, then in the future other developers may be allowed to follow suit. However, in this specific case, requiring re-notification will not make a difference.

Karen Vincent-1249 South 1880 East-stated that her husband called the city and asked personally for notification to be faxed to him. There was no problem.

Dave Adams addressed the Commission. He stated that developer wants to build in Spanish Fork. They have negotiated and tried to meet needs of the residents. The main concern he is hearing is that of density and the condos. The developer is willing to remove the condos. The developer would like to negotiate the density bonuses and the amenities. He asked for approval for 342 units at this time in exchange for removal of the condos.

Commissioner Shaw asked if they would only be removing the condos. Mr. Adams stated that they will remove 12 stacked units per building and replace with another small cluster of town homes. This would create less density. Chair Lewis stated that the Planning Commission appreciates the offer and will consider it.

Janine Harding-1046 South 1700 East-stated that in regards to the traffic, the street is very busy due to construction and buses, not current residents.

Nathan Hales-877 South 1660 East-stated that to have the developer change details at end of the meeting simply to get approval is unjust. The numbers have changed and need consideration.

Tom Bailey agrees with the traffic concerns. He is concerned that a dead end will be created when the school is built. Chair Lewis asked Mr. Bailey if he is in favor of another road. Mr. Bailey stated that even without the added density a collector road around 2000 East is needed. 1700 East is a traffic problem.

Mark Gulbrandsen-2041 East 1400 South-agrees with the comments regarding notification and wants the issue clarified. There is a lot of pressure to make a decision now and he wants it tabled. Chair Lewis stated that there is only a minor benefit in tabling the item. If the Commission were

to table it there would be another meeting addressing the same issues. Chair Lewis has asked for comments that are not repetitive yet the same comments are being made that were made in September. At some point a decision has to be made. He asked if there were any further comments. There were none.

Extensive negotiation took place regarding density bonuses.

Rick Evans asked the Planning Commission why they are negotiating bonuses when the numbers are so insignificant in size. Chair Lewis replied that this is the process that must be followed in approving a PUD. The new ordinance has been in effect only six months needs to be carefully analyzed.

Chair Lewis asked Mr. Pierson to clarify the ordinance regarding home sizes and state how many homes are affected. Mr. Pierson replied that it includes all homes.

Some residents want the developer to pay for a traffic study on 1700 East and Canyon Road. Chair Lewis stated that UDOT will already provide for that.

Commissioner Shaw made a **motion** to close the Public Hearing due to public clamor. Commissioner Scott **seconded** and the motion **passed**.

Mr. Adams proposed that the single family lots and patio homes retain the original lot size since he will remove the condos. He stated that fronting the entire cost of the storm drain and off-site improvements warrants a density bonus. He is not revisiting the issue, but only mentioning it for future reference only.

Chair Lewis asked if all of the Commission's questions have been answered so that a motion can be made. Further discussion on lot sizes, patio homes and setbacks took place. Chair Lewis is concerned with patio homes having a row of garages running down the length of the street. Commissioner Johns asked for the sizes on the patio homes and stated that he does not like the marketing name. Mr. Adams stated that the patio homes are 1,100-1,600 square feet plus a basement option on 95% of them.

Chair Lewis asked if there was any additional information to be given. There was none.

Commissioner Shaw stated that this has been a very difficult issue to decide. Over time there has been a great deal of growth. Traffic has increased considerably throughout the city. Nebo School District is attempting to problem solve the need for more schools.

Commissioner Shaw made a **motion** to approve rezoning the property located at 1700 East to 2300 East and Canyon Road to 1200 South known as the Spanish Vista/Nebo School Rezone for Rural Residential to Medium Urban Residential 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 utility restriction is to be lifted when the storm drain line is;
  - a. Bonded with a completion time frame of 120 days,
  - b. The right-of-ways are acquired and deeded to the city,
  - c. Designed and approved by the city, and
  - d. Installed and functional prior to the issuance of any building permits and the paving of roads.
2. The R-1-8 zoning follows the right of way as recommended by staff.

**Findings:**

- a. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone;
- b. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
- c. Any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas;
- d. Projects at or near the top of the density range for the underlying district must demonstrate a coordinated approach to neighborhood development and include such things as an overall landscape concept, the use of high quality materials and architecture, the blending of different dwelling types in larger projects, well designed and useable open space and developed recreational amenities, and attention to details such as fencing, street lighting, entry treatments, and project signage.

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

**Staff Report: Spanish Vista Preliminary Plat. Size 80.5 acres Zoning R-1-8 to R-1-9**  
**Location: 1700 East Canyon Road.**  
Applicant(s): ESAD, L.C. (Dave Adams).

This item was tabled from the September 3, 2003 meeting of the Planning Commission. The issues concerning the Commission were:

1. Traffic
2. Density
3. Property being donated to the city
4. Animal rights
5. Value of homes in 10, 20 and 30 years
6. Trail

These issues were detailed in the agenda.

Commissioner Shaw made a **motion** to approve the Spanish Vista Preliminary Plat located at 1700 East Canyon Road subject to the following condition(s):

1. The utility restriction is to be lifted when the storm drain line is;
  - a. bonded with a completion time frame of 120 days,
  - b. the right-of-ways are acquired and deeded to the city,
  - c. designed and approved by the city, and
  - d. installed and functional prior to the issuance of any building permits and/or the paving of roads
2. Install a masonry wall along Canyon Road matching the wall on 2300 East with 2-inch caliper trees every 30 feet with additional landscaping approved by the city planner,
3. Submit covenants, codes, and restrictions to the city,
4. The developer signs off on all house/town home plans in the subdivision,
5. Provide to the city a title report for all properties included in the development,
6. Construct all homes with 100 percent masonry fronts with stone and brick accents,
7. Construct all homes located on corners with 100 percent masonry on street facing sides and fronts with stone and brick accents.
8. Install front and side yard landscaping with two 2-inch caliper trees on each single family home,
9. Install all landscaping and fencing for town homes,
10. Construct a 66-foot east/west roadway through the development approved by the Engineering Department,
11. Receive approval of the density as shown on the attached spread sheet,
12. Setbacks for each detached building side yards are to be 10 feet on one side and 6 feet on the other side allowing for one 10 foot utility easement at each property line,
13. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
14. The lots against Spanish Fork Country Estates be a minimum of 10,000 square feet, with a 6 foot vinyl privacy fence between the developments and the largest homes of the developer,
15. All patio homes and town homes to have the same setbacks as the single family homes,
16. The town homes going out onto Canyon Road will need to be cut into Canyon Road as a regular street cut. The water and PI line in this street will need to be connected into Canyon Road and will need to be bored or looped through the south with a 20 foot easement,

17. The storm drain issue be worked out with the city and a final storm drain plan be submitted and approved,
18. An access into the church parking lot be arranged by lot 178,
19. The developer provide to the city an approved plan for the irrigation ditches to the homes on Canyon Road and SF Country Estates signed by the East Bench irrigation Company or a letter of abandonment signed by the ditch owners,
20. All homes on 1700 East have side entry garages and a t-driveway,
21. All single family homes including the patio homes have a minimum lot width of 46 feet,
22. All single family homes and the patio homes must follow the homes size according to the zoning,
23. The zoning for the property follow the collector road (east/west) with the north side of the road being R-1-8 and the south side being R-1-9 to the church road then along the lots of the west next to the R-1-30 lots,
24. All town homes must have street frontage,
25. Lot 189 cannot be counted in the total acreage for the project,
26. A trail go north and south through the development
27. New plat be submitted prior to going before the City Council,
28. A park (open space) be constructed south of the church and include a playground and swing set similar to the one in Abbie Court.
29. That the developer install a vinyl fence along Spanish Fork Country Estates and also the Towne & Country Living Estates and a masonry fence along the horse properties as per the fence plan map.
30. The final plans for the townhomes which includes the building designs, fencing, and covered parking be approved by the Planning Commission

The motion was **seconded** by Chair Lewis and **passed** with a vote of four in favor, Commissioner Bradford and Commissioner Jensen opposed.

Commissioner Johns made a **motion** to adjourn. The motion was **seconded** by and the meeting was adjourned at 1:45 a.m.