

**Adopted Minutes
Spanish Fork City Planning Commission
March 3, 2004**

Agenda review at 6:30 by Mr. Pierson.

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

Commission members present: Chairman Thad Jensen, Assistant Chairman Paul Bradford, Commissioners Chris Wadsworth, Thora L. Shaw, Ted Scott and Del Robins.

Staff Members Present: Emil Pierson, City Planner; Christine Johnson, Assistant City Attorney and Chris Cope, Secretary.

Citizens Present: David Olson, Robert J. Pittelli, David Simpson, David Grotegut, Jenny Baadsgaard, Lisa Olsen, Howard N. Creer, Kevin Baadsgaard, Darrin Perkes, E. Farley Eskelson, Richard Mendenhall, Brenda Evans, Richard A. Evans, Alma Warner Barth, William H. Barth, Pat Parkinson, Jen Salsburg

The Pledge of Allegiance was led by Commissioner Robins

Commissioner Bradford made a **motion** to approve the minutes of the February 4, 2004 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Robins **seconded** and the motion **passed** with a unanimous vote.

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

Chair Jensen instructed the public on protocol during public hearings.

Commissioner Bradford made a **motion** to change the order of items on the agenda. The River Cove Preliminary Plat and Rezone will be heard together as will the Pine Meadows Preliminary Plat and Rezone. Commissioner Robins **seconded** and the motion **passed** with a unanimous vote.

Public Hearings

Sunny Ridge Annexation Location: Approximately 400 North 1300 East

Applicant(s): WoodSprings LLC Development Company

Mr. Pierson reviewed the details in the agenda. This annexation is in agreement with the Annexation Plan adopted in December 2002. Mr. Pierson reviewed the DRC recommendations and conditions in the agenda. The sewer line will be moved if there is available capacity. Commissioner Wadsworth asked how far the bridge would be expanded. Mr. Pierson replied that a traffic study is needed. Commissioner Robins asked where the trail system would be connected. Mr. Pierson said that staff needs to draft a plan to be reviewed by the Parks and Trails Committee.

Commissioner Robins asked if there are plans to connect trail across Highway 6. Mr. Pierson stated that to connect the trail over Highway 6 along 2550 East would likely be a multimillion-dollar project and in the future the city could look at other options, such as obtaining grants.

Commissioner Bradford stated there are multiple properties in the area to be annexed and possibly boundary problems. Mr. Pierson stated that there would need to be a free and clear title report to resolve discrepancies.

Commissioner Shaw stated that way the information in the packet is presented the Smith property will be included in the annexation. Mr. Pierson stated that the Smith's have not asked to be included and he will defer to the applicant.

Dave Simpson, representing WoodSprings LLC Development, stated that they contacted the Creers. They were not interested in the annexation, but the state statute requires that they be included. The City Council will need to review this property.

Chair Jensen asked if there were any other questions. Mr. Simpson stated that six property owners signed the annexation agreement and no one has protested.

Chair Jensen asked for public comment. There was none.

Commissioner Shaw made a **motion** to approve the Sunny Ridge Annexation at 400 North 1300 East a positive recommendation to the City Council subject to the following condition(s):

1. Deed a right-of-way for the major collector roadway between Center St. and 400 North within 120 days of the annexation with all back taxes paid,
2. Make arrangements with the railroad to fence between the existing roadway and the railroad tracks and receive permission to maintain the roadway as part of the trail system,
3. Require the future developer of the subdivision to install a trail over the existing roadway from Center St. to 400 North,
4. The growth boundary amendment and the lots approved will be subject to the available sewer capacity at the time the plat is brought in for vesting,
5. Pay a share of the costs to widen the bridge in accordance with the percent of impact as per a traffic study,
6. The properties be zoned R-1-12 with a condition of the annexation that a preliminary plat be submitted and approved within six (6) months of the recordation of the annexation. If not, the properties revert to the R-R zoning designation.

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

**Hughes/Hill (River Cove) Rezone Location: Approximately 975 South Del Monte Road
Zoned R-R**

Applicant(s): Westfield Development

Commissioner Scott stated that he has a conflict of interest as the development borders his property and it is in the best interest to step down from hearing this item.

Chair Jensen stated that this item was tabled from February 4. Mr. Pierson stated that it was tabled due to the concerns over River Road and to give the developer time to meet with the neighbors. He will skip the staff report and turn the time over to the developer.

Mr. Mendenhall stated there were two primary concerns, the first being the town homes. These were eliminated in favor of single-family dwellings. This will minimize the number of driveways on River Road. Of 205 lots, four will have direct access to River Road. Mr. Mendenhall stated that he feels Westfield has addressed the concerns regarding the town homes.

The second concern was the design of River Road. Westfield has spoken with all of the residents in the area or has attempted to do so by sending letters inviting them to have a meeting and by making phone calls. Westfield met with both the Scott's and staff and the alignment as presented was acceptable.

Mr. Eskelson stated that they tried to minimize the grade, making it safe for truck traffic and going up to the intersection. Many alternatives were discussed and this is the most safe and equitable solution. Mr. Mendenhall stated that the Scott's were concerned with the flow of irrigation water. A berm, curbing and a storm drain system will be used as a backup. A curb cut will be put in for a private lane access for the Scott property and another one to the north for Leland Mills.

The alignment of River Road includes a 90-degree corner for the Mills' traffic on a 66-foot roadway. There will be one or more turns that are less difficult to negotiate for the trucks. The design has left turn lanes and other accommodations to facilitate the commercial trucks. In discussions with staff regarding Del Monte to Arrowhead, there are no significant concerns. Future traffic studies may have different conclusions.

Commissioner Robins asked the applicants to clarify the grades of River Road. The downgrade is 3.5%. The uphill grade is 2.5%. More fill will be needed. Overall, there is a grade of less than 6%.

Commissioner Wadsworth addressed a question of property being deeded to the city to Mr. Eskelson. Mr. Eskelson stated that in the future, the city might find alternate uses for the triangular piece of property along the abandoned section of road. Mr. Pierson stated that there are some constraints on the usage due to the high-pressure gas line.

Chair Jensen stated that Mr. Isaac, owner of Leland Mills, would still have trucks using the road and this design will be better. He asked Mr. Mendenhall if he spoke with Mr. Isaac. Mr. Mendenhall stated that he did speak with Mr. Isaac, who stated that the traffic flow will be better.

Mr. Pierson stated that this road is in the Master General Plan as a collector and is wide enough for future Leland traffic. Commissioner Shaw asked if the stop signs would be left on River Road. Mr. Eskelson stated that staff does want them left for now.

Chair Jensen asked if there were any other questions. Commissioner Robins asked how the quality of the development would be affected due to the removal of the town homes and lower density. Mr. Mendenhall stated that the CC&Rs and design standards are not being changed. The same materials will be used and the quality is not affected.

Mr. Mendenhall stated they can require owners to landscape within a reasonable amount of time. Mr. Pierson asked that if the project were sold and the next developer wanted to change the CC&Rs, could there be a condition added that the fronts be 100% masonry. Mr. Mendenhall asked if they were not 100% masonry now. Mr. Pierson replied that they are not, but a condition could be made to specify that they would be. Mr. Mendenhall does not object to a condition stating this.

Commissioner Shaw stated that the density matrix had been revised and there is a reduction of 30 units. Mr. Mendenhall stated that this was true. The community was concerned about the density and the plans were modified. Mr. Mendenhall asked if there were any other questions.

Commissioner Robins stated that he wanted the public to comment. Chair Jensen agreed. Mr. Pierson stated that the Public Hearing was still open.

Dave Olson-1942 East Canyon Road-has been a customer of Leland Mills for 35 years. Closing the section of River Road is an inconvenience for everyone. He feels that the road needs to be left open to convenience the business and customers and not adjusted to accommodate the developer. Commissioner Robins asked Mr. Olson if he had any suggestions. Mr. Olson stated that the burden is on the developer. Commissioner Robins asked Mr. Olson if he would approve of the changes if Mr. Isaac approves of them. Mr. Olson replied that he would not. Many developments have come in to the city, but none has been an inconvenience as this one has.

Commissioner Bradford asked Mr. Olson what type of vehicle he drives. Mr. Olson drives a truck and causing the commercial trucks to divert their route is wrong. Commissioner Wadsworth stated that the neighbors near the Mill met with the developer and do not feel inconvenienced. Commissioner Wadsworth asked Mr. Olson if his concern lies with other residents and customers, not with the residents in that area. Mr. Olsen responded that it does.

Mr. Pierson clarified the situation. Although a change may inconvenience some, it will also be positive. A new road may bring more traffic to the business. The residents will also have faster access to other areas. New growth brings opportunities.

Commissioner Wadsworth stated that decisions are made according to the greatest good for the greatest number. He asked Mr. Pierson and the developer how they determined the best solution.

Mr. Eskelson stated that a traffic study was done to decide what would best serve the area. The ball park, trail system, current and new residences were considered. The grade of various city roads compared to this one and safety were reviewed. They also examined the turning radius of the commercial trucks and the lots that would be facing River Road. Staff previously discussed alternatives to the alignment. There were constraints that would adversely affect some of the residents' properties.

Eliminating the town homes will minimize the impact to the current residents. After carefully reviewing the pros and cons of each alternative, staff decided that this road alignment and intersection design is the best.

Commissioner Wadsworth asked Mr. Olson to address the Planning Commission and clarify what he means by inconvenience. Mr. Olson stated that the inconvenience is to the established homes and the business. This development is the most inconvenient because it requires a new road. When a road is cut off so the developer can make money, the project should not be allowed, even though the residents do not object. Commissioner Wadsworth asked if the issue were that the road would be cut off. Mr. Olson said it is. Commissioner Robins stated he wanted to hear from the residents and Mr. Isaac.

Mr. Isaac stated that he talked with the developer. Last month he was concerned but no longer is. He agrees the city looked at all the options and made the best decision. He is not satisfied with staff's plans for 900 South and wants the city to commit to the residents that the road will be widened and the telephone poles moved. He is also concerned about the irrigation water that services the Warner's and Olsen's. Mr. Eskelson stated that the irrigation that will go under the road would be piped. Mr. Pierson asked Mr. Eskelson to estimate the cost to widening the road. He estimated it to be approximately \$200,000.

Ted Scott stated that there is a canal going to Mayor Barney's property as well. Mr. Pierson estimated the cost to pipe it at \$200.00 per foot.

Mr. Mendenhall praised staff for their intuitive response to the traffic needs of the community traffic. He shares Mr. Isaac's concerns regarding the widening of the road. He also stated that the issue needs to be kept in perspective as the current traffic needs are not heavy and will be dealt with in due time as needed. He feels that staff has addressed any inconveniences and the majority will find it easier access to town. Westfield's analysis is that this is a good solution and a solid foundation for future planning. Mr. Mendenhall asked Mr. Pierson if he concurs. Mr. Pierson stated that he does.

Commissioner Wadsworth asked Mr. Pierson to address the concerns about the telephone poles on 900 South. Mr. Pierson stated that decisions regarding the improvements are left to the City Council as funding needs to be considered. 900 South is shown as a future collector road and the City Council will need to evaluate the utilities and growth boundary. The residents will ultimately decide what happens in the area. If they don't want development, they won't sell land to developers.

Mr. Scott stated that the telephone lines belong to Strawberry Power. Commissioner Shaw stated that if the poles needed to be moved, the city would have to do the work and bear the cost. If the poles are on ground owned by the developer, the developer would pay the cost. All improvements depend upon the budget.

Lisa Olsen-1208 West 900 South- is concerned about small children and the high traffic on 900 South now, which is narrow. If the development is approved the road construction needs to

happen now. IFA is around the corner and grain and cement trucks also use 900 South. A new road will automatically bring more traffic. She does not want the area to change.

Commissioner Bradford asked Mrs. Olsen which road she would use. Mrs. Olsen usually uses 900 South and not Del Monte. She also uses 900 South as a walking path, which is dangerous for kids. Mr. Pierson stated that in the future 900 South will be 66-feet wide. Mr. Eskelson stated that sidewalks would connect to the future trail system and the sports park, providing ample walking paths.

Howard Creer-91 East 200 North-is a property owner in the area. He wants the bridge to be completed before the homes are started and is opposed to changing the road. The trucks using the road are not safe vehicles. His past experience tells him that residents who moved into this area don't want development. The Planning Commission needs to consider that the development will impact land values. The developer needs to have a development with the quality that the current residents want.

Mr. Creer asked who would pay for the improvements, as the developer should incur all the costs. Commissioner Bradford stated that the city will own and maintain the bridge and therefore, the developer must meet city standards. Mr. Pierson stated that the developers will pay the costs and the bridge will be built in the first phase. Each developer will pay Mr. Mendenhall, who will design and construct the bridge.

Commissioner Robbins asked Mr. Creer his opinion regarding the river riprap and if he has seen any of the engineering plans. Mr. Creer responded that the same methods used to stabilize the river in the past couldn't be used now, such as boulders. He has kept records of all the communications he has had with the Army Corps of Engineers and Utah County, both of whom will now not maintain the river. The bank is weak and the flow cannot be predicted. This must be addressed now.

Chair Jensen asked what portion of the land the county owns. Mr. Creer replied that the county owns none of it. The citizens own the property and everyone else tells them what has to be done, yet no one will help with maintenance. Chair Jensen asked how the county could call in the ACOE to help if the county does not own it. Mr. Creer stated that originally the county committed to maintaining a portion of the river and now won't. There are procedures that have to be followed to obtain permits and the agencies are slow to act on the permits.

Mr. Pierson asked Mr. Eskelson to address the concerns about the permits. Mr. Eskelson has filed the necessary permits with the state, Division of Wildlife Fish and Game and the ACOE. It is a one-stop permit that will be processed through all the necessary agencies. The sewer line would be on a separate permit. The bridge will be wide enough to accommodate future traffic. Commissioner Robbins asked if the improvements would be added as the development is constructed. Mr. Eskelson stated that they are required to analyze the stability now and this is what they are doing.

Chair Jensen asked if there are any other questions.

Clyde Bradford-1514 West 900 South-said there is considerable concern about the intersection. Was consideration given to having the road run along the river to the main highway, leaving the current road as is for now? Mr. Pierson stated that it was considered. Staff reviewed future traffic needs and safety concerns. It is easier to close the road now than in the future. The current Leland residents will use the new road, as it will provide easy access to town. If the present bridge becomes inaccessible there will be no access road without the change. Further, if the road is changed now, the developer will bear the cost. If the road is changed in the future, the city and taxpayers will bear the cost.

Pat Parkinson-1778 E 1310 South-asked why the road couldn't be left open with a different design. Mr. Pierson stated that the traffic flow and safety are the reasons for the design.

Commissioner Shaw asked if the grade of River Road is similar to 700 East Center. She also asked if a stop sign could be added and the road left open. Mr. Eskelson stated that this would defeat the purpose in making a smooth transition to Volunteer Drive. The design is based on future traffic flow and safety. On a wide road, drivers tend to slow down and look for traffic, not stop. The new intersection will force drivers to stop and look for traffic coming up the hill

Commissioner Shaw stated that she appreciates the consideration given to the road and inquired as to how the island will be utilized. Mr. Eskelson replied that the city would have the option to utilize it as they see fit.

Mr. Isaac agrees that this design is more favorable and stated that the stop sign at 400 North under Highway 6 is a bad idea.

William Barth-1168 West 900 South-sees semi trucks going to Leland Mill each morning and it is not safe. Drivers currently can get to town using other roads. Trucks speed on 900 South as well. He is concerned that a child will be killed there before the danger is addressed.

Chair Jensen stated that Commissioner Wadsworth needs to be excused and asked him if he has any questions or comments. Commissioner Wadsworth asked if it was appropriate to make a motion at this time, as there are other issues he has not had time to research. Mr. Pierson stated that Commissioner Wadsworth might address his concerns to the developer first.

Commissioner Wadsworth asked the developer if he has done his due diligence in following up with the residents. Chair Jensen stated there has been much discussion and the developer has answered most of the questions. Commissioner Wadsworth stated that speeding and the quality and types of vehicles on the road are something the developer cannot control. Mr. Pierson stated that as a City Council member, Commissioner Wadsworth could direct the police to patrol the area and cite speeders.

Commissioner Wadsworth also asked Mr. Mendenhall to address the river stability concerns voiced by Mr. Creer. Mr. Mendenhall stated it is not his intent to diminish the concerns and that the developer hires competent people to address them. The issues are addresses within the scope of Spanish Fork City Development Standards and information and suggestions from staff, the

county and the state. The bottom line is that the bridge must comply with the standards set by the city.

Commissioner Wadsworth commended the developer for meeting with residents and addressing concerns. Mr. Mendenhall asked if there are any concerns that are different from the ones brought in February. Commissioner Wadsworth stated that he wants the bridge to be constructed first and has already been addressed. Mr. Mendenhall asked Mr. Pierson if there was anything else to address. Mr. Pierson stated there was not.

Commissioner Wadsworth stated that the truck traffic is a major issue as is the quality of the farm trucks and the speeding. Mr. Pierson replied that the Police Department is the agency to address the speeding concerns. The State DMV addresses the safety of the actual vehicles through the vehicle registration process. Mr. Mendenhall asked what the correlation is between the development and these issues. Commissioner Wadsworth stated that Mr. Creer gave the correlation. Mr. Mendenhall asked if the developer has control over the quality of the vehicles traveling the road. Commissioner Wadsworth stated that they do not. This new road alignment is the safest route for trucks according to Mr. Heap and Mr. Richard Nielson.

Commissioner Wadsworth stated that the developer also has no control over the type of traffic. Mr. Mendenhall stated that the citizens concerns are valid and the development is not causing these concerns. The unsafe conditions already exist and the road alignment will diminish the problems.

Mr. Creer asked Mr. Scott to state the purpose of the concrete barricades on his property. Mr. Scott stated they are to keep drivers from knocking down his fence and the Strawberry Power poles. Mr. Creer stated that he has lived here his entire life and now a developer comes in, makes money and leaves. The new residents are not going to be living in the new development.

Chair Jensen stated that density needs to be addressed. Mr. Pierson stated they could review it now if they like.

Jeff Warner addressed the Commission. His parents reside in the area. He said the existing residents can use the current road and the new road should follow the river. The current road narrows and is dangerous for passing and he wants improvements. No one is complaining about not having a faster access to town. Speeding is a concern and the police will not be able to control all of the traffic. He agrees with Mr. Creer's concerns about the river.

Kevin Baadsgaard-1215 West 900 South-stated that the traffic pattern will change and a new road encourages use by virtue of the fact that it is new. 900 South is dangerous and the intersection will be dangerous. The intersection by the Bradford residence needs to be revised if the traffic pattern is changed. A stop sign would prohibit drivers from taking the curve too fast. Mr. Pierson stated that closing the road would be best to prevent this and mitigate the dangers.

Commissioner Wadsworth left at 8:44 p.m.

Mr. Scott stated that he has met with engineers and staff and the current road alignment has to be changed. The developer has done a good job of meeting with residents.

Commissioner Robins asked if the Planning Commission could give a recommendation to the City Council as well as to the developer. Mr. Pierson stated that this is purpose of the Commission. The Commission is to note areas of concern for City Council review. This is also the purpose of Councilman Wadsworth's seat on the Commission.

Chair Jensen asked if the Commission needs to go out of Public Hearing to review density. Mr. Pierson stated that is not necessary. Chair Jensen stated that the density matrix would be reviewed and the updated copy is in the agenda.

Commissioner Shaw stated that she has reviewed the changes. Commissioner Robins stated that he does not see a need for any changes to the matrix as presented. Chair Jensen asked if the Commissioners were in agreement and if there were any other comments or questions.

Commissioner Robins made a **motion** recommending to the City Council that they investigate the traffic safety concerns on 900 South as well as the adjacent roadway, including the possible widening of the road, signs, speeding problems, and the location of telephone poles. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

Commissioner Robins commented that Mr. Mendenhall has designed a very nice subdivision that will benefit Spanish Fork and will raise the value of the existing homes. Although he is concerned about the intersection, the developer has addressed the concerns and done can be done. Commissioner Robins asked if the other Commission members had any comment. Chair Jensen stated that the concerns and comments were discussed at the February 4 meeting and that the presentation was well prepared.

Commissioner Bradford made a **motion** to give the City Council a positive recommendation on the Hughes/Hill (River Cove) Rezone of 80.37 acres at 900 South and Del Monte from Rural Residential (R-R) to Low Urban Residential (R-1-12) with the following findings and condition(s):

Findings

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

The General Plan shows this property as Residential 2.5 to 3.5 u/a and the R-1-12 is within that density.

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

Conditions(s):

1. That consideration be given to mitigate flooding on the property.

Commissioner Shaw stated that a comment was made by Commissioner Wadsworth regarding the findings. Mr. Pierson stated that comment was given in addition to the findings and that Commissioner Wadsworth noted that the condition address this.

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

Commissioner Shaw made a **motion** giving a positive recommendation on the Preliminary Plat based on the conditions listed in the agenda.

DR comment. Since Mr. Mendenhall is agreeable to addition of condition, will add. Mr. Pierson stated that rather than read the lengthy list of conditions, the public is invited to read them on the Spanish Fork City website, www.spanishfork.org.

1. Install improvements along Del Monte Rd., with the exception of sidewalk,
2. No hill area excavation is to take place without approval from the City Engineer,
3. Provide a flood plain update and a wetlands report to the city,
4. Upon development of 50 percent of the lots, a 14-foot asphalted pedestrian access between lots 50 and 51 connecting to the city trail is to be bonded for and installed at the developer's expense,
5. Submit covenant's, codes and restrictions (CC&Rs) for development to the city,
6. The developer is to sign off on all house plans in the subdivision,
7. Provide the city with a title report for all of the property and work out all boundary issues prior to going to the City Council,
8. The project is to meet all of the construction and development standards,
9. The developer of the Butlers property is to participate in the cost of constructing a pedestrian/vehicle bridge over the Spanish Fork River to the percent indicated by an updated traffic study,
10. Construct the River Cove Project as per the preliminary plan document contained in the packet,
11. The developer is to provide an engineering study of the stability of the existing river rip rap,
12. No duplicate homes are to be constructed within 120 feet of each other,
13. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
14. Side entry garages with t-driveways are strongly recommended on homes locate on corner lots, especially on 66-foot right-of-ways and is required on the road from Volunteer to 900 South,
15. The project is to contain not more than 205 units,
16. Irrigation ditches in the development are to be piped or eliminated and provide a letter of approval from the Irrigation Company,
17. Have a 20-foot access easement along the south side of the river for maintenance,
18. Point system is approved as shown on the updated attached sheet,
19. All open space area are to be deeded to the city as part of the 1st plat,
20. Any grading of the hillside is to be re-vegetated,
21. Feeder power line is to come off the hill at lot 1 and follow along River Ridge Lane,
22. Meet with the US Post Office concerning the location of post office boxes,
23. Construct a 10-foot pedestrian and equestrian trail on the north side of the river as per the Spanish Fork City standards,

24. The developer is required to work with the city Shade Tree Commission to determine which trees need to be removed and pay the cost of “removing of the trees and cleaning up” of the park are on the north side of the river,
25. The developer is to pay the cost of connecting the trail through the “park area” on the north side of the river as well as constructing the trail under the proposed bridge,
26. Provide a tight-of-way description to the City Engineering Department prior to the City Council meeting for the River Bridge Roadway,
27. The property owners sign a disclosure acknowledging that the area has flooded in the past and holding the city harmless of any flood damage and that the wording be worked out between the developer and the City Attorney,
28. All single-family homes must follow the homes size according the R-1-12 zoning (1,400 sq. ft. on ramblers and 1,000 sq. ft. on main level for 2-story).

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

There was a five-minute break. Mr. Pierson stated for the public that the River Cove Preliminary Plat and rezone would go before the City Council on April 6, 2004. Chair Jensen invited Commissioner Scott to return to his seat on the Commission. Commissioner Bradford excused himself from hearing the next item, as it was a conflict of interest.

Santos & Hales (Pine Meadows) Rezone Location: Approximately 1700 East 1400 South Zoned R-R

Pine Meadows Preliminary Plat

Applicant(s): Frank Santos & Cliff Hales/Dave Cloward

Mr. Pierson reviewed the details in the agenda. The applicants are the property owners. Notification was given according to the proper ordinance. The Preliminary Plat and Rezone will be heard together as this is a Mater Planned Development. Mr. Pierson also reminded the Planning Commission to review the home sizes.

All staff reports and information given to the Planning Commission regarding the Preliminary Plat can be found at www.spanishfork.com.

Units along 1700 East are required to have side entry garage and t-driveway. The lot sizes and facades are equal to those in Maple Meadows.

Dave Cloward addressed the Planning Commission. He stated that he believes he and Mr. Santos are the first development in the city to hold a town meeting. They hired a title company to compile a list of residents to invite and sent the invitations, a copy of which is in the agenda. Three residents attended. According to the applicants this was indicative of the development and the fact that it is not controversial.

Mr. Cloward reviewed the development and then addressed any questions. They incorporated a trail concept connecting to the trail provided by Spanish Vista.

Mr. Cloward reviewed the conditions and CC&Rs and stated that the size of the homes is appropriate for zoning. The developer has agreed to do storm drain development off-site and interconnecting to 1500 E, down hill and across a portion of the farmland, and disposing of the water in the Spanish Fork River. The estimated storm drain cost is \$350,000. The developers to the north have agreed to help with funding this. Mr. Cloward further stated that they are not asking for a high-density development.

Commissioner Robins thanked the applicants for the holding the town meeting and asked them to address the concerns brought at the meeting. Mr. Cloward stated that the residents who attended are present tonight. The only concern brought to them was that the new homes have appropriate facades and masonry for the area.

Mr. Cloward asked if there were any other questions. Commissioner Robins asked if there were any boundary issues associated with the Abbie Court Park. Mr. Pierson stated that this has been discussed and if a boundary agreement is needed it will taken care of. In Maple Meadows, when the lot is purchased the owners also buy the legal description of the property. By doing this, any boundary issues are resolved at the time of purchase. Mr. Cloward stated that there are no boundary disputes in relation to the park.

Chair Jensen asked Mr. Cloward if they are donating money to the park. Mr. Cloward stated that they are donating to the general recreation fund.

Chair Jensen invited the public to comment.

Pat Parkinson-1778 East 1310 South-attended both the City Council and town meetings. She thought the town meeting was only for the neighbors. Mrs. Parkinson suggested this and the fact that the invitation did not state that the developers were presenting the meeting were the reasons for low attendance. The attendees requested that the facades of the Pine Meadows homes along 1400 South match those of the existing homes. Mr. Santos previously stated that 25 percent of the homes would be all stucco or stone. Mrs. Parkinson wants the row of homes along 1400 South to be in this 25 percent. She felt this was a reasonable request that was not well received. There were no other real concerns with the development.

Rich Wyman stated that he as well as his father and brother live on 1400 East on adjoining lots. He discussed the masonry in Maple Meadows and approves of the brick, stucco and stone. He agreed with Mrs. Parkinson that the facades match. Installing siding on the sides of the homes lessens the home value as it can be seen from the front. He is concerned about the wind affecting the siding. He approves of the town homes in Maple Meadows. His CC&Rs prohibit chain link fencing and wants to know if there are similar restrictions here, as he wants his property values maintained.

Kelly Montague stated that six single homes and future twin homes will face his home. He disapproves of the use of siding. There have been vacant lots in his neighborhood from homes that wouldn't sell and expressed concerns with the watering of the landscapes. He does not feel the present irrigation ditch is needed. He is concerned with the grade of the land and having to install fences.

Commissioner Robins asked Mr. Cloward to address the concerns. Mr. Cloward stated that the ditch would be abandoned. There is not a significant elevation difference near the Montague's property and it is relatively flat. Mr. Pierson stated that if there is a grade difference, the property owners must work it out if they are putting in fences.

Commissioner Robins asked if a retaining wall would be installed near the irrigation ditch along the mow strip. Mr. Cloward stated that there is no elevation difference and no need for the wall. Mr. Hales stated that the purpose of the ditch is to provide water to the applicant's land if needed. Commissioner Robins also asked how the applicant feels about the condition that homes facing 1400 South be of brick and stucco and stated that a Condition 23 could be added. Mr. Cloward stated that the Wyman residence is all stucco except for a strip of stone. He does not object to matching it, but the other residents may not feel that is the most attractive. Individual owners may want to have a choice on the side and back. He will mandate the materials to be used in the front.

Commissioner Robins inquired about the material to be used on lots 18-27. Mr. Pierson stated that the ordinance requires all brick and stone. Minor elements are stucco. He stated that the developer is going above and beyond the ordinance requirements. Corner lots must be stone on two sides. Mr. Pierson clarified that in Maple Meadows the units were required to have a one-car garage. In Pine Meadows, two-car garages are required.

Rich Wyman stated that he is concerned about the fencing. Mr. Cloward stated that he likes chain link, as landscaping can be used to cover it and it is low maintenance. He believes that the property owners need to make their own choice as opinions differ.

Commissioner Robins stated that 1700 East is now a minor collector and asked what peak traffic it can handle. Mr. Pierson stated that he is not the person to make the determination on the traffic. One possibility is to remove the street parking, although this may not be necessary. Commissioner Robins is a neighbor of this proposed development and is concerned with increased traffic and school crossings. Mr. Pierson stated that the right-of-way could easily handle the traffic. At the time the road was planned, future traffic was accounted for. There are other traffic problems on 1700 East that already exist. There are drives that back onto the road. The density decreases closer the Canyon Road. Because 1700 East is an access road to Canyon Road, traffic speeds are minimized. Drivers will naturally take an alternate route if traffic is to slow.

Commissioner Robins stated that presently, there is a 3-way stop on 1700 East. Once Spanish Vista comes in will there be a 4-way instead? Mr. Pierson replied that there would not be. Commissioner Robins asked if a traffic study was done on Spanish Vista. Mr. Pierson replied that there was. The traffic engineer will take into consideration any future traffic.

Chair Jensen asked if there were any other questions. Commissioner Shaw stated that these developments are assets to the community and the density matrix shows a reduction in higher density development.

Mr. Pierson detailed the density matrix, as there was not one available in the agenda. Twenty percent of the homes will have a 3-car or side-entry garage. The open space is equivalent to a one-acre park. The landscaping is required by ordinance. The lots range from 5,000 square feet for twin homes to 19,000 square feet for the larger single-family homes.

Commissioner Robins stated that the intention of the mix in housing types is to have both ends of the spectrum. He inquired as to the way the housing types are weighted in the matrix. Mr. Pierson replied that in 1996 the General Plan required certain diversity in housing and he reviewed various subdivisions. The applicants could have located the twin homes anywhere within the development, but chose to locate them adjacent to the Maple Meadow twin homes. Commissioner Robins asked if the 5% bonus is standard. Mr. Pierson responded that it is, but it is up to the Planning Commission to decide.

Chair Jensen asked if there were any other questions. Commissioner Robins is concerned that the density bonus is too high. Commissioner Shaw has no concerns.

Commissioner Shaw made a **motion** to give the City Council a positive recommendation on the Cloward/Hales and Santos (Pine Meadows) Rezone of 43 acres at 1700 East 1400 South from Rural Residential (R-R) to Low Urban Residential (R-1-12) on the rezone. Commissioner Scott seconded and the motion passed with a unanimous vote.

Commissioner Shaw made a motion to give the Pine Meadows PP located at 1700 East 1400 South a positive recommendation to the CC subject to the following conditions:

1. Lifting of the utility restrictions will take place when the storm drain line is:
 - a. bonded with a completion time frame of 120 days,
 - b. the rights-of-way are acquired and deeded to the city,
 - c. designed and approved by the city,
 - d. installed and functional prior to the issuance of any building permits and/or the paving of roads,
2. Install a six-foot sidewalk along 1700 East with a five-foot park strip,
3. Sign off, by the developer, of all single family home plans in the subdivision,
4. Provide to the city a clear title report for all properties included in the development,
5. Construct all homes with 100 percent masonry fronts with stone and brick accents,
6. Construct all homes located on corner lots with 100 percent masonry on street facing side and fronts with stone and brick accents,
7. Install front yard, and street facing side yards on corner lots, with two 2-inch caliper trees, sod, and sprinkler systems,
8. Receive approval of the density (150 lots/units) as shown on the attached density bonus matrix,
9. Provide setbacks for each home according to the R-1-12 standards,
10. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
11. Meet all of the construction and development standards,
12. Provide to the city an approved plan for the irrigation ditches signed by the East Bench Irrigation Company or a letter of abandonment signed by the ditch owners,

13. Construct all lots along 1700 East with side entry garages and t-driveways and all corner lots along 1700 East are to access from the side streets,
14. Construct all single-family homes and twin homes according to the R-1-12 zoning standards (1,400 square feet on ramblers and 1,000 square feet on the main level for two story homes),
15. Construct no duplicate homes within 200 feet of the other,
16. Construct no more than 150 units as contained in the development packet,
17. Construct all single-family homes and twin homes with basement and a minimum of a 2-car garage,
18. Construct side entry garages on all corner lots if possible,
19. Install a matching 6-foot fence with a 12-inch mow strip along the Abbie Court park (lots 98-101),
20. Pay \$45,000 to the park fund when 50 percent of the lots are ready to record,
21. Complete all of 1700 East in phase one of the development,
22. Install a full street overlay of 1700 East and 1400 South, sharing the costs in areas with adjacent developers.

Commissioner Shaw stated that she is not including a Condition 23. Commissioner Scott **seconded** and the motion **passed** with a unanimous vote.

Commissioner Scott made a **motion** to go out of Public Hearing. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

Commissioner Scott made a **motion** to adjourn. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

The meeting adjourned at 10:08 p.m.

Adopted April 7, 2004