

**Adopted Minutes
Spanish Fork City Planning Commission
Wednesday, September 1, 2004**

Assistant Chairman Paul Bradford called the meeting to order at 7:03 p.m. The meeting is being broadcast live on SFCN.

The Pledge of Allegiance was led by Commissioner Scott.

Commission Members Present: Assistant Chairman Paul Bradford, Commissioner Ted Scott, Commissioner Del Robins and Councilmember Chris Wadsworth.

Commissioners not present: Chairman Thad Jensen and Commissioner Thora Shaw.

Staff Members Present: Emil Pierson, City Planner; Richard Nielsen, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; and Chris Cope, Secretary.

There were no minutes to approve.

Commissioner Scott made a **motion** to go into Public Hearing. Commissioner Robins **seconded** and the motion **passed** unanimously.

Public Hearings

Davis General Plan Amendment

Applicant(s): Richard Davis

Zoning: Residential Office to Commercial Office

Location: 60 East 800 North

Mr. Pierson detailed the items in the agenda. The possible future of the area was also discussed. Richard Davis, applicant, addressed the Commission. There will be 6 office units and 19 parking spaces. The parking will run north and south to the east of the building.

The current landowners and the applicant discussed the fence prior to the meeting. Mr. Davis brought the plans and discussed the layout with Councilmember Wadsworth. Mr. Pierson stated that per zoning, a 6-foot concrete wall would be required unless waived by the residents.

Mr. Pierson stated that the landscaping along the east of Carl's Jr. would be matched along the west and south of the Davis property.

Councilmember Wadsworth stated that Kathleen Koyle is mentioned in the DRC minutes and asked who she is. She is Mr. Davis' real estate agent and is assisting him.

Alire Olwin-745 North 100 East-has a handicapped son and is concerned about his safety. She asked Mr. Davis if the property would be accessible only from 800 North and wanted to know the type of businesses there would be. Mr. Davis said that access would only be from 800 North. There will be a construction business and possibly an accounting firm. No dental or medical would be allowed due to the number of parking spaces, per ordinance.

Mrs. Olwin is concerned with the location of the garbage dumpster as she just built a patio adjacent to that area. Mr. Davis replied that due to the nature of the businesses there should be no smell from the garbage. There is also a significant concern with the parking situation on 800 North from Imageworks Academy.

Mr. Davis and the residents prior to the meeting discussed the fence. A masonry wall matching Carl's Jr. would be constructed, alleviating some of the traffic concerns. Mr. Davis has had grandchildren live in that area and agrees with the traffic concerns.

Mrs. Olwin asked for the type of lighting, stating that the Sabey's have property there as well. Mr. Davis stated that he has not considered this as of yet and will talk with the city. Mrs. Olwin's main concerns are the fence, lighting and dumpster.

Mr. Pierson reviewed the plans and recommended that the building plans be flipped, moving it to the east of the lot. Mr. Davis and Mr. Pierson discussed this. Lighting was considered. The landscaping to the west would not be required.

Commissioner Robins asked Mrs. Olwin if her concerns have been met. She replied that they have. Councilmember Wadsworth agrees that the access will mitigate any risks with this alignment.

Commissioner Bradford asked if there were any other questions.

Dr. David Courtney-800 North 100 East-is concerned with security, parking and congestion. His business has been broken into and the area is not lighted at night. He agrees that the traffic from Imageworks is a problem. He asked if there would be basements in the offices. Mr. Davis replied that each unit does have a basement.

Mr. Davis stated that the traffic may be minimal and he does not anticipate any congestion other than from the accounting firm at tax time. Mr. Davis reduced the number parking spaces since meeting with the city.

Dr. Courtney approves of the fence as it alleviates his concerns with thru traffic.

Dr. Grant Jensen-359 North 630 West-owns property adjacent to the Davis property and approves of the development. He also agrees that there is a traffic problem. Mr. Davis would need to have a solution to prevent patrons of the salon from using his parking spaces.

Max Sabey-75 East 700 North-is concerned with the power lines and the trees. Mr. Davis stated that his building would be one story. They also discussed the landscaping requirement and setbacks. Mr. Sabey stated that he continuously has to pick up trash from Carl's Jr.

Mr. Pierson stated that the both the General Plan Amendment and the rezone may be discussed together.

Stewart White owns the service station to the South. Mr. Sabey is concerned that if the zoning were changed on the Davis property, the door would open for Mr. White to easily expand. Mr. Pierson outlined the current zoning.

Commissioner Bradford stated that each individual parcel would be addressed separately and Mr. White's property is not under consideration. Commissioner Robins stated that because of the current zoning, a change might not make any difference. Mr. White would need to bring an application to the city just as others do. Mr. Davis could have the offices he wants with the current zoning, but has come before the Commission because of landscaping requirements.

Commissioner Bradford asked for comment or questions. Commissioner Robins asked Mr. Sabey if he feels that the commercial properties are expanding and if he is concerned. Mr. Sabey replied that his rights as a resident are as equally important as those of the commercial businesses. The way the changes are handled and the types of businesses in the area concern him.

Councilmember Wadsworth asked Mr. Sabey if he is concerned with the height of the building. Mr. Sabey's concerns are with the trees and power lines and with the garbage. He is also concerned about the potential of the service station encroaching onto his property. Commissioner Bradford stated there should be a 4-foot easement. Mr. Sabey stated that his property has been surveyed.

Mrs. Olwin also has a problem with garbage from Carl's Jr. It is an eyesore for Mr. White to park his work vehicles and oil truck adjacent to her prop and it is an annoyance. Mr. White told her previously that he would only be parking his horse trailers there. It is inevitable that businesses will come in and property values will decrease. She asked what hours these offices would have. Mr. Davis said there would be some evening traffic as construction workers are on site during the day.

Commissioner Bradford asked for comment. Commissioner Robins stated that Mr. Davis would be a good neighbor and believes that Mr. Davis will address the concerns. He discussed a buffer between the businesses and the residences and the traffic corridors.

Councilmember Wadsworth said that if business move in and are successful, the residential

property values might increase. Mr. Pierson replied that the City Council would need to review the General Plan.

Commissioner Scott made a **motion** to give a positive recommendation to the City Council for the Davis General Plan Amendment located at 60 East 800 North from Residential 5-12 u/a & Residential Office to Professional Office.

Councilmember Wadsworth **seconded**. Those voting aye: Commissioner Scott, Commissioner Bradford, Commissioner Robins and Councilmember Wadsworth. The motion **passed** unanimously.

Davis Zoning Map Amendment

Applicant(s): Richard Davis

Zoning: Residential Office to Commercial Office

Location: 60 East 800 North

Commissioner Bradford asked for public comment and stated that this has been addressed with the General Plan Amendment.

Commissioner Robins asked Mr. Pierson if he is concerned with a zoning island being created near Dr. Courtney's offices. Mr. Pierson responded that because there are two properties that are residential office there is no concern. The area would be considered along with the General Plan in the future.

Commissioner Robins stated the following findings:

1. The amendment is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan.

Finding:

1. *The rezone is consistent with the policies of the General Plan because the requested C-O zone follows the General Plan map (see GP Amendment). The adjacent properties are zoned C-O, C-2, and R-O.*

2. *The property meets the characteristics of the neighborhood and does not adversely impact the adjacent properties.*

For amendments to the Zoning Map, consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Finding: *To approve this amendment to the zoning map (R-O to C-O) consideration has been given to include any conditions necessary to mitigate adverse impacts to adjoining or nearby properties.*

Commissioner Robins made a **motion** to give the Davis Zoning Map Amendment a positive recommendation to the City Council for the property located at 60 East 800 North from Residential Office to Commercial Office.

Commissioner Bradford asked if there was any discussion. Councilmember Wadsworth wanted it qualified that the property not adversely affect the adjacent properties, the residents have stated their concerns, that the concerns have been addressed and any adverse impacts were resolved according to Mr. Pierson.

Councilmember Wadsworth **seconded**. Those voting aye; Commissioner Scott, Commissioner Bradford, Commissioner Robins and Councilmember Wadsworth. The motion **passed** unanimously.

Commissioner Robins made a **motion** to go out of Public Hearing. Commissioner Scott **seconded** and the motion **passed** unanimously.

Staff Reports

Hamilton Estates Preliminary Plat Subdivision

Location: 1800 South 1400 East

Applicant(s): Blair Hamilton

Mr. Pierson addressed the items in the agenda. Storm drain improvements were considered.

Commissioner Robins asked for clarification on the cemetery project analysis and asked for clarification. Mr. Pierson stated that the analysis should read that the Pioneer Cemetery is to the East of the development. The driveways along the east will enter and exit onto 1400 east. Councilmember Wadsworth stated that the southern most area of 1400 East is dangerous. Mr. Nielsen stated that the curb and gutter would have to be expanded and a portion of the hill would be removed. Councilmember Wadsworth stated that without a stop sign the road would be dangerous. Mr. Pierson suggested that side entry garage would possibly be appropriate.

Commissioner Robins asked if there could be a requirement on the driveways as this is not a MPD. Mr. Pierson stated that because it is a safety concern it may be required.

Kevin Tew, representing the applicant, stated that side entry garages would be used. Commissioner Bradford stated there have been problems in the past with water run-off. Mr. Tew stated that fill has been brought in and Mr. Nielsen replied that the fill has been in the area for six

months.

The future plans for 1400 E reviewed by Mr. Nielsen and improvements will not be addressed at this time. Groundwater drainage was outlined.

Commissioner Bradford asked if there were any questions or discussion. Councilmember Wadsworth asked about condition 1. Obtain and submit a soils report addressing ground water and drains, if not already done. This report has already been verified.

Commissioner Robins made the **motion** to give the Hamilton Estates Preliminary Subdivision located at 1800 South 1400 East a positive recommendation to the City Council subject to the following condition(s):

1. Obtain and submit a soils report addressing ground water and drains, if not already done,
2. Receive a sign-off on all home designs from the Engineering Department,
3. Meet all of the requirements for the R-1-12 Zone,
4. Meet all of the Construction and Development Standards, including the America's With Disability Act requirements for the sidewalks and the conduit size and wiring requirements for meter reading
5. That lots 9, 10 and 11 be constructed with side entry garages located on the North side of the homes.

Councilmember Wadsworth requested that condition 5 specify that the side entry garages be located on the north side of the homes.

Commissioner Scott **seconded**. Those voting aye: Commissioner Scott, Commissioner Bradford, Commissioner Robins and Councilmember Wadsworth. The motion **passed** unanimously.

Other Business: GP and Zoning

Items to be addressed must fall in a logical order. Public Notice requirements and utilization of Neighborhood Organizations were discussed.

Councilmember Wadsworth asked Pat Parkinson to address the Commission, as she has had concerns regarding notification. Mrs. Parkinson asked if there would be a roll call to determine if a developer had actually contacted residents. Commissioner Robins asked if there would be liability to the city if notification is not made. Mr. Pierson recommended that the city not regulate Neighborhood Organizations. Commissioner Bradford stated it would be difficult to

implement as there are factors to consider with individual groups as they would be volunteer organizations formed to benefit the neighborhoods.
Councilmember Wadsworth and Councilmember Kelepolo plan to attend a neighborhood meeting in Provo to get more information.

Mrs. Parkinson stated that there would be some expectation that the group leaders would verify contact and accountability. Mr. Pierson replied that this responsibility would be on the residents. Commissioner Robins stated that the factors need to be studied and Mr. Pierson will make a recommendation to the City Council for a study regarding the utilization of Neighborhood Organizations.

Commissioner Robins requested a copy of the suggestions submitted by each Commissioner. Mr. Pierson will provide them.

Mr. Pierson would like to cover the basics of the General Plan at the next meeting. He presented a Power Point presentation to the Commission addressing the following topics:

- Demographics
- Population Growth
- Units Built
- Valuation of Homes
- Utah Household Income

Commissioner Scott made **motion** to adjourn. Councilmember Wadsworth **seconded** and the motion **passed** unanimously.
The meeting adjourned at 9:03 p.m.