

**Adopted Minutes**  
**Spanish Fork City Planning Commission - Work Session**  
**February 2, 2005**

Agenda review at 6:30 p.m. by Mr. Pierson

The meeting was called to order at 7:00 p.m. by Chairman Bradford.

Commission Members Present: Chairman Paul Bradford, Assistant Chairman Del Robins, Councilman Chris Wadsworth, Ted Scott, Dave Lewis, Sherman Huff.

Staff Members Present: Emil Pierson, City Planner; Richard Nielson, Assistant Public Works Director; Christine Johnson, Assistant City Attorney; Chris Thompson, Design Engineer; Tricia Breinholt, Secretary.

Citizens Present: Ray Morley, Charter One; Terry Hallett, Jack B. Parson Co.; Matthew Champneys, Spanish Fork Community Theater; Nathan Simpson, Sunny Ridge LLC; Glenn Way, Charter One; Jed Morley, Property Brokers; Clyde Bradford; Eva Bradford; Lisa Olsen; Douglas Young; Addison Blair; Lawson Bendall; Wesley Roberts; Jeremy Young; Coletín Foster; Daniel Fifield; John Greenway; Bryan Redd; Annette Redd; Richard Hatfield; Carter Allen; Mont Williams; Keith Williams; Deon Scott; Ron Haymore; Ty Tingey; Jon Warren; Mrs. Clare H. Davis; Warren A. Peterson; Lana Creer Harris; David Wetzel; MaryLou Flinders; Glade Schwartz; Rich Harris; Kevin Creer.

The pledge of allegiance was led by Ted Scott.

**Minutes**

Del Robins made a **motion** to approve minutes from January 5, 2005. Ted Scott **seconded**, and the motion **passed** with a unanimous vote.

Chairman Bradford made a **motion** to move into public hearing. Mr. Scott **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearings**

**Warren Peterson Rezone**

Mr. Pierson presented the possible rezone being requested by Mr. Peterson. He stated that Mr. Peterson is requesting that .48 acres at 114 East 800 North be changed from R-1-6 (Medium High Urban Residential) to C-O (Commercial Office).

Chairman Bradford read the Recommendation on the Planning Commission Report:

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. The adjacent properties are zoned C-O, R-1-6 and R-O.
  2. The property meets the characteristics of the neighborhood and does not adversely impact the adjacent properties.
2. 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-1-6 to C-O) consideration has been given to include any conditions necessary to mitigate adverse impacts to adjoining or nearby properties.

Warren Peterson explained that his intentions are to remove the home that is currently on the property and he will tentatively build a new medical office.

Del Robins asked if Dr. Peterson would be the sole occupant of this office. Dr. Peterson stated that at some time, he would like to add another practitioner to the office, and he feels that the parking would be sufficient for the use of this office. Dr. Peterson stated that he is trying to put the least amount of impact on the surrounding residences.

Councilman Wadsworth asked if Dr. Peterson has had the opportunity to visit with the surrounding neighbors. Dr. Peterson stated that he has had some opportunity to visit with the residents.

Dr. Peterson showed that he would have two openings to the parking lot on 800 North.

**Public Hearing:**

MaryLou Flinders lives across the street from the possible office. She asked that the entrance on 100 East be reconsidered. She stated that there is already other traffic coming into that area from other businesses. She also has concerns about a cinder block wall.

Mr. Pierson showed her the places where the cinder block wall would be reduced to three feet beside an existing driveway. He also showed that with a parking entrance on 800 North, it would reduce parking right on the street on 800 North.

Mr. Wadsworth asked her if the concern is with the parking on 800 North. Mrs. Flinders stated that there is quite a bit of traffic already on 800 North from the other surrounding businesses. There are also many pedestrians that are darting across the street rather than crossing at the corner.

Mr. Wadsworth asked if she would be more comfortable if the ingress and the egress were switched. Mrs. Flinders stated that she would be more comfortable with that.

Glade Swartz asked if we can make sure that there is a 3-foot limit on the wall so that there will not be a blind driveway. Mr. Bradford stated that has already been resolved through meeting city codes.

Mont Williams stated a concern for the size of the building. Mr. Pierson stated that the building will be one story and about 3600 square feet.

Del Robins made a **motion** for a positive recommendation with changes as noted. Mr. Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Valley/Charter General Plan Map Amendment**

Mr. Scott and Mr. Wadsworth asked to be excused for reasons of conflict of interest.

Mr. Pierson showed the property at 1173 Del Monte Road. He stated that amending the General Plan is the first step for the applicants to create a charter school on this property. Ted Scott's property and Leland Mill would remain as they are zoned at this time. Jack B. Parson's property and the Haymore property would also stay zoned as they are. If they needed changes in the future, then they could come in and request those changes at that time. This is just a request for the General Plan Amendment. Mr. Pierson stated that the Development Review Committee looked at this quite extensively.

Ray Morley showed that Charter Home Development would like to add two schools. They would like to add The American Achievement Academy, and a Mountain Land Applied Technology College. Chairman Bradford asked if they had completed studies on the soil. Mr. Morley stated that they have had meetings and that they had found some samples that contained suspicious, possibly contaminated soils. He stated that they have not gotten those final results back, but are working on it.

Terry Hallett read a memo from Staker-Parson Companies:

“Staker & Parson Companies and its subsidiary, Jack B. Parson Companies, operates a ready mix concrete production facility at 1158 South Del Monte Road. This location has been used for this use for more than fifteen years and employs twenty people who each earn an average wage of over \$40,000 per year.

While we support Charter One Development, LC, and its efforts to build a business park and charter school on property adjacent to ours, we would appreciate your inclusion of the following points in the minutes of tonight's meeting.

- 1) We intend to cooperate with Charter One Development, LC, regarding the possible

relocation of our facility as long as we can do so in a cost neutral way for our business. If we are unable to relocate our business, we intend to produce at our current location for many, many years to come.

2) The production and delivery of ready mix concrete requires the delivery of cement and aggregates in large haul trucks as well as the delivery of concrete in large mixer trucks. We are concerned that a school, business park, and ready mix facility with associated trucks are not compatible uses and may cause inconvenience to one another.

3) We have made a major financial commitment to improve our site and surrounding infrastructure in preparation for installation of a new plant in 2005 including:

- a. Paving ½ of the width of Del Monte road from Arrowhead trail and along our property.
- b. Manufacture and installation of a masonry wall along Del Monte road.
- c. Installation of a new 12" water line from 900 South to Arrowhead Trail on Del Monte assisting in our production but also greatly improving the water circulation in the area and benefitting all future development.

We appreciate your efforts to foster a positive business environment in Spanish Fork and appreciate the opportunity to do business in your city.

Sincerely,  
Scott W. Parson"

Mr. Bradford read the Development Review Committee Recommendation conditions:

1. Amend the property shown as R-R/Residential 1-2.5 units to the acre,
2. Amend the property shown as Commercial and Professional Office all be Professional Office,
3. Amend the area shown as R-R/Residential 2.-3.5 units to the acre and to include the Haymore property,
4. Include the Ted Scott property in the amendment to be shown as R-R/Residential 2.5-3.5 units to the acre.

Mr. Bradford opened the floor to comments.

Rich Harris, on behalf of a number of residents in the area stated that his concern is that this is outside of the current General Plan. He stated that they have not been contacted and that they have not had time to look at it and analyze it. He would like to request more time for them to look at this proposal. He stated the city has not met with them at all.

Kevin Creer is the secretary/treasurer of the irrigation company involved. He also works full time involving irrigation issues. He stated that a pipe through the area would need to be an engineering question. He stated that the flow would be heavy; several thousand acres are irrigated through that pipe to Benjamin. It provides \$300,000 of water every year to those farms. He stated that he feels we cannot afford to be lax in this review. The irrigation company would require their own engineer, at the cost of the developer. The insurance cost could increase significantly. He

stated that he is concerned with possible increased cost, as well as a possible safety hazard.

Mr. Robins reiterated to those present that their concerns this evening should be centered on the changes to the General Plan.

Mr. Bradford closed the floor from comments.

Mr. Robins stated that this proposal is a good thing for the neighbors and the city. Mr. Huff concurred with this, but would like it to be recorded that there may be some hidden or unforeseen costs. He believes this plan is considerably better than what is in that area now, if you are comparing the General Plan amendment. Mr. Lewis concurred.

Mr. Bradford stated that this is just addressing the General Plan portion of this process, and that he is aware that there will be discussion and that the rights of the neighbor's rights will also be taken care.

Mr. Robins stated that the people in that area are very interested in having a say in this issue. Mr. Huff stated that this is an ideal opportunity for anyone to express themselves, and that they should, he would like to hear it.

Clyde Bradford stated he is not totally opposed to what Mr. Morley is suggesting, but concerning the development of this particular area, they previously met with the city. They were under the understanding that they would be contacted by the city if anything were to happen outside of the General Plan. Mr. Clyde Bradford would like for the land owners to have the opportunity to look at this plan and re-evaluate these zone changes. He stated that they would like to go through the proper channels so that the property owners can have a say in the changes.

Mr. Robins asked if it is worth the risk of taking extra time if these schools were not to come in and build because of the timing. Mr. Clyde Bradford stated that he would be willing to take that risk because he does not think that would happen. He would like the opportunity to analyze the general plan, analyze the growth boundaries, and then to make the decision.

Mr. Pierson stated that the city is going through the General Plan process right now.

Mr. Robins asked if these people wanting to voice their concerns should contact a member of the city council. Mr. Pierson agreed that they should. Mr. Pierson stated that the neighbors are not just the people that have a home in the area, but anyone that owns property in the area. This applicant deserves due process with the submittal of this application.

Mr. Huff stated that if a decision was made previously stating that the surrounding land owners should have a say, then we should honor that decision.

Mr. Pierson stated that we have always encouraged the applicants to go and meet the neighbors, and this applicant did just that. That is the reason that these people are aware of it tonight.

Mr. Lewis stated that he appreciates Mr. Clyde Bradford's comments, but he feels that we are going through that process right now.

Mr. Pierson stated that the general plan is more than just the Land Use section. In the last few months, the city has been going through those items. The next item to be gone through is the Land Use section. This may take five or six months to go through. Mr. Robins stated that he thinks that Mr. Harris is saying that they have not heard anything yet. Mr. Pierson stated that is because it has not been done yet. Mr. Pierson invited them to come to future discussions.

Bryan Redd lives on 1358 S Mill Road. He states that in the neighborhood meeting, Mr. Morley stated that there would be a road coming out on Mill Road, and he would be opposed to that unless it is an emergency road. He asked if it is planned to keep it residential around Mill Road.

Mr. Pierson stated that the road out to Mill Road is a fire lane access. The zoning would be decided at planning commission and city council, but it would have to be a change to the General Plan.

Mr. Lewis made a **motion** to approve this amendment based on conditions as noted. Mr. Robins **seconded**.

Mr. Huff asked Mr. Morley if it would affect this project if this proposal were delayed for 30 days. Mr. Morley stated that he appreciated Kevin's and Parsons' comments. Mr. Morley stated that the state laws on the charter schools have a very tight time limit. This school needs to be built and occupied for the 2005 school year or they could lose your charter. He stated that they are only trying to push this through because of the time restraints.

Mr. Huff asked where the funding comes from. Mr. Morley stated it is a public school funded by the state of Utah.

Mr. Huff asked for a vote. The **motion** approved with a unanimous vote.

### **Valley/Charter Zoning Map Amendment**

Mr. Robins asked if there is absolutely a road needed onto Mill Road. Mr. Morley stated that the city requires a second entrance. They are going to widen Mill Road. The proposal is that the developer be required to add a traffic sign there. Mr. Morley believes that if parents were to have to come in and go out the same entrance, it would create a bottle-neck situation. He stated this would include widening, as well as curb and gutter.

Mr. Nielson stated that Mill Road is a concern with traffic. It is not wide enough. One concern they had with a single access road off of Del Monte, is that it would be a bottle-neck, and would not be good access for emergency vehicles. Mr. Nielsen recommends an access on Mill Road with possible signage, with it being widened and improved. Mr. Nielsen stated that almost all of the students would be arriving by private vehicle. At this point, we are doing a lot of speculating

on how much traffic there would be, and where it would all go.

Mr. Lewis asked if the school will have to have a traffic study if this is approved. Mr. Nielson stated that they would be required to check traffic patterns and what scenario would work best for traffic in all areas. Mr. Lewis stated that he did not realize that the school was going to enroll as many students as has been stated. That is a concern of his. Mr. Nielsen stated that we would rely on the developers to bring in outside traffic report studies. Mr. Lewis asked how many students are in Spanish Fork High School. Mr. Pierson stated that there are about 1,850 students there.

Glen Way, Charter Development, stated that they have dealt with other charter schools, and there are other charter schools that have implemented their own bussing systems. The other issue is that you would have siblings, whole families that would be dropping several students in one vehicle. There cannot be more than 1275 students in this school, it is capped. It is a public school.

Mr. Huff asked if the charter is anticipating enough enrollments in the Nebo school district to meet that number. Mr. Way stated that historically, out of the 29 charter schools existing, people can come from all over, but 75% come from the geographical area of the school. The school will see people coming from surrounding cities, but if it holds true to the historical, 75% would be from the Spanish Fork area. Preference would be given to students within a two mile radius, and students in Nebo School District.

Mr. Huff stated his concern is the future plans of Nebo School District and having the students taken from the district. Mr. Robins stated that Nebo School District is already thinking they have underestimated their growth plans.

Mr. Bradford asked the advantage of Charter school over regular public school. Mr. Way stated that is a personal decision, but there is more parental control.

Lisa Olsen lives on 900 South. She stated that she does not understand the whole charter acceptance process. Mr. Morley stated that some charter schools have some extensive guidelines, anyone can go, but they have to be willing to abide by the school guidelines. Mrs. Olsen stated that she is extremely concerned with the possible traffic problems. She stated she knows what sporting events bring to schools with traffic. She stated that Development Review Committee's recommendation is that no access be put on Mill Road. She stated that even with signs posted, people will not always obey the signs.

Pat Davis, 128 Mill Road, stated that she agrees with Mrs. Olsen, no matter what, there are people that do not respect signage, etc. She stated that even if bumps were put in the road, kids still may not slow down.

Mr. Huff asked Mr. Morley if it is a reality that Parson's property would be relocated at this point. Mr. Morley stated that the Mayor of Salem has stated that they have a property in mind and would welcome them. The owner of that property already has two batch plants that may want to

relocate there. Parsons have been given this information, and believe that it is feasible, but it would take about a year. Mr. Morley stated that they have no written documents at this point.

Mr. Huff stated that if this indeed came to fruition, would the egress be able to be moved off of Mill Road. Mr. Pierson stated that could be a possibility. Mr. Lewis asked what other process this would have to have if this were approved tonight. Mr. Pierson stated that the water, irrigation, sewer, etc. was taken care of. Then the application would be reviewed for electrical, etc. Mr. Pierson stated that if approved, this would not come before this committee again, unless they decide to subdivide. DEVELOPMENT REVIEW COMMITTEE is also a public hearing, and anyone is welcome to come to those meetings.

Mr. Bradford asked Mr. Nielsen if the road to Mill Road could be cut off later. Mr. Nielsen stated that would depend if it was a public road or if it was a private driveway access.

Mr. Clyde Bradford stated that he is confused with decisions made a few months ago with surrounding subdivisions; that back then it was stated that there was a through road needed. He does not understand the difference in this situation compared to the prior situation.

Mr. Huff asked why we could not make an ingress and egress on the same road. Mr. Nielsen stated that we would look at the amount of traffic, adequate public safety access, etc.

Jed Morley stated that the intention is to have both egress and ingress on Del Monte, but until Parsons' property is decided on, that is not an option. He believes we are underestimating people when we say that if there is a plan, they will not, for the most part, follow that plan. He stated that it goes through education, showing people what is expected. This will add value to people's property, value to the entire city; it is so much better than what is there now.

Pat Davis stated that she does not believe that this has been looked at close enough for traffic study; the bridge is not wide enough for two vehicles. She asked why there cannot be a cul-de-sac on the property. She stated that with her experience, as the mother of sixteen kids, that they will take the shorter route on Mill Road if it is there.

Mr. Lewis reiterated that if this is approved, it would only be approved for the General Plan. There has not been a full traffic study.

Mr. Lewis stated that he supports the zone change, while he knows that there will be a lot more work. Mr. Robins stated that he also supports this, but would like to see some type of condition with access to Mill Road.

Mary Isaac stated that on Mill Road, there are semis and big delivery trucks that use this road. She believes that this is a hazard. She stated that she believes that the bridge area cannot be widened. Her opinion is that she has no objection to a zone change, but she is worried about the traffic. Mrs. Isaac stated that she prefers the zone change. She stated that her problems in the past have been with the asphalt plant.

Mrs. Davis stated that on Mill Road there is a family that has a handicapped child and the bus picks her up there. She stated there is no reason they cannot come in and out on Del Monte.

Mr. Robins made a **motion** to approve the Valley/Charter Zoning Map Amendment with noted conditions, as well as the following additional conditions:

1. If the property has an access onto Mill Road, that road would be only used for emergency access and as a private drive.
2. If the property owners are able to acquire the Parsons' property, the city would require an ingress and egress onto Del Monte Road.

Mr. Huff **seconded** and the **motion** carries with a unanimous vote.

Mr. Bradford stated this has been given a positive recommendation and will now go to city council for approval. Mr. Pierson stated it will go to the city council the first Tuesday in March.

Chairman Bradford welcomes back Ted Scott and Chris Wadsworth as they return to the stand. Mr. Lewis is dismissed for another meeting.

### **Construction & Development Standards, Policy 39**

Chris Thompson showed the proposed standards presented on January 5, 2005, with the following changes:

1. The bacteria tests described in Section 39.25.110(G) only are scheduled for Tuesdays or Thursdays (we have scheduled with the lab come out on these days).
2. We clarify that the 15% cash bond described in Section 39.30.030(A) is released 1 year after the End of Construction Inspection.
3. The utilities shown in Standard Drawing 4 and other related drawings be stubbed 14' behind the sidewalk instead of 12'.
4. The field survey referred to in Section 39.10.030(A-2) will require the same accuracy required by the county.
5. Non-reinforced concrete pipe shall be allowed for pipe with inside diameters smaller than 18 inches as described in Section 39.50.020(A) and Section 39.5.020(A).

Mr. Thompson stated that the change in easements is mostly to benefit the electrical aspect. He requested approval.

Del Robins made a **motion** to approve the Construction and Development Standards, Policy 39 with changes. Mr. Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Mr. Huff made a **motion** to end the public hearing. Councilman Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

## **Staff Reports**

### **Sunny Ridge Amended Preliminary Plat**

Mr. Pierson showed a presentation of the Sunny Ridge Preliminary Plat. The Johnson's frontage is onto 400 North. Mr. Pierson requested approval with the listed changes.

Mr. Huff asked if the trail will be completed before or after the project. Mr. Nielson stated it would coincide with the construction. Nathan Simpson stated it would be a part of the bond with the first phase.

Chairman Bradford asked if the trail that is a concern is the one over the tracks. Mr. Nielson stated that is correct.

Mr. Huff made a **motion** to approve the Sunny Ridge Preliminary Plat Amendment with the six added conditions, as well as the twelve original conditions. Ted Scott **seconded**, and the motion **passed** with a unanimous vote.

Mr. Wadsworth asked when they are planning on beginning the first phase. Mr. Simpson stated immediately, that they are hoping to post their bond as early as next week.

Chairman Bradford asked if they would have a one year time limit on the plats. Mr. Pierson stated that would be subject to their final plat recording, then they have one more year to record another plat, etc. Each plat would have to be completed within one year of recording.

## **Other Business**

Chairman Bradford made a **motion** to **table** the General Plan discussion.

Mr. Robins stated that he would like to ask the city council for a time frame with the General Plan.

Mr. Pierson stated that his recommendation is to probably leave most of the east bench the way that it is. He does not think that there will be a lot of time spent on the Mapleton bench. The Leland area is the area that will have the most time spent with dealing with the General Plan land use. Mr. Robins stated that he thinks that neighborhood input should be on more than one occasion and that we should get moving on it. Mr. Pierson stated that he is in favor of getting information out and educating the land owners, and encouraging them to get involved. Mr. Robins stated that there were some good things brought up by the people in tonight's meeting.

Mr. Huff made a **motion** to table the General Plan discussion. Mr. Scott **seconded**, and the motion **passed** with a unanimous vote.

Motion to **adjourn** made by Mr. Huff and **seconded** by Mr. Scott. The meeting adjourned at 10:15 p.m.