

**Adopted Minutes
Planning Commission
June 7, 2006**

Commission Members Present: Chairman Paul Bradford, Commissioners Sherman Huff, Sharon Miya, Ted Scott, Dave Lewis, Del Robins

Staff Present: Richard Nielson, Assistant Public Works Director; Dave Anderson, Planning Director; Christine Johnson, Assistant City Attorney; Kimberly Robinson, Deputy Recorder

Citizens Present: Janet Pierce, Kim Pierce, Alexander Stone, Robert Moore, Randy Chipman, Leandra Carter, Gwenna Berrocal, Edison Berrocal, Tom Fell, Brent Swasey, Albert Burns, Jim Bolinder, Tifani Clark, Mike Christianson, Greg Magleby, Ernie Thornton, Lew Christensen, Evelyn Christensen, Chris Farumley, Brad Mackay, Dave Hughes, Lyn Rindlisbacher

Agenda review 6:30 p.m.

CALL TO ORDER

Chairman Bradford called the meeting to order at 7:03 p.m.

PLEDGE

Commissioner Scott led the pledge of allegiance.

MINUTES:

Commissioner Scott made a **motion** to accept the minutes of May 3, 2006. Commissioner Robins **seconded** and the motion **passed** all in favor.

Mr. Anderson explained that he had some information regarding the side setback requirements and landscaping requirements.

Mr. Anderson stated that staff is proposing to require a 5 foot setback on one side of the home and 10 foot setback on the other side.

PUBLIC HEARINGS:

Commissioner Robins made a **motion** to open the Public Hearings at 7:09 p.m. Commissioner Miya **seconded** and the motion **passed** all in favor.

Amendments to Title 5 and 15 of the Municipal Code

Ms. Johnson asked that the sexually oriented business changes have action taken on them this evening by the Commission.

Mr. Anderson then reviewed the proposed changes to the Code.

Chairman Bradford asked if the business license changes would negatively affect the businesses.

Mr. Anderson explained that this change would not affect the businesses that are currently in good standing with the City and maintain their business licenses.

Ms. Robinson explained that the business license fees are very low in comparison to other municipalities.

Commissioner Robins asked why they feel the need to limit people to two offsite signs.

Mr. Anderson said part of the reason is to avoid sign clutter and pointed out that the Code currently allows for no offsite signage.

Commissioner Robins said he understands the worry for the clutter but he does not understand why the Code needs to be so restrictive.

Mr. Anderson stated they are trying to find some reasonable middle ground between what is best for the City and what developers need.

Commissioner Miya clarified discussion on fault zone requirements. She asked if a property is not around known fault zone then would the City require the developer to do a study.

Mr. Anderson said the intent is not to have the developer do the study unless the City feels it is necessary.

Commissioner Lewis asked if nothing could be built on the sensitive lands.

Mr. Anderson stated sensitive lands can become buildable by following the necessary procedures.

Chairman Bradford expressed his concern with the 50 foot lot size requirement. He would like to see the requirement create wider lots because he feels the 50 foot requirement is too narrow.

Mr. Anderson stated the requirement had been in place for a very long time in Spanish Fork. He also explained that 9,700 square foot lot sizes are the size of lots that were originally developed in the City.

Commissioner Huff asked for clarification on the lot size changes.

Mr. Anderson stated that every 10,000 square foot standard would be changed to 9,700 square feet. He also explained that the changes to the base density numbers for the starting points for receiving bonus density. This is one of the more significant changes to the Code. He then explained how the density works and the requirements developers must meet to achieve the bonus density. He feels this change is needed in order to clarify what is required of developers. He also explained that the proposed changes would remove the sensitive lands from calculating the base density amounts.

Commissioner Miya noted that the sensitive lands would be removed from the gross total percentage.

Mr. Anderson stated that the developers would still be able to use the sensitive land areas as open space but that it would be removed from the base density calculations. One of the changes requires the developers to justify why they qualify for the base density amounts they are asking for.

Mr. Baker the City Attorney has found that cities can impose requirements on manufactured housing; they just cannot exclude the housing.

Mr. Anderson discussed the proposed changes to the sexually oriented businesses section of the Code.

Ms. Johnson explained that this area of law is constantly changing and that they are trying to create changes to handle the changes in the law.

Mr. Anderson said the language change has been created to help clarify what is and is not allowed.

Chairman Bradford asked if the changes would affect the current owners that are non-conforming.

Mr. Anderson explained the changes would not affect any legal non conforming uses that exist.

Commissioner Lewis asked about the 80 foot wide requirement for twin homes and duplexes. He noted because there have been projects presented that have 79 feet he would like to see the requirement changed to 39 feet and 78 feet.

Mr. Anderson said he would have no problem with that proposed change.

Commissioner Lewis would like four offsite signs allowed instead of two.

Commissioner Miya said she feels two signs would be a reasonable compromise. She stated that two signs are better than allowing no signs at all as the Code currently states.

Chairman Bradford feels there should be a stipulation on the allowable sign size.

Commissioner Huff said he does not feel signage is effective unless it is directional.

Commissioner Lewis stated he would only like offsite directional signs allowed.

Commissioner Huff asked for clarification on the type of sign being allowed.

Commissioner Robins feels allowing only two signs would be too restrictive and that allowing four signs would be a better number.

Chairman Bradford stated he has no objection to allowing four signs.

Commissioner Huff asked what they are trying to accomplish by allowing offsite signage.

Commissioner Lewis explained a situation when the development would require people to take more than two turns from a main road. He feels that allowing four directional signs would help them to find their way closer to the development.

Commissioner Robins made a **motion** to recommend a change to allow four offsite signs. Commissioner Lewis **seconded** and the motion **passed** by a roll call vote. Commissioner Huff voted Nay.

Commissioner Robins feels this is a good way to deal with the issue at this time.

Commissioner Robins would like to have the set-back discussion later and set aside the table section of the proposed changes at this time.

Commissioner Huff agreed.

Commissioner Robins made a **motion** to exclude the table from recommendation to City Council. Commissioner Huff **seconded** and the motion **passed** all in favor.

Commissioner Robins stated he cannot support a proposed change related to the wind turbines.

Commissioner Miya feels that at a time of limited resources the Commission would be short sighted to exclude an abundant alternate means of power.

Commissioner Robins made a **motion** to recommend to the City Council to leave the wind turbine requirements as is. Commissioner Miya **seconded** and the motion **passed** by a roll call vote all in favor.

Commissioner Robins asked that all animals be included in the proposed table.

Ms. Johnson stated the dogs and cats were taken out of the proposed table because there are other regulations that govern them found elsewhere in the Code.

Commissioner Robins made a **motion** to give positive recommendation to the City Council with the changes. Commissioner Lewis **seconded** and the motion **passed** all in favor.

Fieldstone Zone Change (Spanish Fields West)

Mr. Anderson stated this application was a request for a Zone Change. The Development Review Committee (DRC) recommended that the zone be changed to an R-1-12 zoning. Staff recommends that the Zone Change be approved based on the findings of the Development Review Committee.

Mr. Thornton explained what they are proposing. They are also proposing dedication to the City of approximately 14 acres of open space at the south end of the property.

Commissioner Robins asked if by excluding the land for the park would the density would be similar to the rest of Spanish Fields.

Mr. Thornton stated that the density would be the same.

Commissioner Lewis asked regarding the fencing to the West of the property and if it will be constructed as a 6 foot chain link fence.

Mr. Thornton explained that they are working with the adjacent property owner to select the type of fence. He stated that chain link would be a minimum for fencing materials used.

Commissioner Lewis said he was fine with the 9 foot fence but a fence taller than that he would have some problems with it.

Mr. Thornton said they will work together to achieve the goal of protecting both properties.

The Commission discussed the trail placement and impact it would have on the properties.

Commissioner Scott expressed his concern about kids getting around the fence onto the adjacent property.

Mr. Thornton stated they will do all that is reasonable and prudent to protect the adjacent property.

Commissioner Miya asked if the City Council approves taking the sensitive lands out of the density calculations when would the change be effective.

Mr. Anderson stated the change would take affect immediately. Although any complete applications that have been submitted would not be effected and would be vested by the rules prior to the change.

Chairman Bradford reminded that this item is for a Zone Change review.

Randy Chipman

Mr. Chipman is concerned about the notification process. He feels it would be more than fair to notify those in the neighborhood before a change takes place. He feels the chain link fence with vinyl slats is not acceptable. He would like a vinyl fence installed. His main concern is that all the traffic is forced down Spanish Fields Drive. He added that all the home owners are young families with children and they all have concerns about the traffic through the area. He would like to see additional access built to reduce the traffic near his home.

Mr. Thornton stated that the access over the railroad tracks could be utilized for the installation of the infrastructure and completion of the roads. Once those have been installed that access would no longer be utilized. He was also informed that the home buyers were told at the time of their purchase that Spanish Fields West would be created.

Chris Fraumley

Mr. Fraumley addressed his concerns about the increased traffic on the road. He also stated there are 85 children between the ages of 0-10 years old in the area. Many of the residents were told that because they are on the south side of the development they would have minimal traffic. He feels Fieldstone should do something to minimize the traffic on their roads. He added that many communities are minimizing construction traffic in residential areas. He asked the Commission if they could do something similar.

Lew Christensen

Mr. Christensen said he owns the factory adjacent to the property. He stated they are asking for a larger fence to keep the children off the property.

Tom Fell

Mr. Fell lives on 450 South and agrees the railroad access would be a great access but only a temporary one. They have no problem with the development but feel they need to have better access to make it safer for everyone.

Leandra Carter

Ms. Carter lives on the corner of 450 South. She asked if there will be a stop sign installed on Spanish Fields Drive. They are concerned because people are driving too fast on the road. There have already been kids that have almost been hit.

Mr. Nielson stated because it is a collector road stop signs can't be installed unless a study is performed to identify the need. If the study doesn't meet the warrants required they can't install a sign. He then explained what requirements have to be met. He added

that as far as a speed control issues the studies have shown installing a stop sign does not work.

Commissioner Miya is very concerned about the access and traffic volume for the area. She is concerned about where they are putting this type of zoning and how many units they are allowing in that zone.

Commissioner Lewis stated there are two different issues before them tonight. One issue is the Zone Change the other is the plat approval.

Commissioner Miya asked if there is a way to decrease the density allowed in that zone.

Mr. Anderson said the Development Review Committee reviewed the Zone Change request and found it consistent with the General Plan. He feels there is a strong basis to approve the R-1-12 zoning for this project.

Chairman Bradford mentioned that the items to be discussed pertain to the development and not the Zone Change.

Commissioner Lewis stated he supports the Zone Change.

Commissioner Robins said he supports the Zone Change. He asked that as part of the approval there needs to be a fence plan submitted.

Commissioner Robins would like a fencing requirement added. He understands the notices do not reach everyone, he then explained that the costs to notify people within more than 500 feet would be prohibitive. He feels the fencing requirement needs to be attached to the zoning approval as they have done in the past.

Commissioner Robins said he feels a chain link fence would be sufficient.

Mr. Thornton stated there would be a fence installed on the property line.

Commissioner Robins made a **motion** to recommend approval of the Fieldstone Homes Zone changing the zoning at 300 South 1400 West to R-1-12, based on the following findings:

1. The project is consistent with the General Plan Designation
2. That a fence be built on the West side of property because the difference in the two uses to help meet the health, safety, and welfare of those involved.

Commissioner Lewis **seconded** the motion. The motion **passed** with a roll call vote Commissioner Miya voted Nay.

Ivory Homes (Spanish Highlands)

Mr. Anderson said the request is for an R-1-12 zoning and it is consistent with the City's General Plan.

Brad Mackay

Mr. Mackay explained this will be the first development they will start within Spanish Fork.

Albert Burns

Mr. Burns said he has lived by the property for the past 29 years and he feels the diversion basin will be a problem for the children. He asked that the development be approved with a condition about the ditch being piped or filled in.

Commissioner Lewis stated the school district will have to handle the concerns over the ditch.

Commissioner Robins stated that it is a great point to make and they should be concerned about the safety of the children but that the school district will have to handle it.

Kim Pierce

Mr. Pierce said he doesn't want tall twin homes built blocking his view. He was assured they will be installing high end homes in the area. He does not want to see a lot of twin homes and town homes built in that area.

Commissioner Lewis said he is fine with the difference in square footage of the lots.

Commissioner Robins noted that the applicant is already above the General Plan requirement.

Janet Pierce

Ms. Pierce said they are lucky this is a developer that is going to enhance the neighborhood. She explained they used to live in a high density area and because of the amount of people in a small area, crime rates go up and the garbage and the trash are a bigger issue. She would like to keep the quality of life that is currently in the area.

Commissioner Lewis made a **motion** to recommend approval of the proposed Ivory Homes Zone Change Request, changing the zoning at 300 South 1400 West to R-1-12, based on the following finding:

1. That it is consistent with the General Plan.

Commissioner Miya **seconded** and **passed** by a roll call vote all in favor.

JP Hughes Zone Change

Mr. Anderson explained the change is located at 415 North Main Street. It was used in the past as a glass repair shop and they are now requesting a Zone Change from

Residential Office to Commercial Office. He explained staff feels the two zoning districts that are appropriate are Residential Office and Commercial Office. The Development Review Committee found that the Commercial Office Zone works best and recommends approval of the Zone Change.

Discussion was made regarding the parking requirements.

Commissioner Miya asked if the property was for sale.

Mr. Anderson stated he believes it is for sale.

Dave Hughes

Mr. Hughes said his brother owns the property. They have a problem with the parking requirements in the current zone. Their idea is to build a building like the one constructed to the south of the property.

Commissioner Huff stated he had spoken with Mr. Preston Hughes and they want to move the buildable area to the front of the property with parking in the back.

Mr. Hughes stated they want the zone changed and they hope it will help the sale of the property.

Mr. Anderson stated that the proposed Zone Change would not allow for the same setbacks as the building to the south zoned Commercial Downtown.

Commissioner Robins asked for clarification regarding the property access and the roads.

Mr. Nielson explained that UDOT will require the parking in the back of the property.

Ms. Johnson stated that if the General Plan will need to be changed the Commission has to notice it before they make a decision.

Mr. Hughes stated they were happy with the Commercial Downtown choice for the Zone Change and feels it is the best for the property.

Ms. Johnson does not see a problem making an alternative zone recommendation they just cannot amend the General Plan at this time.

Mr. Hughes stated the people interested in purchasing the property would like to look at buying the home adjacent. They are drawing up plans and would like to be able to move the building as close to the street as they can.

Commissioner Huff asked if the Commission could change the recommendation from what was noticed for this meeting.

Ms. Johnson feels the Commission can recommend the Zone Change to Commercial Downtown. They are only recommending a change to the zoning. The Commission can provide the City Council their recommendation.

Commissioner Robins made a **motion** to recommend the Zone Change to a Commercial Downtown zoning to be consistent with the property around it. Commissioner Lewis **seconded** the motion **passed** by a roll call vote all in favor.

Commissioner Robins made a **motion** that staff initiate changing the General Plan for the entire block to Downtown Commercial from 400 North to 500 North. Commissioner Miya **seconded** and the motion **passed** all in favor.

The Commission requested that a 5 minute break be taken at 9:43 p.m.

The Commission reconvened the meeting at 9:50 p.m.

Commissioner Lewis excused himself at 9:50 p.m.

PRELIMINARY PLATS:

Preliminary Plat North Business Park

Mr. Anderson explained a public hearing is required on industrial and multi-family housing Preliminary Plats. The Development Review Committee has reviewed the proposed Preliminary Plat gives a positive recommendation subject to the seven conditions.

Lyn Rindlisbacher

Mr. Rindlisbacher said they are planning on having two phases, they will own the buildings and lease them out.

Commissioner Robins expressed his concerned about the proposed cul-de-sac and the tractor trailers having enough space to turn around.

Mr. Nielson stated the cul-de-sac met the standards for a public street.

Commissioner Huff made a **motion** to recommend approval of the proposed North Springs Business Park Preliminary Plat subject to the following conditions:

1. That the private road be stubbed to the property line.
2. That the access road be in the middle of the project between lots 2 and 3.
3. That the sewer onsite and lift system are privately owned and maintained.
4. That the storm drainage is privately owned and maintained.
5. That the private roads be dedicated as public utility easements, plus the standard 10 foot easement.
6. That the private road be dedicated as emergency access to the south.

7. That the applicant contacts the Army Corps of Engineers to work out any wetlands issues.

Commissioner Miya **seconded** the motion **passed** by a roll call vote all in favor.

Commissioner Scott made a **motion** to close the public hearing at 9:59 p.m.
Commissioner Robins **seconded** and the motion **passed** all in favor.

Preliminary Plat Spanish Fields West

Mr. Anderson explained the proposal is a Master Planned Development. He then explained the formula for bonus density calculation of this proposal. He also noted that no significant bonus density was required for this project.

Spanish Fields Preliminary Plat Review Comments: (provided by Mike Christianson)

1. Base Density. The base density should be determined by how many 12,000 square foot lots can actually be platted on the property. For example, property that is unbuildable, along or in the river, below the base flood elevation, within the required trail per the General Plan, or consumed by other necessary right of ways such as roadways should be excluded. I would recommend that a concept plan be prepared that addresses all of the development Code issues with 12,000 square foot lots to be used as the base density.
2. 6,000 Square Foot Minimum Lots. Section 15.3.24.03, Paragraph 6(e) requires the minimum lot size to be 6,000 square feet, unless twin homes are to be installed. Many of the lots shown on the proposed plat are less than 6,000 square feet.
3. Active Recreation Density Bonus. Active Recreation Bonus is described as swimming pools, sports courts, spas, and other similar areas. Is the pedestrian/equestrian trail along the river part of the General Plan? If so, why is a density bonus being given if it is a requirement of the development?
4. Fencing Density Bonus. The Master Development Code provides for a fencing density bonus if “Developments that incorporate fencing *for individual lots and the whole project* with high quality materials are eligible...” Why is a density bonus being granted for partial fencing along the west side only?
5. Front Setback Variation. What exactly is the setback variation proposed and what is its value?
6. Open Space Density Bonus. A 5% bonus is proposed, or 7.17 additional lots. Is this park space proposed developable? The Master Planned Development Code requires that developers provide *and* improve all park space. The wording in the bonus density calculations suggests that the park space will be *provided only*.

7. Roof Pitch Density Bonus. Does Fieldstone Homes have a product less than the 6-½ pitch. Should this item be market driven?
8. Home Sizes Density Bonus. Are the proposed homes larger than 20 percent than what would be constructed on a 12,000 square foot lot?

Mr. Anderson stated it's up to the developer if they want to create a Master Planned Development or a straight subdivision. The Development Review Committee made an effort to compare this project to other approved projects of similar size. They tried to treat this project the same as the rest. He explained the City Recreation Committee met on Monday and found that the best use of the property is to leave it in its current state with the construction of a trail. He then explained some of the suggested uses for the property such as a parking lot for trail heads, and possibly soccer fields. It was also suggested to run a water lateral to the area for future use. The issue of traffic was discussed earlier at the Development Review Committee meeting. It was recommended this project be approved with a condition of the railroad access during the construction of the infrastructure. He feels it is appropriate for the City to require an access on the North West corner during infrastructure installation. It was clarified that Spanish Fields West will be a continuation of Spanish Fields.

Chairman Bradford asked if it were possible for an access to exit the development as a permanent access over the railroad tracks.

Mr. Nielson stated there was currently nothing submitted as a proposed access. There is a private access across the railroad but it will be subject to the railroad's permission and it would not be able to be made public.

Commissioner Robins said the conditions are they have to meet the requirements and he feels the road access is insufficient at this time.

Commissioner Miya agreed.

Commissioner Robins said he would like to table this item until something can be worked out in providing additional access to the development.

Mr. Thornton said they have spent a considerable amount of time to find access areas. They have had meetings with the adjacent land owners and there has been nothing available at this point. They cannot cross the railroad tracks as an access but wants to work with the school district in the future.

Commissioner Robins noted that he voted against approval of the Spanish Fields development because of the lot sizes and the access issues.

Commissioner Miya stated that the bond for the school and the plan to develop is very far in the future.

Mr. Thornton stated that the school is in the planning stages and they hope to be able to create an access when the school is developed.

Commissioner Robins said as the Commission they must recommend development if the project meets the standards required.

Commissioner Miya feels they have a responsibility to consider the impacts future development will have.

Commissioner Huff stated Mr. Thornton has suggested connector agreements with the school district and in the future when they build the school they can be reimbursed.

Mr. Nielson suggested because of the concerns with the traffic one of the conditions could be to have a traffic study done on the area. He feels to try to put that burden on Fieldstone would not be a good direction to go.

Mr. Thornton said they will send a notice to their construction suppliers and contractors that strict adherence to the traffic laws will be enforced in the area. He said the last thing they want is an accident or an injury to occur.

Mr. Thornton stated he is willing to explore the different possibilities for road access.

Ms. Johnson cautioned that if the Commission tabled this item they would be making a decision based on public clamor and that the courts do not uphold decisions made based on public clamor.

Commissioner Robins explained what would happen if the project was tabled.

A resident stated why they created the collector roads by homes with children.

Mr. Nielson explained that as the plans come in they have no idea who will buy the homes. He added that any residential home creates traffic.

A resident reiterated that it did not make sense when there were so many children living in the area.

Commissioner Miya asked if there was a standard that factored in the average family size.

Mr. Nielson stated as they looked at the studies on average a typical single family home will generate 9½ trips per day. Mr. Nielson explained that from a traffic standard kids are not considered in sizing roads.

Mr. Anderson appreciates the concerns raised.

Commissioner Robins feels the congestion is being created because the roads are not sufficient to handle development at this time.

Mr. Anderson is not aware of a standard pertaining to the number of required and stated that the City does not routinely require impact studies. He does not think the City is in a good position to deny the approval request based on anticipated traffic.

Ms. Johnson said there is a liability issue if they do not approve the project because the applicant has met the standards. She explained to the Commission that the reasons to deny the project would have to be based on legitimate information which at this point they do not have. The other concern she has is the requirements they want the developer to do, it is constitutionally impossible.

Commissioner Huff said he is in favor of approving the development based on legal counsel's information, and that the streets are adequate according to studies. Safety is a concern of the Commission. The developer has made an effort to let the workers know to conform to the safety requirements. He can see no reason to hold this project up.

Commissioner Huff made a **motion** to approve the proposed Spanish Fields Preliminary Plat for Spanish Fields West subject to the following findings and conditions:

Findings:

1. The property to the east is zoned R-1-12
2. The zone is consistent with the General Plan and would accommodate the proposed development.

Conditions:

1. That the trail along the west boundary of the open space and the river be built.
2. That the area on the south be dedicated to the City.
3. Written approval from the Westfield irrigation be submitted allowing the piping of the ditch.
4. That the east boundary trail be constructed as approved as in the original Preliminary Plat for Spanish Fields.
5. That they work with SESD for the construction and relocation of the powerlines.
6. That they do the study on the river for the armory of the river and flood control.

Commissioner Scott **seconded** and the motion **passed**.
Commissioner Robins voted Nay.

Preliminary Plat Spanish Highlands Preliminary Plat

Mr. Anderson explained how and why the bonus density was awarded for this project.

Project Name:
Total Acres

Spanish Highlands, Master Planned Development
23.25

Low End Density	2.5	U/A	62.45	Units
High End Density	3.5	U/A	0.0	Units

Density Bonus	Percent Allowed	Actual Given	Units	Running Total	Items Provided
Active recreation	10%	5%	3.12	65.6	installation of pedestrian trail along Railroad
Common buildings	10%	0%	0.00	65.6	
Fencing	5%	0%	0.00	65.6	
Front setback variation	3%	2%	1.31	66.9	setback variation in 5' increments
Garage - three car	3%	0%	0.00	66.9	
Garage - setback	3%	0%	0.00	66.9	
Open space	5%	5%	3.34	70.2	\$60,000 payment in lieu
Landscaping	7%	1%	0.70	70.9	Allowance for front yard landscaping
Lot size variation	3%	0%	0.00	70.9	
Materials on front façade	5%	3%	2.13	73.1	brick and stone as major material on front elevation
Mixture of housing types	5%	0%	0.00	73.1	
Off-setting lots	3%	2%	1.46	74.5	majority of lots are offsetting
Roof pitch start 6/12	3%	1%	0.75	75.3	minimum roof pitch of 6/12 throughout the development
Home sizes	7%	0%	0.00	75.3	minimum of 1,800 Rambler, 1,320 Main 2 story
Miscellaneous	7%	7%	5.27	80.5	100 South masonry wall, street trees throughout the development, upgraded side and rear materials
		Total Units		81	
Without MPD					
Total Acres	23.25				
Development in ROW (Acres)	6.045		26%		
Total Developable Acres	17.205				
Zoning (R-1) (square feet)	12,000				(sq. foot. based on proposed zone)
Total Lots/Units - straight zoning		62.45	Units		
U/A - straight zoning		2.69			

Mr. Anderson provided the comments submitted by Mike Christianson.

Spanish Highlands Preliminary Plat Review Comments:

1. Base Density. Again, the base density should be determined by how many 12,000 square foot lots can actually be platted on the property. Property that is within the required trail system per the General Plan, or consumed by other necessary right of ways such as roadways should be excluded. A concept plan could be prepared that addresses all of the development code issues with 12,000 square foot lots and then used as the base density.
3. Active Recreation Density Bonus. This item is required as a condition of the Mapleton Bench Annexation Agreement which allowed the R-1-12 designation.(lines 130 and 131 of the May 3, 2006 minutes) Why is a 3.12 lot density bonus being granted again for a bonus that was already granted in the annexation?

4. Front Setback Variation. It is difficult to determine the value in this bonus of 1.31 additional lots.
5. Open Space Density Bonus. How is the value of \$60,000.00 derived? 3.34 lots at today's prices of approximately \$70,000 per lot is \$234,000.00. If an Open Space Density Bonus is to be granted, a minimum of 3 acres is required. Raw land prices on the bench are \$70,000 plus per acre, or \$210,000.00. If the City desires to install a park elsewhere, this property will need to be purchased or accounted for (\$70,000.00 plus), plus the additional financial burden of installing the improvements, (turf, irrigation, playground equipment, etc.) all at the City's expense.
6. Landscaping Density Bonus. Is this something that is already normally done for Ivory Homes developments?
7. Materials on Front Façade Density Bonus. Is this something that is already normally done for Ivory Homes Developments? This is something that should be addressed in the marketplace and/or the development code.
8. Off-setting Lots Density Bonus. What is the value of this feature? How is it controlled?
9. Miscellaneous Density Bonus. Is 100 South an arterial or collector class road similar to 1400 or 1700 East? I believe homes along these roads are not allowed to front the roads and were required to have a fence installed per the subdivision ordinance. If this is the case, why is density bonus being granted for something that is otherwise required?

Why is the fence upgrade not being evaluated in the Fencing Density Bonus item. The Master Development Code provides for a fencing density bonus if "Developments that incorporate fencing *for individual lots and the whole project* with high quality materials are eligible..." Why is a density bonus being granted for partial fencing along 100 South only?

Commissioner Robins asked when they plan to build the infrastructure.

Mr. Mackay said they are hoping to install infrastructure as soon as possible.

Commissioner Miya asked if there are plans to widen the 100 South Road.

Mr. Nielson said there are plans to widen the road in the future.

Commissioner Robins asked Mr. Mackay if they can work with their subs and contractors to conform to the traffic laws because there are so many little kids along that road.

Chairman Bradford reviewed the bonus density awards given.

Mr. Nielson explained how the \$60,000 dollar figure came into play.

Mr. Anderson said the Development Review Committee had a discussion regarding this issue. The purchase price has been the cost of the vacant land price in the past.

Mr. Mackay explained that the codes, covenants and restrictions will require the landscaping to be installed.

Commissioner Robins feels that there are other areas where points could be awarded and is fine with this designation.

Commissioner Robins made a **motion** to recommend approval of the Spanish Highlands Preliminary Plat subject to the following findings and conditions:

Findings:

1. That the proposed Preliminary Plat conforms to the City's standards for Master Planned Developments in the R-1-12 zone.
2. That the proposed features warrant the requested density bonus.

Conditions:

1. That the requirements of the City Engineer and Electrical Department be satisfied prior to plat recordation.

Commissioner Miya **seconded** the motion **passed** by a roll call vote all in favor.

SUBDIVISION WAIVERS:

Subdivision Waiver Birchwood Square

Mr. Anderson explained the history of this project and that it had been approved but the plat never was recorded. Two deeds were recorded for the property.

Commissioner Miya made a **motion** to approve the proposed Subdivision Waiver for Birchwood Square, subject to the following findings and conditions:

Finding:

1. That the proposed Subdivision Waiver is consistent with the requirements of the C-2 Zone.

Conditions:

1. That the project meets the construction and development standards.

Commissioner Scott **seconded** the motion **passed** all in favor.

Subdivision Waiver Peterson's Old Place

Mr. Anderson explained the proposed subdivision waiver. He said the lot line was designed to get 10,000 square feet. He feels there is enough value for the applicant to have a straight lot line and that if there is a way to work with them and achieve the requirements with a straight line they should do so.

Commissioner Miya asked what the square footage of the lot would be if the line was straight.

It was found the lot would be approximately 9,800 square feet.

Commissioner Miya asked how soon they are planning on building the duplex.

Robert Moore

Mr. Moore said he is planning on building a single family home now with a basement apartment and turning it into a duplex at a future date to rent out. Currently his mother will live there and it will not be rented out.

Commissioner Robins made a **motion** to approve the proposed subdivision waiver for the Peterson's Old Place, subject to the following findings and conditions:

Finding:

1. That the proposed Subdivision Waiver is consistent with the requirements of the R-1-6 zone.

Conditions:

1. That the project meets the construction and development standards.
2. That any requirements of the Engineering and Electrical Departments be satisfied before a building permit is issued for lot 1.

Commissioner Miya **seconded** the motion **passed** all in favor.

CODE AMENDMENTS:

Amendments to Title 5 and 15 of the Municipal Code

Mr. Anderson explained the reasoning for the required setbacks. The setbacks are subject to the communities and what they feel they would like to see allowed. He believes the standard requirements are something that should come from the Planning Commission

and the City Council. He stated the Commission should come up with a goal of what they would like to see allowed.

Chairman Bradford said the lot size requirements in Spanish Fork are larger than other communities.

Commissioner Miya feels they, as a Commission, value open space.

Mr. Anderson asked what goals the Commission would like to achieve with the setback requirements.

Commissioner Robins said he would like to see a transit hub development if the transportation system comes to the South end of the valley.

Mr. Anderson stated the closer together the homes are the more pedestrian oriented they may be.

Commissioner Robins agreed they do not want to create a lot of nonconforming lots. He is concerned with the safety access between the lots. He worries the developers will try to put as large a home as they can home on the lots creating canyons that are not maintained and unable to be accessed.

Chairman Bradford said the requirements used to be larger lot sizes for the fire Code then it is today.

Commissioner Robins stated that whatever they choose they do not prevent some of the developments such as Black Ridge to come into the City.

Mr. Anderson feels requiring wider lots will not necessarily make developments better.

Commissioner Huff expressed appreciation to Commissioner Ted Scott and thanked him for his service. The Commission expressed their thanks to Commissioner Scott.

Commissioner Robins said due to the insight of Commissioner Scott they would have made mistakes in the past and they value his insight and he will be missed.

ADJOURN:

Commissioner Huff made a **motion** to adjourn at 11:58 p.m. Commissioner Miya **seconded** and the motion **passed** all in favor.

APPROVED:

Kimberly Robinson, Deputy Recorder