

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
December 6, 2006**

Agenda review 6:30 p.m.

Commission Members Present: Chairman Paul Bradford, Sherman Huff, Michael Christianson, Dave Lewis, Del Robins.

Staff Present: Dave Anderson, Planning Director; Richard Nielson, Assistant Public Works Director; Shelley Hendrickson, Planning Secretary.

Citizens Present: Patricia L. Davis, Dan Davis, Kent Koyle, Ron Thurgood, Becky Thurgood, Dianna Williams, Jay Williams, illegible name, Wayne Shepherd, Ranae Shepherd, Caroline Wendel, Ron Bruel, Dee Vowles, Wanda Vowles, Mary Isaac, Lori Jones, Matt Mitchell, Bryce Mitchell, Bud Bate, Chloe Tourila, illegible name, David Simpson, Nathan Simpson, Ron Mortensen

CALL TO ORDER:

Commissioner Bradford called the meeting to order at 7:00 p.m.

PLEDGE:

Commissioner Robins led the pledge of allegiance.

PUBLIC HEARINGS:

Commissioner Robins **moved** to open into Public Hearings. Commissioner Huff **seconded** and the motion **passed** all in favor.

Platt Zone Change

Applicant: Caroline Wendell

Zoning: Rural Residential existing, R-1-9 requested

Location: 1481 South Cal Pac Avenue

Mr. Anderson gave background and explained the proposal and said that this is adjacent to the other Fritz property of which the General Plan was changed early this year and that the R-1-9 request is consistent with the area.

Commissioner Bradford opened into Public Hearing on this item.

Ron Thurgood

Mr. Thurgood feels that it is not a good idea to change the zone and that there is not anywhere for the sewer to go. He likes the rural area. He is against this.

Travis Hancock

Mr. Hancock feels that the rural area is good and would like to see the animal rights stay. He does not want to see this property subdivided.

Caroline Wendel

Ms. Wendel said that they plan to divide it into 3 lots that will be just under a ½ acre a piece. She feels that the lot sizes are in line with the current homes and property. She said that they have been trying to clean the lot up.

Mr. Thurgood said that he shut water off that had been running in the home for who knows how long. He also said that there is an open surface well and that a child could fall into it. He is concerned about the well. He also feels that the property has not been cleaned up.

Frank Haymore

Mr. Haymore said that he has 3½ acres there and that the property lines are incorrect.

Commissioner Bradford the closed public hearing on this item.

Commissioner Lewis feels that he would support the subdivision of the property to clean the lot up.

Commissioner Christianson asked if the animal rights would be lost.

Mr. Anderson stated that they would due to the change in the zone.

Mr. Huff feels that it makes common sense with the future development that will go adjacent to the property to change the zone.

Commissioner Lewis made a **motion** recommending to the City Council approval of the proposed Platt Zone Change request, changing the zoning at approximately 1481 South Cal Pac Avenue from Rural Residential to R-1-9, based on the following findings:

Findings:

1. That the proposed Zone Change is consistent with the General Plan designation.
2. That the debris on the lot be cleaned up according to the City's nuisance ordinance by March 1, 2007.

Commissioner Robins **seconded** and the motion **passed** unanimous by a role call vote.

Argyle Zone Change and General Plan Amendment

Applicant: George Argyle

Zoning: Rural Residential existing, Commercial 2 requested

General Plan: 1 Unit per 5 Acres/Residential 2.5 to 3.5 Units Per Acre existing, 1 Unit Per 5 Acres/General Commercial

Location: 275 West Arrowhead Trail

Mr. Anderson gave background and explained the proposal.

Commissioner Bradford opened the Public Hearing on this item.

Rena Shepherd

Ms. Shepherd wants to give property to her children and wants to make sure that she will be able to if this change occurs.

Commissioner Robins asked where she plans to divide the property.

Mr. Anderson asked about access to Del Monte Road.

Dee Vowells

Mr. Vowells feels that down the road something with big lights could be built. He would like to see the street have the same feel as Main Street with all of the big trees.

Commissioner Robins addressed his concerns with the General Plan.

Commissioner Huff expressed that the General Plan is a working document and that it does change and that it is not the City's practice to spot zone.

Commissioner Christianson addressed Mr. Vowell's concerns.

George Argyle

Mr. Argyle said that his property is lower than the road and that he would not be a bother to the neighbors.

Commissioner Bradford closed the Public Hearing on this item.

Commissioner Robins feels that this request is in line with what is consistent in the area and not spot zoning.

Commissioner Christianson asked Mr. Anderson if there are any conditions that can be placed so that everyone understand what will happen down the road.

Mr. Anderson believes that it can be done and to perhaps have staff look into having a notice filed with the deeds.

Commissioner Huff feels that it would be a record nightmare to keep track of uses.

Mr. Anderson agrees that it could be very problematic.

Commissioner Christianson asked if Mr. Argyle had to petition the adjacent property owners. He also feels it is not the Planning Commission's job to dictate what property owner's can do with their property.

Commissioner Christianson made a **motion** recommending to the City Council **approval** of the proposed Argyle Zone Change and General Plan Amendment request, changing the General Plan from 1 unit per 5 acres/2.5 to 3.5 units per acre to General Commercial/2.5-3.5 units per acre Residential and the zoning from Rural Residential to Commercial 2 at approximately 275 West Arrowhead Trail, based on the following finding:

Finding:

1. That the proposed Zone change is consistent with the General Plan designation.

Commissioner Robins **seconded** and the motion **passed** unanimous by a role call vote.

John Smiley Zone Change

Applicant: John Smiley

Zoning: R-1-6 and R-O existing, C-2 requested

Location: 700 North Main

Mr. Anderson gave background and explained the proposal.

Commissioner Christianson asked what the setbacks were and the width of the park strip.

Commissioner Huff asked about access.

Commissioner Christianson asked what the buffer requirements would be.

Mr. Anderson said a 10-foot wide planter would be required and a 6-foot masonry wall.

Commissioner Huff has a concern with regard to traffic.

Commissioner Bradford opened into Public Hearing on this item.

Commissioner Christianson asked about a neighborhood meeting.

Mr. Anderson said that one was not required.

Commissioner Bradford moved to close Public Hearing on this item.

Commissioner Huff asked what Mr. Smiley's vision of this project is.

John Smiley

Mr. Smiley addressed the Commission. He said that they would like to see the occupancy be 50-50 with retail and office.

Commissioner Huff is concerned that there are property owners that are unaware of what is going on.

Jay Williams

Mr. Williams feels that 100 West has a terrific amount of traffic and he is afraid that it will bottleneck the light at 800 North.

Commissioner Robins asked about the possibility of a light at 600 North Main.

Mr. Nielson addressed the concern.

Discussion was made with regard to egress and ingress, traffic on Main Street.

Ron Mortenson

Mr. Mortenson addressed the Commission. He is concerned about the elevation and the utility poles.

Commissioner Lewis asked about the power lines.

Mr. Anderson said that Mr. Smiley would be placing the line underground. Discussion was made with regard to commercial development.

Commissioner Lewis is in support of this project.

Commissioner Christianson feels that what is being proposed is in line with what has been discussed. He is in favor and asked about landscape requirements.

Commissioner Robins made a **motion** recommending to the City Council **approval** of the proposed John Smiley Zone Change request, changing the zoning from Residential Office and R-1-6 to Commercial 2 based on the following finding:

Finding:

1. That the proposed Zone change is consistent with the General Plan designation.

Commissioner Lewis **seconded** and the motion **passed** by a roll call vote. Commissioner Huff voted nay.

Academy Park Zone Change

Applicant: Glenn Way

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Location: approximately 1200 South Del Monte Road

Mr. Anderson gave background and explained the proposal.

Discussion was made regarding Mill Road.

Commissioner Bradford opened the Public Hearing on this item.

Mary Isacc

Ms. Isacc addressed the Commission. She is concerned about residential moving in next to industrial. She would like a masonry wall between their property and the development.

Mike Morley

Mr. Morley said the plan is for a 4-foot berm with a 6-foot masonry wall.

Alan Davis

Mr. Davis is concerned about access to Mill Road and fencing.

Discussion was made with regard to fencing around the development.

Pat Davis

Ms. Davis is concerned that the Commission understood Mr. Haymore's concerns.

Ben Davis

Mr. Davis would like to know if there will be access from the stadium to Mill Road.

Ms. Davis would like to know what will be along the fence.

Discussion was made with regard to parking on Mill Road, the right-of-way with regard to a sewer main that needs to be relocated.

Mr. Nielson addressed the Commission's concern. He said there is a bond for a sewer line to be taken care of.

Commissioner Lewis asked about the triangle piece of property adjacent to the development.

Discussion was made with regard to the areas within the development that could settle etc., that the City is not liable, an irrigation canal that has been buried and liability, and egress and ingress within the development.

Brian Redd

Mr. Redd addressed the Commission. He is in favor of the development and feels the Charter School has been a good neighbor.

Ms. Isacc feels that the berm should be on the developer's property.

Commissioner Bradford closed the Public Hearing on this issue.

Commissioner Christianson **moved** to close Public Hearing. Commissioner Lewis **seconded** and the motion **passed** by a unanimous roll call vote.

Academy Park South Preliminary Plat

Applicant: Glenn Way

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Location: Approximately 1200 South Del Monte Road

Commissioner Robins made a **motion** recommending to the City Council **approval** of the proposed Preliminary Plat for the Academy Park South based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standard for developments in the R-1-15 zone.

Conditions:

1. That the applicant change the existing power over from SUVP to Spanish Fork, remove SUVP power poles and work with the Power Department on providing a more efficient and effective service to the seminary and MATC auto shop.
2. That the applicant provide a preliminary title report.
3. That the development meet the City's Construction and Development Standards.
4. That the applicant submit a corrected electronic version.

Commissioner Lewis **seconded** and the motion **passed** unanimous by a role call vote.

*** Commissioner Robins **moved** to take a 5 minute break at 9:05 p.m. Commissioner Huff **seconded** and the motion passed all in favor.*

*** Reconvened at 9:11 p.m.*

Academy Park North Preliminary Plat

Applicant: Glenn Way

Zoning: Rural Residential existing, R-1-12 and R-1-15 requested

Location: Approximately 1200 South Del Monte Road

Commissioner Robins made a **motion** recommending to the City Council **approval** of the proposed Preliminary Plat for the Academy Park North based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-12 zone.

Conditions:

1. That the applicant provide a preliminary title report.
2. That the applicant incorporate the property to the north triangle into the plat.
3. That the applicant work with the Power Department on the power issues including working around the SESD line easement.
4. That the applicant place a berm with a masonry wall on the west border adjacent to the Leland Mill.
5. That the applicant relocate the utilities on the west end into the location they are suppose to be.
6. That the applicant redraft the legal description to the easement.
7. That a note be placed on the plat indicating that because it is adjacent to an industrial area that there will be noise and dust issues, and subject to the language being refined.
8. That the development meet the City's Construction and Development Standards.
9. That the applicant submit a corrected electronic version.

Commissioner Lewis **seconded** and the motion **passed** by a unanimous role call vote.

Commissioner Huff **moved** to go back into Public Hearing. Commissioner Christianson **seconded** and the motion **passed** all in favor.

Revisions to Title 15 of the Municipal Code

Applicant: Salisbury Development

Zoning: R-1-12

Location: 150 North 1700 East

Mr. Anderson explained the proposal.

Need to insert Dave's memo

Discussion was made regarding the proposed change.

Commissioner Lewis is in support of this change.

Commissioner Bradford opened into Public Hearing on this item.

Dave Simpson

Mr. Simpson addressed the Commission. He explained the Master Planned Development.

Greg Magleby

Mr. Magleby addressed the Commission with regard to a retention basin in the development.

Discussion was made with regard to the park and a retention basin in the development.

Mr. Magleby gave background with regard to the development and the intent of all of the developers involved.

Discussion was made regarding the negative vs. positive impacts of the change being proposed to Title 15.

Mr. Anderson feels it would be inappropriate to try and guarantee anything with this ordinance, staff believes it is a move in the right direction but admits that potential perhaps exists for it to be abused.

Mr. Magleby addressed the Commission explaining what he feels the purpose of Master Planned Developments are.

Discussion was made regarding problems that could emerge in the future and if we will be fail to apply the standards uniformly.

Commissioner Bradford closed Public Hearing.

Commissioner Lewis made a **motion** recommending to the City Council **approval** of the recommended proposed changes to Title 15. Commissioner Bradford **seconded** and the motion was **denied** by a role call vote. Commissioner Robins voted nay, Commissioner Christianson voted nay, Commissioner Huff voted nay.

Nathan Simpson

Mr. Simpson addressed the Commission. He asked for clarification on the denial.

Commissioner Robins made a **motion** to continue this item until staff has had time to study this more. Commissioner Huff **seconded** and the motion **passed** by a role call vote. Commissioner Lewis voted nay.

Maple Mountain Preliminary Plat

Applicant: Salisbury Development

Zoning: R-1-12

Location: 150 North 1700 East

The developers asked for more detail on the continuance.

Discussion was made regarding roof pitch, off sets of the homes, bonus density on off-setting lots or the lots facing each other, open space, detention basin, more of a presentation of why these bonus densities are being obtained, bonus density for trails, and neighborhood meeting detail.

Commissioner Robins made a **motion to table** the proposed Preliminary Plat for Maple Mountain. Commissioner Christianson **seconded** and the motion **passed** by a role call vote. Commissioner Lewis voted nay.

Commissioner Robins **moved** to close Public Hearings. Commissioner Huff **seconded** and the motion **passed** all in favor.

STAFF REPORTS

Subdivision Waiver

Applicant: Rodney Nielson
Zoning: R-1-6
Location: 39 South 400 East

Mr. Anderson gave background and explained the proposal.

Commissioner Robins made a **motion to approve** the proposed Subdivision Waiver for Rodney Nielsen based on the following finding and subject to the following 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 City's Construction and Development Standards.
2. That the power pole be relocated and that the other Power Department requirements be met.
3. That fire hydrant location be worked out with the Public Works Department.
4. That any necessary corrections be made to the plat and a clean copy be provided for the City's files.
5. That any requirements of the Engineering and Power Departments be satisfied before deeds are recorded.

Commissioner Christianson **seconded** the motion and it **passed** by a unanimous role call vote.

Subdivision Waiver

Applicant: Kent Koyle
Zoning: R-1-6
Location: 560 East 300 South

Mr. Anderson gave background and explained the proposal.

Commissioner Lewis made a **motion approving** the proposed Subdivision Waiver for Kent Koyle based on the following finding and subject to the following 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 City's construction and Development Standards.
2. That the electric utilities go underground as indicated by the Power Department.
3. That any necessary corrections be made to the plat and a clean copy be provided for the City's files.
4. That any requirements of the Engineering and Electrical Departments be satisfied before deeds are recorded.

Commissioner Huff **seconded** and the motion **passed** by a unanimous role call vote.

Subdivision Waiver

Applicant: Jerry Pidcock

Zoning: R-1-6

Location: 543 East 400 South

Mr. Anderson gave background and explained the proposal.

Commissioner Robins made a **motion approving** the proposed Subdivision Waiver for (Geslison) Jerry Pidcock based on the following finding and subject to the following 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 City's Construction and Development Standards.
2. That the applicant place the electric utilities underground.
3. That any necessary corrections be made to the plat and a clean copy be provided for the City's files.
4. That any requirements of the Engineering and Electrical Departments be satisfied before deeds are recorded.
5. That the applicant make the necessary lot line adjustment to conform to the City's code.

Commissioner Lewis **seconded** and the motion **passed** by a unanimous role call vote.

Amendment to the General Plan and Zoning Maps (continued from 11-1-2006)

Applicant: Clark Mitchell

Zoning: Commercial 1 existing, R-3 requested

General Plan: General Commercial existing, requesting Residential 9-12 units per acre

Location: 1700 East Canyon Road

Mr. Anderson explained the proposal.

Clark Mitchell

Mr. Mitchell said that the last time he was here he gave a handout with 13 reasons why he feels that he is justified in his request.

Discussion was made regarding other adjacent property owners coming in on the project, the Urban Village trumping this commercial site, and an R-1-6 zone.

Mr. Anderson clarified the 5-acre minimum on a Master Planned Development in an R-3 zone. In the R-1-6 zone, you can only get higher density by doing a Master Planned Development. In a R-3 zone you would not need to do a Master Planned Development for higher density.

Commissioner Robins feels that the R-3 is the best fit for this property.

Discussion was made with regard to the best fit zone.

Commissioner Robins made a **motion to table** the General Plan and Zoning Maps for Clark Mitchell to the next meeting. Commissioner Lewis **seconded** and the motion **passed** by a unanimous role call vote.

Spanish Highlands North Preliminary Plat

Applicant: Ivory Homes

Zoning: R-1-12

Location: 150 North 1700 East

Mr. Anderson gave background and explained the proposal.

Commissioner Robins asked why this is a Master Planned Development.

Mr. Anderson said this is a Master Planned Development because the Developer has 20 acres and that is what it takes.

Commissioner Christianson said there are eight items that they are requesting bonus density for that he would like to see more presentation on.

Discussion was made regarding bonus density.

Commissioner Bradford feels that the Commission needs to meet with the City Council and get some direction from them with regard to the matrix for Master Planned Developments.

Brad Mackey

Mr. Mackey addressed the Commission. He discussed the trail.

Discussion was made with regard to Master Planned Developments.

Commissioner Lewis made a **motion** recommending **approval** of the proposed Preliminary Plat for Spanish Highlands North based on the following findings and subject to the following 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.
3. That on the density bonus we will remove the 5-foot off set and replace it with installing the trail across the development.

Conditions:

1. That the Engineering issues on 150 North be addressed.
2. That they obtain letters of approval from UDOT and East Bench Irrigation companies.
3. That any Center Street addresses be changed.
4. That any Power Department issues be addressed, including the SESD power being bought out.
5. That they construct the trail on their property.

Commissioner Robins **seconded** and the motion **passed** with a role call vote. Commissioner Christianson voted nay.

Discussion was made regarding suspending Master Planned Developments.

Commissioner Robins made a **motion** recommending to the City Council that the Master Plan Development Section of the Municipal Code be **suspended** until it has been reviewed and revised by the Planning Commission and City Council.

Commissioner Christianson **seconded** and the motion **passed** by a role call vote. Commissioner Lewis voted nay. Commissioner Huff voted nay.

OTHER DISCUSSION

Urban Village Zone

Discussion was made regarding Urban Village Zones.

ADJOURN

Commissioner Christianson **moved** to adjourn. Commissioner Robins **seconded** and the motion **passed** all in favor.

Meeting **adjourned** at 11:26 p.m.

Adopted: February 7, 2007

Shelley Hendrickson, Planning Secretary