

Adopted Minutes
Spanish Fork City Planning Commission Meeting
June 27, 2007

Agenda review 6:30 p.m.

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

Staff Present: Dave Anderson, Planning Director; Christine Johnson, Assistant City Attorney; Shelley Hendrickson, Planning Secretary; Woody Mataele, Planning Intern.

Citizens Present: Jordan Rose, Nancy Lund, Ken Larsen, Paul Throckmorton, Tish Throckmorton, Kurtis Olsen, Darren Marrott, Gary Carter, Mabel Williams, Kaye Ashby, Jean Peterson, Toni Lyn Money, Mike Money, Bernard Cope, Norma Cope, Teresa Johnson, Warren Johnson, John illegible, Jon Ward, Debbi Bell, Janet Reese, Jeff Parish, Amber Parish, John Bailey, Tamsin Danis, Jared Danis, Brandon Kirk, Andrea Kirk, Mark Peterson, Tony Powell, Kevin Sleight, LoriAnn Sleight, Dean Vincent, Jim Nielsen, Charles Graham, Shirley Vincent, Allen Carter, Julie Carter, Lyle Evans.

CALL TO ORDER

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

PRELIMINARY ACTIVITIES

Pledge

Commissioner Miya led the pledge of allegiance.

Adoption of Minutes: June 06, 2007

Commissioner Christianson made a **motion** to **approve** the minutes of June 6, 2007; with the noted corrections. Commissioner Huff **seconded** and the motion **passed** all in favor.

PUBLIC HEARINGS:

Commissioner Huff **moved** to open into Public Hearings. Commissioner Christianson **seconded** and the motion **passed** all in favor at 7:04 p.m.

Mr. Anderson thanked Commissioner Bradford for his diligent service on the Planning Commission.

Commissioner Bradford extended his appreciation to the City and to the others who have volunteered their time.

Commissioner Huff made a **motion** to formally express the City's gratitude for Commissioner Bradford's service and recommending that the City Council to do the same. Commissioner Robins **seconded** and the motion **passed** all in favor.

Jim Nielsen General Plan and Zoning Map Amendment

Applicant: Jim Nielsen

General Plan: General Commercial existing, Light Industrial requested

Zoning: R-1-8 existing, Industrial-1 requested

Location: 1450 East 100 South

Mr. Anderson gave background and explained the proposal. He explained that while the applicant has discussed developing the site with Storage Units, the questions before the Commission at this time have only to do with the General Plan designation and zoning of the property. Mr. Anderson stated that he does not believe the property is a viable location for commercial development. He feels it is appropriate for the City to concentrate on the existing zoning and allow the property to develop residentially. He also feels it would be a mistake to further progress from commercial zoning in a residential neighborhood to Industrial.

Commissioner Christianson asked if the City can initiate a General Plan Amendment.

Mr. Anderson said that the City could and routinely does initiate General Plan Amendments.

Commissioner Bradford asked about egress and ingress to the development.

Mr. Anderson explained the egress and ingress possibilities.

Commissioner Huff asked for the width of the egress and ingress on the existing access from the neighboring development.

Mr. Anderson clarified that there is adequate access from the neighboring development; he estimated that it is at least 30 feet wide. He further clarified that while the access is physically adequate for traffic to get from the existing commercial development to the subject property it is, in his opinion, very poor access to support commercial uses. For that reason, Mr. Anderson believes it was a mistake to plan to have this property develop commercially.

Jim Nielson

Mr. Nielson addressed the Commission. His number one objective is to develop property with little or no problems for the neighbors. He feels that storage units are a perfect fit. He gave the history on the cement wall that surrounds the property. He explained his proposal. He feels that his history of running businesses in town for over 20 years that his track record should speak for itself.

He was born and raised here and he wants to do something nice for the City. He feels that the neighbors will not even know that the storage units are there.

Commissioner Miya asked Mr. Nielson to explain how a storage facility can be secure without lighting.

Mr. Nielson clarified that there would be lighting, just not lights on tall poles that would be taller than the existing wall.

Commissioner Christianson asked Mr. Nielson if he has considered a strip mall.

Mr. Nielson said that he could put other businesses at this location but does not feel that it is a good fit.

Commissioner Christianson asked Mr. Nielson why he is uncomfortable developing the property commercially.

Mr. Nielson feels that the neighbors love the dead end at 100 south and if he put in a residential development that the neighbors would be mad about losing the dead end. He feels there isn't enough value in residential lots to justify residential development.

Commissioner Christianson asked if Mr. Nielson if he had ever considered residential and drawn concepts plan.

Mr. Nielson said that he had not come up with any residential concept plans but that higher density might work for him. He feels that he should be able do something commercially with the property in its current state.

Discussion was held regarding who required Mr. Nielson to construct the masonry wall and the history of the wall.

Bryce Walker

Mr. Walker addressed the Commission. His greatest concern is the ingress and egress at the commercial site. He feels it is too narrow. He does not feel that a lot of cars can access the property from the existing access at the neighboring commercial site.

Allen Carter

Mr. Carter addressed the Commission. He gave background on the history of the property. He feels that the property has not been maintained as was promised. He would like this property to be residential and a sound barrier constructed along Highway 6. He is against the zoning to Industrial. He does not feel that Industrial zoning will add any value to the neighborhood. He would like to see the landscape of the property maintained.

John Bailey

Mr. Bailey addressed the Commission. He said that the dead end on 100 south has created a playground for motorcyclists. They come to the dead end at 100 south to spin wheelies. He said that his car has extra dings because of this. He feels that Mr. Nielson does not keep his promises. He wants residential.

Discussion was held regarding the concerns and issues related to the temporary turn around on 100 south.

Teresa Johnson

Ms. Johnson addressed the Commission. She is concerned about what Mr. Nielson says. She feels that he does not keep his word. She is concerned about lighting and traffic. She would support residential. Mr. Johnson feels that people will run small businesses out of the storage units. They are against storage units.

Gina Peterson

Ms. Peterson addressed the Commission. She would like residential. She is concerned about property values. She feels that Jim Nielson is not trustworthy. She would like residential.

Tamsin Dansin

Ms. Dansin is against commercial or industrial. She supports residential.

Nancy Lund

Ms. Lund asked the Planning Commission that if the property were to be changed to Industrial if the City would hold Mr. Nielson to the construction of storage units or would he be able to change his mind and put in some other use. She supports residential.

Commissioner Robins asked Mr. Anderson for clarification on the zoning.

Mr. Anderson clarified the zoning.

Discussion was held regarding the cell tower that currently exists on the property.

Paul Throckmorton

Mr. Throckmorton feels that safety is an issue on Mountain View Drive. He feels that the traffic light onto Highway 6 is already congested. He feels that the masonry wall that exists is a safety hazard because it is solid and too close to the corner.

Commissioner Robins feels that Mr. Nielson has already put money into the wall and realistically cannot take the wall down.

Mr. Throckmorton has concerns with storage units. He feels that people do crazy things in storage units and that he would support commercial versus industrial but would ultimately like residential.

Discussion was held regarding the cell tower.

Mr. Carter explained the history of how the masonry wall came to be with regard to the Utah State Department of Transportation.

Lyle Evans

Mr. Evans feels that Mr. Nielson could put anything on the property with regard to Industrial. He feels that if a manufacturing plant were to go in at this location where would the big trucks access the property. He does not feel that it would be safe. He would support residential.

Jared Dansin

Mr. Dansin is in support of residential.

Charles Graham

Mr. Graham is in support of residential.

Mr. Nielson told the Commission that he would agree to enter into a development agreement to only construct storage units.

Discussion was held regarding the masonry versus a sound wall.

Commissioner Miya feels that Industrial is totally out of place in this area and where this is a residential area that it should stay residential. She is skeptical about commercial development and access. She feels that this is a major gateway into the City and does not feel the storage units would be good. She would support a General Plan Amendment.

Commissioner Lewis said that he walked the property with Mr. Nielson. He feels that commercial would be a mistake because of access. He would not support storage units without certain conditions and he explained his conditions.

Commissioner Bradford feels that Industrial is not appropriate in the middle of a residential neighborhood.

Commissioner Huff feels that this property is commercially zoned and that some of the other uses in a commercial zone would be far more offensive than storage units.

Commissioner Christianson does not feel that traffic is a concern with a residential development.

Discussion was held regarding the temporary turn around at 100 South.

Commissioner Christianson feels that a property owner should be able to do with his property what they wish so as not to adversely affect the neighbors too much. He feels that the construction of the masonry wall was a mistake.

Discussion was held amongst the Commission regarding what property owners may and may not do with their property.

Commissioner Robins feels that storage units would affect the neighborhood the least. He feels that with a development agreement he would support storage units.

Discussion was held regarding the property being cleaned up.

Commissioner Miya made a **motion** recommending **denial** of the proposed General Plan and Zoning Map Amendments at approximately 1450 East 100 South, changing the General Plan Map from General Commercial to Light Industrial and changing the zoning from R-1-8 to Industrial 1 based on the following finding:

Finding:

1. That the presence of dwellings adjacent to the subject property makes it unsuitable for Industrial 1 zoning and industrial uses.

Commissioner Christianson **seconded** and the motion **tied** by a roll call vote. Commissioner Lewis voted nay. Commissioner Robins voted nay. Commissioner Bradford voted yes. Commissioner Huff voted nay.

Discussion was held regarding the zoning.

Ms. Johnson told the Commission that should the zoning be changed to Industrial 1 that the owner of the property would not be bound to the construction of storage units. That the owner could follow any of the permitted uses allowed in an Industrial zone.

Commissioner Lewis made a **motion** recommending **approval** of the proposed General Plan and Zoning Map Amendments at approximately 1450 East 100 South, changing the General Plan Map from General Commercial to Light Industrial and changing the zoning from R-1-8 to Industrial 1 based on the following conditions:

Conditions

1. Sound wall be completed adjacent to the commercial plaza.
2. 100 south sidewalk completed and landscape installed.
3. Cul-de-sac be complete with asphalt, sidewalk and landscape.
4. Garbage dumpsters enclosed.
5. Entry to the project be approved.
6. Elevation of the entire project approved.
7. 365 days to perform on this project or the approval is denied.
8. Exterior improvements completed within the first 90 days or red tagged and denied.

Commissioner Huff **seconded** and the motion was **denied** by a roll call vote. Commissioners Miya, Robins, Bradford, and Christianson voted nay.

Commissioner Miya made a **motion** recommending **denial** of the proposed General Plan and Zoning Map Amendments at approximately 1450 East 100 South, changing the General Plan Map from General Commercial to Light Industrial and changing the zoning from R-1-8 to Industrial 1 based on the following finding:

Finding:

1. That the presence of dwellings adjacent to the subject property makes it unsuitable for Industrial 1 zoning and industrial uses.

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

Commissioner Miya **moved** to instruct staff to investigate initiating a general plan change to residential 3.5 to 4.5 units per acre; thus, bringing the general plan and zoning into alignment.

Discussion was held regarding the motion.

Motion died for lack of a second.

Powell Zoning Map Amendment

Applicant: Tony Powell

General Plan: Residential 5.5 to 8 units per acre Residential

Zoning: R-1-6 existing, R-3 requested

Location: 1100 East 400 North

Mr. Anderson gave background and explained the proposal.

Commissioner Lewis asked for clarification on the units.

Mr. Anderson clarified that it is 18 units.

Brandon Kirk

Mr. Kirk addressed the Commission. He explained the proposal. He feels that they will do a very aesthetic project that will add value to the neighborhood.

Mark Peterson

Mr. Peterson said that they have hired a company, Earthtec, to work up the water issues.

Commissioner Bradford feels that water has already been a problem in the area.

Discussion was held regarding water and storm drain issues in the area, and density.

Deborah Bell

Ms. Bell feels that this proposal will put 6 homes in her backyard. She feels that water is an issue. She feels that only one egress and ingress is not enough.

Discussion was held regarding development agreements and density.

Gary Carter

Mr. Carter feels that 400 North is a concern. He feels that there is a current 30 minute wait time to get out of his driveway. He feels that water is a concern and density is a concern.

John Ward

Mr. Ward feels that ingress and egress is a concern. To have only one way in and out is a concern in case of an emergency.

Mr. Kirk clarified that their development cul-de-sac meets the City's requirements.

Ms. Bell feels that the zoning should not be changed.

Discussion was held regarding density, twin homes vs. town homes, and HOA's.

Janet Reese

Ms. Reese asked about the park and whether or not a fence will be constructed.

Discussion was held regarding masonry walls, and zoning.

Mr. Ward asked for clarification on zoning and residential treatment centers.

Ms. Johnson clarified the code.

Discussion was held regarding the high density in this area of town, and HOA's.

Commissioner Bradford is against anymore density in the area.

Commissioner Christianson feels that HOA's are good and supports the development.

Commissioner Robins agrees with Commissioner Christianson.

Commissioner Miya feels that traffic is a problem.

Commissioner Lewis disclosed a possible conflict of interest. He feels that there are some traffic and water problems but supports this development.

Commissioner Bradford asked if the water will be a liability to the City.

Ms. Johnson said that in the past when there have been concerns about flooding that the property owners sign a waiver. She feels that there is not a way for the City to insulate itself from any liabilities for unforeseen circumstances.

Discussion was held regarding detailed engineering.

Commissioner Lewis made a **motion** recommending **approval** of the proposed Zoning Map Amendment at approximately 1100 East 400 North, changing the zoning from R-1-6 to R-3 based on the following findings:

Findings:

1. That given the property's configuration and situation, a town home development is appropriate.
2. That the Zone Change is consistent with the General Plan designation.

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

Vincent Rim Estates Zoning Map Amendment

Applicant: Sleight Development

General Plan: Residential 1.5 to 2.5 units per acre residential

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

Location: 1700 East 1850 South

Vincent Rim Estates Preliminary Plat

Applicant: Sleight Development

General Plan: Residential 1.5 to 2.5 units per acre residential

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

Location: 1700 East 1850 South

Mr. Anderson gave background and explained the proposal.

Commissioner Lewis asked for clarification on access to the homes off of 1700 East.

Discussion was held regarding the dirt road and easements, curb and gutter, asphalt, not upsetting the hillside, easement issues on the Dean Vincent property, and irrigation ditches.

Kevin Sleight

Mr. Sleight addressed the Commission. He said that the dirt road is an access for Dean and Fred Vincent. He proposed that until the rest of the land develops that access remain on the dirt road.

Commissioner Lewis asked for elimination of the road.

Dean Vincent

Mr. Vincent said that there is not a way to abandon the dirt road because of the farm equipment he uses on his property.

Discussion was held regarding the access to Dean Vincent's property, and deeded right of ways.

Mr. Sleight feels that they can preserve the easement to the Dean Vincent property through a title company.

Commissioner Lewis would support this development on three conditions. He explained the conditions.

Discussion was held regarding City property and the Dean Vincent access road.

Commissioner Robins moved to close public hearing. Commissioner Huff seconded and the motion passed all in favor at 9:48 p.m.

Commissioner Lewis made a **motion** recommending **approval** of the proposed Zoning Map Amendment and the Preliminary Plat at approximately 1700 East 1850 South, changing the zoning from RR to R-1-12 based on the following finding and subject to the following conditions:

Finding:

1. That the proposed zoning is consistent with the General Plan.

Conditions:

1. That the 1700 East extension off of the hill on the south side of the property be improved or be paid for by the developer pending the Engineering Department's review.
2. That an electrical 600 amp circuit is constructed through the subject property per the Electric Department.
3. That the driveway for the Dean Vincent home is relocated to a suitable location.
4. That any overhead SESD power lines be relocated.

Commissioner Robins **seconded** and the motion **passed** all in favor.

Vincent Rim Estates Preliminary Plat

Applicant: Sleight Development

General Plan: Residential 1.5 to 2.5 units per acre residential

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

Location: 1700 East 1850 South

Commissioner Christianson **moved** to go out of public hearing. Commissioner Robins **seconded** and the motion **passed** all in favor at 9:18 p.m.

OTHER DISCUSSION

General Plan Designations for 300 South Corridor Planning Update

Mr. Anderson gave background on a current proposal located on 300 South.

Discussion was held regarding zoning on the 300 South corridor, a concept plan and elevations, ingress and egress, traffic flow, stacking, and changing the zone for the proposed parcel only and not the entire corridor.

ADJOURN

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

Meeting **adjourned** at 10:09 p.m.

Adopted:

Shelley Hendrickson, Planning Secretary