

**Adopted Minutes  
Spanish Fork City Planning Commission Meeting  
September 5, 2007**

Agenda review 6:30 p.m.

**Commission Members Present:** Chairman Del Robins, Michael Christianson, Sharon Miya, Dave Lewis, Shane Marshall, Sherman Huff.

**Staff Present:** Dave Anderson, Planning Director; Chris Thompson, Assistant City Engineer; Christine Johnson; Shelley Hendrickson, Planning Secretary.

**Citizens Present:** Jim Nielson, Dale E. Larsson, Todd Dickerson, Amy Dickerson, Eliza Hanson, Clyde Hansen, Teresa Hansen, Warren Johnson, John D. Bailey, John Davis, Rick Caldwell, Beth Whitaker, Allen Hall, Jared Danis, Tamsin Danis, Allen Carter, Julie Carter, Les Allen, Ray Aitken.

**CALL TO ORDER**

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

**PRELIMINARY ACTIVITIES**

**Pledge**

Commissioner Marshall led the pledge of allegiance.

**Adoption of Minutes: August 1, 2007**

Commissioner Huff **moved** to **approve** the minutes of August 1, 2007; with the noted corrections. Commissioner Miya **seconded** and the motion **passed** all in favor.

**PUBLIC HEARINGS:**

Commissioner Christianson **moved** to open into Public Hearings. Commissioner Huff **seconded** and the motion **passed** all in favor at 7:02 p.m.

**Proposed Corner Lot Rear Setback Zoning Text Amendment**

Applicant: Bruce Whittaker

Location: Citywide

Mr. Anderson explained the request and the City's current setback requirements. He gave his reasoning for not changing the setback for interior lots at this time.

Commissioner Huff asked where in the ordinance the changes were represented.

Mr. Anderson said that it was applied to the chart by footnotes and explained how the footnotes related to the chart in the ordinance.

Commissioner Christianson asked how the frontage of a home, on a corner lot, was determined.

Mr. Anderson said that people are allowed to choose which way the house will front on a corner lot.

Mrs. Whitaker explained that they face east and their neighbors face west. The neighbors are allowed a ten foot setback and they would like to be allowed the same.

Commissioner Robins asked Mr. Anderson if there was a way for this proposal to be approved without changing the setback Citywide.

Mr. Anderson said it could not and explained the proposed standards.

Commissioner Robins feels that the Whitakers have a good point but he does not like the idea of changing the setback Citywide.

Commissioner Christianson feels like it is similar to the flag lot issue that was presented in a previous meeting, and does not feel that a setback should be changed for one person. He agrees with the Development Review Committee that this change does not negatively affect the neighbors.

Commissioner Lewis is okay with the change but is hesitant to make a change.

Commissioner Marshall asked for clarification on why this change is for corner lots and not interior lots.

Mr. Anderson said that the Development Review Committee reacted to the proposal brought before them, which was for corner lots and that the Committee changes ordinances as little as they have too.

Commissioner Miya **moved** to **approve** the proposed Zoning Text Amendment; reducing the rear setback on corner lots by 5 feet in all residential zones, based on the following findings:

### **Findings**

1. That the proposed Text Amendment would not result in a detrimental situation.
2. That the proposed Text Amendment would allow property owners to make more efficient use of their property.

Commissioner Lewis **seconded** and the motion **passed** by a role call vote. Commissioner Robins voted nay. He feels that it is detrimental to the City to reduce setbacks.

### **Old Depot Preliminary Plat**

Applicant: Sage Contractors

Zoning: Industrial 1 requested

General Plan: Light Industrial 1

Location: approximately 1000 North 800 West

Mr. Anderson explained the proposal, gave history of when the property was annexed into the City, and said as a municipality there is not a lot that regulates this type of a development. The City does require industrial subdivisions to have a public hearing.

Commissioner Christianson asked if the road improvements were half plus ten.

Mr. Thompson concurred.

Commissioner Christianson asked if the City would be obligated for the other half of the road. He has dealt with this situation in other cities. He is curious as to how it will look.

Mr. Anderson said that we do not make that distinction.

Mr. Thompson explained the standard.

Commissioner Christianson feels that the City will carry the burden of the other half of the road that is left undeveloped.

Mr. Anderson explained the General Plan in the area.

Commissioner Christianson asked about the sewer and water utilities and if the residents in the area were going to be able to hook on.

Mr. Thompson said that they would be able to hook up but would have to pay the fees.

Discussion was held regarding the current location of the sewer and water utilities and the standards for a half road.

Commissioner Marshall asked what the standards were for the size of a temporary turn around.

Mr. Thompson explained what the standards are and that a semi-truck would be able to turn around in one according to our standards.

Commissioner Huff asked about egress and ingress of the lots on 10<sup>th</sup> North.

Commissioner Christianson asked to see the current zoning in the area.

Mr. Thompson put it on the overhead projection.

Commissioner Huff is concerned about traffic coming through town.

Rick Caldwell

Mr. Caldwell addressed the Commission and clarified the sewer issues with the adjacent property owners.

Ray Aiken

Mr. Aiken addressed the Commission. He explained that he has a century old easement on his property and an irrigation easement. He has had problems with snow removal. He explained his mother is older and that they need to get a good neighbor. He does not want his irrigation ditch to be bothered with. He feels that there is an on going drug problem in the area.

Mr. Thompson said that they can look at other options related to snow removal that would reduce any hardship for him.

Commissioner Huff has a reservation with traffic. He feels that it will be a headache along 10<sup>th</sup> North.

Discussion was held regarding traffic, semi trucks, and adjacent property owners.

Mr. Anderson said that a question was raised by Ms. Hansen. She asked if there would be any concern on the City's part to change the property along the south side of 10<sup>th</sup> North to residential. He explained that based on the current general plan; which is an Industrial zone, that the City would not change the zoning to residential.

Discussion was held regarding truck traffic.

Todd Dickerson

Mr. Dickerson explained that he has a business in this part of town and that the traffic is terrible. He feels that if there is a lot of semi-truck traffic that they will use the road by nature sunshine. He feels that the traffic is always congested. He feels that the overpass should be addressed before any more development occurs in this area.

Commissioner Christianson **moved to approve** the proposed Preliminary Plat for the Old Depot Subdivision based on the following finding and subject to the following conditions:

### **Finding**

1. That the plat meets the City's standards for industrial subdivisions in an I-1 zone.

### **Conditions**

1. That the applicant meets the subdivision construction standards.
2. That the cul-de-sac meets the maximum length regulation.
3. That the Power Department issues are addressed.
4. That the applicant submits three copies of their Preliminary Plat for the City's files.

Commissioner Robins asked if the snow removal issue could be dealt with in the motion.

Discussion was held regarding snow removal.

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

Commissioner Robins made a **motion** to have the **City council look at that street and the snow removal**. Commissioner Marshall **seconded** and the motion **passed** all in favor.

### **Jim Nielson General Plan, Zoning Map and Zoning Text Amendment**

Applicant: Jim Nielson

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

General Plan: General Commercial existing, Light Industrial requested

Location: 1450 East 100 South

Mr. Anderson gave background and history on the proposal and explained what was proposed now and the recommendation of the Development Review Committee.

Commissioner Marshall asked if developing the property residentially had been discussed with Mr. Nielson.

Mr. Anderson explained that it had through the City Council meeting. He then explained what he feels is the most functional use of the property; which, he feels is residential and how many lots would fit on the property. He then explained that Mr. Nielson would be entitled to develop the property residentially if he so chose to.

Commissioner Robins read a letter that Mr. Nielson wrote.

Mr. Jim Nielson addressed the Commission and represented a drawing of his proposal. He does not feel that it is feasible to develop this property residential. He does not want to cause the neighbors any problems. He feels that there will be less traffic with a storage unit facility. He apologized if he has caused anyone any problems.

Commissioner Miya asked for clarification regarding the construction of the masonry wall that he has put in. She asked if UDOT wanted to extend the wall but that he told them no that he did not want to block the view of his commercial property.

Mr. Nielson remembers telling the state guys that he wanted a different wall.

Commissioner Miya asked Mr. Nielson if it was his choice to do the wall or was he mandated.

Mr. Nielson said that he does not feel that it was necessarily his choice.

Commissioner Lewis asked Mr. Nielson for clarification on the ingress and egress into the storage unit facility.

Mr. Nielson said that he promised the neighbor's years ago that he would keep the road blocked on 100 South. He feels that the people who have lived on a dead end street want to keep it a dead end. He feels that this location is not a good fit for residential. That it is a good fit for storage units.

Allen Carter

Mr. Carter explained that has personally talked to people within 300 feet of the property. He asked them to check the boxes of a survey he prepared that they are not opposed to. He explained that not one person checked that they wanted light industrial. He spoke to Mr. Baird at the Utah Department of Transportation and that the agreement was Mr. Nielson put in a sound wall or they would. He said that Mr. Nielson promised improvements seven years ago that have still not been taken care of.

Ken Larsen

Mr. Larsen feels that anyone that lives near this property will be affected property value wise and that storage units will affect the values negatively.

Commissioner Robins asked Mr. Larsen if he felt there was any difference in his mind if whatever was put in commercial would be a negative impact.

Mr. Larsen feels that in his opinion it is what is put in.

Commissioner Robins asked Mr. Larsen if he felt that a strip mall would be more of a nuisance than storage units.

Mr. Larsen explained that the concrete wall is a nice buffer between the current commercial uses. He feels that storage units will affect the property values in a negative way.

John Bailey

Mr. Bailey said that the wall was in when he moved in. Three acres seems small for an industrial space to him. He works for a manufacturing plant and feels that three acres is too tight of a space. He asked if a stipulation could indeed be put into writing for storage units only to be built.

Ms. Johnson explained that Mr. Baker feels that something could be written that would bind owners to a specific use of the property but that such an arrangement could easily prove to be very difficult to enforce.

Mr. Bailey understands that the wall was built because Jim Nielson wanted the zone and the wall. That it was his decision.

Tamson Davis

Ms. Davis wanted to clarify that she would not mind having a through street on 100 South and that she is against industrial going in at this location.

Nancy Lund

Ms. Lund said that she lives on 150 South. She is concerned about the height of the wall really being secure. She has teenagers that are constantly climbing on the wall. They like to hang out on the wall. She does not feel that the wall would keep the storage units secure and safe because the teenagers can climb it.

Teresa Johnson

Ms. Johnson is concerned about the safety of the wall. She does not feel that the wall will keep the property safe.

Jared Danis

Mr. Danis said that he was not contacted by Jim Nielson. He asked how many times someone can apply for the same proposal. How many times can the law be repeated.

Mr. Anderson said that there is no limit on how many times people can apply.

Warren Johnson

Mr. Johnson asked if the proposal was indeed being changed Citywide.

Commissioner Robins concurred that it was.

Amy Dickerson

Ms. Dickerson said that they were fully aware that something would go in commercially. She is not against what Mr. Nielson has proposed.

Lyle Evans

Mr. Evans would like the document that was presented to the Commission by Allen Carter to be regarded.

Commissioner Robins **moved** to **close** public hearing. Commissioner Lewis **seconded** and the motion passed all in favor.

Commissioner Robins **withdrew** his motion. Mr. Lewis **concurred**.

Commissioner Huff **moved** to close public hearing discussion on this item. Mr. Lewis **seconded** and the motion **passed** all in favor.

Commissioner Miya does not feel that shrinking from 10 acres to 3 acres is good land use and does not want to set a precedence in the future for this.

Commissioner Lewis agreed with Commissioner Miya.

Commissioner Robins feels that storage units would be less of an impact than a commercial use. However, he agrees that the industrial zone should not be shrunk.

Commissioner Lewis feels that if Mr. Nielson came back with a proposal for residential that he would support that. He would like to see a fence all the way along the highway, and landscape. He feels that if storage units were put in that this would happen.

Commissioner Huff does not feel that industrial zones should be reduced. He feels that storage units would be okay. He feels strongly that Mr. Nielson is trying to please his neighbors in trying to put in something that would not impact the neighbors.

Commissioner Marshall agrees that the industrial zone should not be reduced. He feels that storage units would not affect the neighbors very much.

Commissioner Miya **moved** to recommend **denial** of the proposed General Plan, Zoning Map and Zoning Text 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 findings:

### Findings

1. That the presence of dwellings adjacent to the subject property makes it unsuitable for Industrial 1 zoning and industrial uses.
2. That three acres is not a sufficient size to have a functional industrial area.
3. That the proposed changes are not necessary as large tracts of land in other areas of the City are designated Light Industrial and zoned Industrial 1.

Commissioner Christianson **seconded** and the motion **failed** by a roll call vote. Commissioner Lewis voted nay, Commissioner Robins voted nay, Commissioner Huff voted nay, Commissioner Marshall voted nay.

Commissioner Marshall **moved to deny** the Zoning Text Amendments at approximately 1450 East 100 South subject to the following finding:

### Finding

1. That three acres is not suitable.

Commissioner Huff **seconded** and the motion **passed** by a roll call vote. Commissioner Lewis vote nay. He would like to see the area cleaned up and by developing this property he feels it would get cleaned up.

### Somerset Village Phase 4 Master Planned Development

Applicant: Dos Amigos, LLC

Zoning: R-1-6

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Anderson gave background and explained the proposal.

Discussion was held regarding private streets, gates, Wisteria Lane, and density.

Mr. Anderson explained what density would be allowed with regard to duplexes, single residential, or tri-plexes. He continued to explain the Development Review Committee's view on the Somerset Development.

Commissioner Marshall asked if there was an open space bonus.

Mr. Anderson said that we do not require developers to provide open space. He said that this project qualifies for 30 units and that the applicant has asked for 42 units. The actual density that they need to justify is 10 units in this project and noted the findings of the Development Review Committee.

Commissioner Robins asked about parking and what the standard was and what it is present.

Mr. Anderson verified that it was one more parking space per four units for guest parking.

Commissioner Marshall asked about minimum lot size of twin homes being 9,700 square feet.

Mr. Anderson explained that the standard does not apply to these.

Discussion was held regarding open space.

Commissioner Huff does not feel comfortable approving this proposal when the road on wisteria lane has not been approved.

Les Allen

Mr. Allen addressed the Commission. He said that we are going along uncharted territory here. He feels that the Master Planned Development is vague because it gives the Planning Commission the ability to decide. He feels that Somerset Phase 4 is in continuation with what has been previous constructed.

Commissioner Robins feels the packet is very nice and thanked Dos Amigos for preparing it.

Mr. Allen explained the parking and what is covered and uncovered.

Allen Hall

Mr. Hall asked where access to his property will come from.

Discussion was held regarding access to Mr. Hall's property.

Commissioner Lewis would not support a development that did not give Mr. Hall access to develop his property. He supports this development.

Commissioner Christianson asked for a check list of what is required for base density.

Mr. Anderson said there was a landscape and architectural requirement and read the standard out of the Master Planned Development ordinance.

Commissioner Robins feels that providing the road, fence, architecture, playground, sports court, pavilion, walking path, full landscape, HOA, guest parking, exterior is worth 12 units of bonus density.

Commissioner Lewis agreed. Commissioner Marshall agreed.

Commissioner Christianson feels that a checklist ought to be provided; backing the density.

Commissioner Marshall asked if there was anything in addition to what has already been presented that could be provided amenity wise.

Discussion was held regarding other Master Planned Developments in the City and what the amenities were.

Mr. Les Allen feels that the only other thing that they could come up with is a clubhouse and a pool but that the current owners did not want a pool.

Commissioner Lewis **moved** to **approve** the proposed Preliminary Plat for Somerset Village Phase 4 with 42 lots based on the following findings and subject to the condition:

## **Findings**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Somerset Village Phase 4 Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the west boundary line.

2. The construction of the proposed entrance features and gates.
  3. The construction of the proposed playground.
  4. The construction of the proposed sports court.
  5. The architectural upgrades of the proposed structures.
  6. The access that residents of this phase will have to the amenities in the existing development.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
  3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

### **Condition**

1. Approval condition upon another access through the development.

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

*Commissioner Miya excused herself at 9:09 p.m.*

### **Sierra View Master Planned Development**

Applicant: Jacobson Land Development

Zoning: R-1-6

General Plan: Residential 5.5-8 units per acre

Location: approximately 2800 East Canyon Road

Mr. Anderson gave background and explained the proposal. There is fifty-seven (57) dwelling units all together. Bonus density requested is 14 dwelling units. Based on the information provided in the packet with regard to the amenities (wall, entrance monument, pavilion, playground, sports court, and architectural upgrades) the Development Review Committee recommended it be approved.

Commissioner Marshall asked Mr. Thompson about the traffic on 2550 East to Highway 6. He was concerned with the slope.

Mr. Thompson explained the road and that it would be okay.

Nate Jacobson

Mr. Jacobson explained that a few minor modifications have been made.

Commissioner Lewis asked where the retention basin would be.

Mr. Jacobson explained where in the development it would be.

Commissioner Christianson asked where the water would dispense to.

Mr. Thompson said that the storm drain had not fully been drawn. That it would happen in the Final Plat.

Commissioner Lewis asked when the amenities would be constructed.

Mr. Jacobson said that the amenities would be finished before the units were sold.

Commissioner Robins asked where the parking for guests would be.

Mr. Anderson and Mr. Jacobson explained the parking.

Discussion was held regarding parking and providing more parking for the twelve-plex units.

Mr. Jacobson feels that his twelve-plexes will be very upscale with marble counter tops, and jetted tubs.

Commissioner Robins thanked Mr. Jacobson for his packet. He feels that it is very nice.

Commissioner Christianson asked about rentals versus ownership and if the City regulates that.

Mr. Anderson said that the City does not regulate that.

Mr. Jacobson said that Dos Amigos has been great to work with and feels that the developments compliment each other.

Commissioner Lewis supports this. He feels that the density is a little bit less than Somerset. He would only support it if 12 more parking spaces are available for the twelve plexes.

Commissioner Marshall asked if the City planned on having such a large street in a Master Planned Development.

Mr. Anderson explained what he felt the City's stand was.

Commissioner Marshall has an issue with open space and feels that if the road were to be reduced to 30 feet there would be a 10 percent increase in open space.

Mr. Thompson explained that there are a lot of vehicles that will use the road through Wisteria lane and explained the City's road standards.

Commissioner Robins asked for clarification on t-driveways on collector roads.

Mr. Thompson explained that Minor Collector Streets can have driveways but major collector roads cannot.

Commissioner Robins explained the amenities that justify the bonus density: the road, sports court, pavilion, playground, entrance features, and architecture.

Commissioner Christianson **moved to approve** the proposed Preliminary Plat for Sierra View Estates with 57 lots based on the following findings and subject to the following conditions:

## **Findings**

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Sierra View Master Planned Development submittal packet:
  1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the east boundary line.
  2. The construction of the proposed entrance features.
  3. The construction of the proposed pavilion.
  4. The construction of the proposed playground.
  5. The construction of the proposed sports court.
  6. The architectural upgrades of the proposed structures.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;

3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

## **Conditions**

1. That the public street in the development be designed to meet the City's standards for a Minor Collector Street with a 68 foot right-of-way.
2. That the applicant provide final designs of all structures including the garages for the 12-plexes with final plat submittal.
3. Add 12 more guest parking spaces.
4. Crosswalk across parking lot.
5. Sidewalk to the parking lot.
6. Garage architecture on 12-plexes provided in the packet.
7. Approval dependant on another access being provided.

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

Commissioner Huff **moved** to **close** public hearings. Commissioner Marshall **seconded** and the motion **passed** all in favor at 9:49 p.m.

## **STAFF REPORTS**

### **Wisteria Lane**

Applicant: Dos Amigos, LLC

Zoning: R-1-9

General Plan: Residential 2.5-3.5 units per acre

Location: approximately 2800 East Canyon Road

Mr. Anderson explained the proposal.

Commissioner Lewis has a concern with the half road. He feels that the road should be finished.

Discussion was held regarding the road.

Mr. Thompson said that the trail will need to be installed along Canyon Road.

Les Allen

Mr. Allen explained what will happen with the narrow neck of land in between Somerset and Wisteria lane.

Commissioner Christianson asked Ms. Johnson if this plat meets standards and can be approved.

Ms. Johnson concurred that it did.

Commissioner Lewis **moved to approve** the Preliminary Plat for Wisteria Lane 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-1-9 zone.

### **Conditions**

1. That the public street be modified to 68 feet meeting the City's standards for a Minor Collector Street.
2. That the applicant obtain UDOT approval for the intersection design at Canyon Road.
3. That the Spanish Fork Trail be incorporated.

Commissioner Marshall **seconded** and the motion **passed** all in favor by an unanimous roll call vote.

### **OTHER DISCUSSION**

Discussion was held regarding a meeting on September 15, 2007, and how often the General Plan is updated.

Commissioner Robins **moved to review the general plan on density in the Expressway lane and Highway 6**; in November. Commissioner Lewis **seconded** and the motion **passed** all in favor.

Discussion was held regarding how to attract a mass transit stop.

Commissioner Christianson **moved to adjourn** Commissioner Lewis **seconded** and the motion **passed** all in favor at 10:16 p.m.

**Adopted: October 3, 2007**

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Shelley Hendrickson, Planning Secretary