

Adopted Minutes
Spanish Fork City Planning Commission Meeting
October 3, 2007

Agenda review 6:30 p.m.

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

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

Citizens Present: Wayne Niederhauser, Connie & Richard Muhlstein, Cory Muhlestein, Garrett Hoyt, Joel Harris, Val Simmons, Mark Willison, Nancy Willison, Bryant Baxter, Ashley Rybal, Brenda McCarron, GT Rasband, Malinda Rasband, Melissa Tippetts, Marci Harrison, Daniel Lewis, Tracee Malachowski, Lisa Contreras, Jon Bies, David Grotegut, Mitch Stoker, Chris Dixon, Zeke Smith, Jill Smith, Jeannie Barclay, Glenn L. Way, Kevin Colver, David Simpson.

CALL TO ORDER

Commissioner Robins called the meeting to order at 6:57 p.m.

PRELIMINARY ACTIVITIES

Pledge

Commissioner Christianson led the pledge of allegiance.

Adoption of Minutes: September 5, 2007

Commissioner Christianson **moved** to **approve** the minutes of September 5, 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 6:59 p.m.

Spanish Trails Amended

Applicant: Highland Homes

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-8

Location: approximately 400 West 500 South

Mr. Anderson gave background and explained the proposal. He then explained that there was considerable discussion in the Development Committee Review meeting regarding access on Spanish Trails Boulevard. The Development Review Committee feels the connection between developments on Spanish Trails Boulevard is necessary from a public safety and transportation perspective. He explained private streets and that the City does not have any control over them.

Commissioner Huff asked about the current homeowner's association and if it will incorporate the verbiage for the entire project.

Mr. Anderson explained that the existing homeowner's association would like to stand alone with the idea that there is a separate homeowner's association on the proposed proposal.

Commissioner Christianson asked about platted right-of-ways for ingress and egress on the intersection at Spanish Trails Boulevard and Volunteer Drive.

Mr. Nielson explained that the intersection conforms to the City's standards.

Discussion was held regarding the intersection, the canal and traffic control.

Mr. Anderson explained the architectural standards and the materials to be used.

Joel Harris

Mr. Harris said that they have had extensive meetings with the current homeowner's association and expect to come to resolutions on the issues. He feels their biggest concern is public access through private streets. Volunteer Drive did not exist when the original proposal was turned in. He explained how traffic currently accesses the private roads in Spanish Trails. He feels that they need to make sure that they listen to the current homeowner's association and work with them.

Chairman Robins excused Commissioner Miya and Commissioner Marshall. Mr Robins said that Commissioner Lewis would be joining them at a later time.

Brenda McCarron

Ms. McCarron feels that the City and the original developer did not keep original commitments. She explained how the homeowners association pays for the maintenance of the streets, when the original homeowners association was established and the lack of funds if they were to incorporate the proposal into their association. She feels that the association's biggest concern is traffic on Spanish Trails Boulevard and have come to an understanding on a crash gate. She feels the crash gate will allow emergency vehicles to go from one subdivision to the other. She also feels that the housing proposed does not even come close to comparing to the current structures.

Daniel Lewis

Mr. Lewis explained the school district gave them a map showing the route for their children to walk to the elementary school in the area. The route accesses through Spanish Trails. He is concerned with safety and the irrigation ditches; that they are not covered. He would like an accounting for that.

Mr. Nielson told Mr. Lewis that he would need to contact Westfield Irrigation Company. He then explained the trail and the construction of the trail. The trail is separate from the development of the subdivision. He then explained the timeframe for burying irrigation ditch.

GT Rasband

Mr. Rasband is concerned with safety. He feels an off-set 4 way stop that close to an elementary school is unsafe.

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

Commissioner Christianson asked about open space and the amenities proposed.

Mr. Harris said some playground equipment, picnic tables and a basketball court.

Commissioner Huff explained that he understands the concern of the development but he has a problem understanding the concerns when what is being proposed is in line with the original approval. He would not feel comfortable putting temporary gates in the middle of the project. He feels they ought to put them on 100 South or Volunteer Drive.

Commissioner Christianson asked for a little history on the project.

Mr. Anderson explained the history. He feels that the development could function well with one or two homeowner's associations.

Commissioner Christianson feels that the bonus density, amenities and everything else was based on one development to run with one homeowner's association and asked since it is being sold separately can it legally stand alone.

Ms. Johnson said the City is not in a position to get involved.

Commissioner Christianson asked about a connection agreement.

Ms Johnson feels that it is best to leave the decision up to the private parties.

Chairman Robins asked for a vote.

Commissioner Christianson feels that he would like to see the agreements and disputes resolved.

Discussion was held regarding the dispute with the homeowner's association.

Mr. Harris does not feel that there is a dispute. If a crash gate is installed on Spanish Trails Boulevard it will resolve the issues. He feels if the current homeowner's association chooses to vote their way to be separate from the new development that they oblige.

Commissioner Christianson asked if the homeowner's association would include the new one.

Brenda McCarron

Ms. McCarron said that the homeowner's association voted to keep their own entity and not include the proposal. She explained that under the current homeowner's association they take care of their own yards and the new development will have common ground.

Commissioner Huff asked if the original plat was presented for the entire development and they accept the proposal can one part exit from the other one.

Ms. Johnson explained that since the ownership has changed that the City cannot compel them to stay together in the same homeowner's association.

Discussion was held regarding private streets.

Brenda McCarron

Ms. McCarron said that the homeowner's association approached the City to take over their streets and that the City said the streets did not meet the City standards and they absolutely would not take them.

Melinda Rasband

Ms. Rasband said in looking at the new elementary with winter and getting kids to and from school how will the traffic be accommodated. She feels that the impact is too strong. She feels the corner is not safe for kids.

Commissioner Christianson explained the City does not design the traffic around schools and the current proposal was turned in before Quail Hollow was constructed. He is inclined to go with the Development Review Committee's recommendation.

Commissioner Christianson **moved** to **approve** the proposed amended Preliminary Plat for Spanish Trails subject to the following condition:

Condition

1. Meet the City's construction and development standards.

Commissioner Huff **seconded** and the motion **passed** by a roll call vote. Commissioner Robins said that he voted in favor of the proposal but highly recommends that Spanish Trails Boulevard not be gated.

Commissioner Huff **moved** to **close** public hearing. Commissioner Christianson **seconded** and the motion **passed** all in favor at 7:41 p.m.

STAFF REPORTS

BMC Homes

Applicant: BMC Homes

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-6

Location: approximately 400 West 500 South

Mr. Anderson explained the proposal and said that a garage on the current residence would need to be taken down.

Commissioner Huff asked if the house would be demolished as well.

Mr. Anderson said the house would not be demolished.

Commissioner Christianson asked what the City's standards were for demolition permits.

Mr. Nielson explained the permit standard.

Commissioner Huff **moved** to **approve** the proposed Subdivision Waiver for BMC Homes 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.

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

Academy Park Plat B Amended

Applicant: US Charter Development LLC

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15

Location: approximately 1200 South 800 West

Mr. Anderson explained the proposal and that the reason for the amendment was to accommodate the Old Mill Estates proposal in obtaining access to Del Monte road. He said at present there is not a connection between Del Monte and Mill Road except 900 South and Arrowhead Trail and feels that connectivity between subdivisions is important and there should be access onto Mill Road.

Commissioner Christianson asked about the Tingey property.

Mr. Anderson said that he was not aware of any proposed development for the Tingey property and explained the street issues in the area.

Discussion was held regarding streets.

Glenn Way

Mr. Way explained that he was perfectly okay with their original plat approval but was willing help the City and developer even though it has held up their development. He feels that there is a lot of history but would like to move forward.

Ms. Rasband asked why there was not going to be an access onto Mill Road and why all of the traffic would be dumping onto Del Monte. She feels that the cement trucks and the lack of sidewalks on Del Monte make it just as unsafe as Mill Road. She feels that an access could be granted to Mill Road. She explained there is only one access out of Quail Hollow but that the folks on Mill Road have more than one access. She feels that developers should not be allowed to pocket so much profit.

Genie Barclay

Ms. Barclay feels that she has been living through all of the growth. She is aware that an independent study done on Mill Road deemed that it could handle the traffic. She feels that access onto Del Monte is fine if an access onto Mill Road is allowed.

Chris Dixon

Mr. Dixon has concerns with traffic on Del Monte road. He feels that traffic will increase on Del Monte. He feels that there needs to be a bigger solution.

Chairman Robins asked if Mr. Dixon was at some of the City meetings in the past.

Mr. Dixon feels that Del Monte is over utilized and offered suggestions for other ingress and egress.

John Buis

Mr. Buis expressed his favor for growth. He feels that infrastructure needs to be studied in depth more. He feels that Quail Hollow can make the same argument of safety as the people can on Mill Road.

Richard Muhlstein

Mr. Muhlstein is blind and lives on Mill Road and feels that he does have issues when he is about hit when he walks to get his mail. He feels that the State needs to get a traffic light constructed at the intersection on Del Monte and Arrowhead Trail.

Mr. Way clarified that the City does not build streets or sidewalks. He explained where sidewalks would be completed (within 8 weeks) with regard to his project. He explained the state has authorized a signal on Del Monte and Arrowhead Trail in the spring of 2008.

Commissioner Christianson **moved** to **approve** the proposed Preliminary Plat 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 standards for developments in the R-1-15 zone.

Conditions

1. That the applicant get the electronic file to Shawn Beecher.
2. That the applicant submitting three (3) full size copies of the corrected plans for the City's files; upon approval by the City Council.
3. That the SESD buyout and any other concerns that the Power Department have be addressed prior to recordation of any plats.
4. That all of the conditions from the original Preliminary Plat approval be met.
5. That this approval be conditioned upon the approval of the Preliminary Plat for Old Mill Estates.

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

Hawks Landing

Applicant: Brad Myler

General Plan: Residential 4.5 to 5.5 units per acre

Zoning: R-1-8

Location: 1278 South 800 East

Mr. Anderson explained the proposal and gave background.

Chairman Robins asked if the driveways pose a safety concern.

Mr. Nielson feels that t-driveways would be safer but cannot remember if it was a condition of the original approval.

Commissioner Christianson **moved to approve** the proposed Preliminary Plat for Hawks Landing 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 development in the R-1-8 zone.

Conditions

1. That the applicant meet the City's construction and development standards.
2. That the applicant pay applicable connection fees.
3. That t-driveways be used on all lots.

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

Old Mill Estates

Applicant: CW Management

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15

Location: 1503 South Mill Road

Mr. Anderson explained the proposal and a brief review of the history of Mill Road. He feels that CW Management has taken the concerns at face value and addressed them. He explained the original proposal showed access onto Mill Road and feels that CW Management has worked diligently to provide access onto Del Monte. He then explained staff's view of the proposal and that CW Management is concerned with losing a dwelling lot. He feels that this is a situation where the development could be approved as a Master Planned Development.

Wayne Niederhauser

Mr. Niederhauser presented an overhead presentation on the Old Mill Estates regarding: Mill Road, obtaining property for an access to Arrowhead Trail, bigger lot sizes, variance to total number of lots and a sewer lift station with Salem. He explained that they want to build nice homes on bigger lots and fears that they are permanently giving up larger lots for temporary access issues. He said they are willing to develop any of the three options but feels that their original plan, long term, is much better.

**Commissioner Lewis arrived 8:31p.m.*

Diedre Henderson

Ms. Henderson asked where the proposed main access to this proposal will be.

Chairman Robins clarified the ingress and egress.

Ms. Henderson is in favor of access to Mill Road.

Ms. Rasband feels that there needs to an access to Mill Road.

Zeke Smith

He does not understand why Mr. Niederhauser was encouraged to build a road somewhere else.

Discussion was held regarding access.

Randy Smith

Mr. Smith would like to highly recommend the access to Del Monte.

Connie Muhlestein

Ms. Muhlestein feels the concern with Mill Road is that it was mainly used as a paved cow road. She explained the States viewpoint. She feels that if Mill Road is not improved then fatalities will happen. She does not understand why the road cannot be widened.

Discussion was held regarding improvements on Mill Road.

Val Simmons

Mr. Simmons feels that if access can be obtained through the Tingey property then he is in favor of the proposal. He said that Mr. Way promised five (5) years ago that there would not be access to Mill Road.

Chris Dixon

Mr. Dixon feels that three accesses to Del Monte is over utilizing Del Monte and that an access to Mill Road should be included.

John Barrs

Mr. Barrs asked for clarification on the three proposals.

Mr. Niederhauser explained the three proposals.

Jill Smith

Ms. Smith explained she has counted 253 cars within 10 minutes on Del Monte. She feels that Arrowhead trail and Mill Road could ease the traffic on Del Monte.

Discussion was held regarding access.

Melissa Tippetts

Ms. Tippetts feels that any access that can alleviate traffic on Del Monte is a positive.

Lisa Conterez

Ms. Conterez asked why Mill Road was not widened when the school was built.

Mr. Nielson explained the history on access to Mill Road.

Chairman Robins asked if there was anything in the future that would help alleviate the traffic congestion in the area.

Mr. Nielson said that they have a meeting with the Utah Department of Transportation on Tuesday. He is not aware of the time frame.

Commissioner Lewis asked for the City to take a look at a three way stop and the intersection on Arrowhead and Del Monte.

Commissioner Christianson asked about whether or not there was a process in place when the City assumes responsibility for a road from the County.

Mr. Nielson explained the roads are improved when property develops. The City does not have a process in place to require improvements at any other time.

Chairman Robins asked Mr. Anderson if the City Council addressed a special district for Mill Road.

Mr. Anderson feels that a special improvement district may be the best option for improving Mill Road and explained that the City Council had not directed anyone to pursue that option yet.

Commissioner Huff explained how the Council felt 10 years ago and the explained the ramifications of having Quail Hollow approved. He is in favor of option 3.

Commissioner Christianson feels he is in favor of option 3.

Commissioner Lewis feels he is in favor of option 3.

Chairman Robins feels that option 3 is the best option and explained why.

Mr. Anderson explained how the Commission could address option 3.

Discussion was held regarding a Master Planned Development and a motion.

Commissioner Lewis **moved** to **approve** the proposed Preliminary Plat for Old Mill Estates based on the following findings and subject to the following conditions:

Findings

1. That the proposed Plat conforms to the standards for Master Planned Developments in the R-1-15 zone.
2. That a full access onto Mill Road is necessary to:
 - a. provide public safety personnel access to the neighborhood.
 - b. To establish access to adjacent neighborhoods to create interconnectivity.
 - c. To facilitate reasonable traffic patterns without putting traffic onto existing roads.

Conditions

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the applicant work with the Electric Department on power issues.
4. That the applicant work out a lift station agreement with Salem City.

5. That a full City street open access be constructed onto Mill Road.
6. That the number of units be limited to 56.
7. That access be created through Academy Park, onto Mill Road, and onto Arrowhead Trail.

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

Maple Mountain Amended

Applicant: Dave Grotegut

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: approximately 1800 East 400 North

Mr. Anderson gave background and explained the proposal.

Chairman Robins asked about the stub road and if it was going to be the main access to the lot.

Mr. Anderson explained the density sealing and that an additional lot would not be allowed under the current standards.

Commissioner Lewis asked why they should support this.

Mr. Anderson explained the Development Review Committee's recommendation.

Commissioner Christianson asked Mr. Anderson if he viewed the lot to be a flag lot.

Mr. Anderson explained that the applicant represented his desire to construct a flag lot.

Discussion was held regarding street dedication.

Chairman Robins asked Mr. Grotegut about the access.

David Grotegut

Mr. Grotegut said that the plat he is asking for is the same as was presented before. He then explained that he received a copy of the plat that the City Council approved 5 days before the meeting. He did not realize until physically measuring his property it would take so much.

Commissioner Christianson asked about granted density based on the amenities and they would not be able to add an additional lot.

Ms. Johnson believes that they are maxed out on the density. She then read the flag lot ordinance. And that it would be a flag lot and would not be allowed.

Mr. Grotegut explained the staff's condition that would take away the frontage on 400 North.

Chairman Robins asked if there could ever be a flag lot.

Mr. Nielson said that an amendment to the plat would have to take place.

Mr. Grotegut feels that any house that would be put on that lot would face 400 North. He said that he realizes it is a flag lot today but perhaps in the future it could conceivably be made into a lot.

Chairman Robins asked how much money it would save him to run the utilities down the lane instead of to 400 North.

Mr. Grotegut explained the utility issues.

Mr. Anderson explained that the lane would not be needed to run the utilities in a public utility easement.

Commissioner Lewis feels that the phasing is good but does not support this proposal.

Commissioner Christianson feels that the original approval was better.

Discussion was held regarding tabling the development.

Mr. Grotegut feels that this configuration without the future lot is what was approved one year ago. The lane was the solution to have the future lot.

Commissioner Lewis does not feel that this proposal should be approved with a flag lot.

Mr. Grotegut explained the size of his lots and why he plated the way he did.

Discussion was held regarding the future of a lot, action on this proposal, a 20-foot lane, future of a flag lot,

Commissioner Huff **moved** to **approve** the proposed amended Preliminary Plat for Maple Mountain subject to the following conditions:

Conditions

1. That the access from the cul-de-sac to the existing home be 12 feet wide and asphalted.
2. That the phasing take place.
3. That the improvements on 400 North be done with Plat C of the overall project.
4. That the area shown in green on the far east of the project, the large park, be done with the second phase of the overall project.
5. That the park at the south end by the railroad tracks be done when the next phase of the town homes comes in.
6. All of the conditions of the original approval are met.

Commissioner Robins **seconded** and the motion **passed** by a roll call vote. Commissioner Lewis voted nay. He feels that a flag lot has just been created and it is terrible planning. Approve with an additional lot or leave it be.

OTHER DISCUSSION

Discussion was held regarding a work session on October 19th at 12 noon, and State Road 51.

Commissioner Robins feels that higher density in this area would be a mistake.

Discussion was held regarding the trailside project.

Commissioner Robins **moved** to **adjourn** Commissioner Lewis **seconded** and the motion **passed** all in favor at 10:30 p.m.

Adopted: November 7, 2007

Shelley Hendrickson, Planning Secretary