



**Planning Commission Agenda
October 7, 2009**

**Planning
Commissioners**

6:30 P.M. Agenda Meeting

Del Robins
Chairman

7:00 P.M. 1. Preliminary Activities

Michael Christianson

- a. Pledge of Allegiance
- b. Approval of Minutes: September 2, 2009

David Stroud

2. Public Hearings

Shane Marshall

- a. **Proposed Amendments to the Transportation Element of the General Plan**

Rick Evans

Applicant: Spanish Fork City

General Plan: City-wide

Tyler Cope

Zoning: City-wide

Location: City-wide

3. Other Discussion

- a. **Discussion on Planning Commission work program**

Planning Commissioners, if you are unable to attend a meeting please let us know ASAP. Thanks.

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

1 **Draft Minutes**
2 **Spanish Fork City Planning Commission Meeting**
3 **September 2, 2009**
4
5

6 **Commission Members Present:** Chairman Del Robins, Shane Marshall,
7 Michael Christianson, Rick Evans, Tyler Cope, Dave Stroud.
8

9 **Staff Present:** Dave Anderson, Community Development Director; Shelley
10 Hendrickson, Planning Secretary; Richard Heap, Public Works Director; Kirk Nord,
11 Assistant City Attorney.
12

13 **Citizens Present:** Kevin Prichett, Chris Hailstone.
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16 **CALL TO ORDER**
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18 Chairman Robins called the meeting to order at 7:03 p.m.
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21 **PRELIMINARY ACTIVITIES**
22

23 **Pledge**
24

25 Commissioner Marshall led the pledge of allegiance.
26

27 **Adoption of Minutes: July 1, 2009**
28

29 Commissioner Evans **moved** to **approve** the minutes of July 1, 2009 with the
30 noted corrections. Commissioner Christianson **seconded** and the motion
31 **passed** all in favor.
32

33 Commissioner Christianson **moved** to **open** into public hearing. Commissioner
34 Stroud **seconded** and the motion **passed** all in favor at 7:06 p.m.
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36

37 **PUBLIC HEARING**
38

39 **Proposed Amendments to Title 15, Notice Requirements**
40 **(continued from July 1, 2009)**

41 Applicant: Spanish Fork City
42 General Plan: City-wide
43 Zoning: City-wide
44 Location: City-wide
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46 Mr. Anderson explained that this proposal was continued from the Planning
47 Commission's July meeting. He said that the State Law requires municipalities to
48 hold public hearings for certain meetings. The State Legislature moved to do
49 away with requiring public hearings for Preliminary Plats and our legal counsel
50 has advised that it is best to change our Municipal Code to mirror the State Law.
51 He said that City staff is concerned about giving neighbors an opportunity to be
52 advised when developments are proposed and will continue with the requirement
53 that developers hold a neighborhood meeting as part of the Preliminary Plat
54 approval process.

55
56 Commissioner Christianson asked if the change was just for non-conforming
57 subdivisions. Mr. Anderson said that public hearings are required for multi-family
58 and non-residential Preliminary Plat applications. If someone has exclusively
59 single-family homes and the development is not a Master Planned Development,
60 then a public hearing would not be held.

61
62 Commissioner Marshall asked whether a developer making a Zone Change
63 request would require a public hearing. Mr. Anderson said it would.
64 Commissioner Marshall explained that he felt the City needed to come up with a
65 way to clearly outline to the public when their comments can make a difference
66 because the process was very cumbersome and difficult to understand. He said
67 he felt that during the Zone Change process that comments can make a
68 difference.

69
70 Mr. Anderson said (in speaking for City staff) that hard feelings have been
71 created when the public is invited to a meeting and City officials act like there is
72 something they can do when, in fact, if the developer is meeting the ordinance,
73 there is nothing the City can legally do to deny the proposal.

74
75 Commissioner Evans explained what happened during a public hearing a few
76 years previous and said he did not feel the process was cut-and-dried because
77 what the public had to say at that time made a difference with the developer.
78 He said he felt that bagging the public hearing was a bad idea.

79
80 Chairman Robins welcomed public comment.

81
82 Kevin Prichett

83 Mr. Prichett said that he felt that extending the timeframe to a developer in
84 dragging out the process to six months costs the developer money and did not
85 support holding unwarranted public hearings.

86
87 Commissioner Cope explained how damaging the process could potentially be to
88 all involved in the development process if public hearings are held.

89
90 Commissioner Evans said he felt that public hearings were worth it.

91
92 Emily Peterson
93 Ms. Peterson said that she agreed with Commissioner Evans. She did not feel
94 that streamlining the process was the way to go. She felt that not everything
95 was about money. She felt that people might know what is best in their area
96 and should be able to speak their peace.
97
98 Commissioner Christianson explained what he felt the process was and the
99 reason for the proposed change.
100
101 Commissioner Cope explained what he felt the process was and the reason for
102 the proposed change.
103
104 Chairman Robins explained that he felt that whenever an opportunity was taken
105 away for the public to know what was going on, that is not right. He felt it was
106 useful every time someone left a meeting learning about the City ordinance.
107
108 Commissioner Marshall said he felt it was not right to hold a public hearing when
109 the Planning Commission could not deny the proposal.
110
111 Steve Maddox
112 Mr. Maddox explained that as an individual who had made a living as a developer
113 that a public hearing was not the best forum to have educated discussions. He
114 said he felt that neighborhood meetings were much better and were the place
115 where the dialogue should take place.
116
117 Discussion was held regarding State Code and public hearings.
118
119 Mr. Prichett felt that if a City got the reputation that the development process
120 would take a long time then the developer will look elsewhere.
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122 Commissioner Cope explained the difference between administrative decisions
123 versus legislative decisions.
124
125 Commissioner Marshall **moved to recommend** that the City Council **approve**
126 the proposed amendments to Title 15, Notice Requirements as proposed.
127 Commissioner Christianson **seconded** and the motion **passed** by a roll call vote.
128 Chairman Robins and Commissioner Evans voted **nay**.
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131 **Proposed Amendments to Title 15, Urban Village Zone**
132 Applicant: Spanish Fork City
133 General Plan: City-wide
134 Zoning: City-wide
135 Location: City-wide

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Mr. Anderson explained that in May of 2009 the Planning Commission and City Council approved verbiage for the Urban Village Zone, and that, during the most recent changes to the permitted and conditional uses in Title 15, the changes made in May of 2009 were erroneously omitted.

Chairman Robins invited public comment. There was none.

Commissioner Christianson **moved** to **recommend** that the City Council **approve** the proposed amendments to Title 15, Urban Village Zone as proposed. Commissioner Marshall **seconded** and the motion **passed** by a unanimous roll call vote.

Commissioner Stroud **moved** to **close** public hearings. Commissioner Evans **seconded** and the motion **passed** all in favor at 7:48 p.m.

STAFF REPORTS

Proposed Bella Vista Master Planned Development

Applicant: Steve Maddox

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-3, R-1-6 and Rural Residential

Location: approximately 900 North State Road 51

Mr. Anderson explained the location of the proposal and the previous names that had been attached to potential developments. He said in order for the proposal to be approved that a Zone Change would need to be approved. He gave background on the uniqueness of the property. He explained that lots in a Master Planned Development could not be smaller than 6,000 square feet unless, according to the Master Planned Ordinance section of the Municipal Code 'The Council may grant a waiver of this requirement based on superior design. The Council has the absolute discretion in approving a request for such a waiver'. Mr. Anderson explained what the Development Review Committee's recommendation was.

Discussion was held regarding whether or not the waiver process required a public hearing and the language in the Master Planned Development involving the waiver.

Commissioner Marshall asked about the recommendation from the Development Review Committee and what was being asked of the Planning Commission for this proposal, after an approval or a recommendation of the waiver.

Commissioner Marshall explained that he felt that the waiver process should require a public hearing.

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182 Mr. Maddox explained that he was familiar enough with the development process
183 and was comfortable with how the process was being handled. He presented his
184 proposed concept plan and explained the proposal.
185
186 Commissioner Evans asked for clarification on the lot size. Mr. Maddox referred
187 him to a page in the binder of his proposal.
188
189 Chairman Robins asked for clarification on the exterior of the buildings. Mr.
190 Maddox said all of the exterior would be made of masonry materials with the
191 exception of the vinyl soffit and fascia.
192
193 Commissioner Stroud asked for the width of the property between the proposed
194 structures and the railroad tracks. Mr. Maddox addressed the question.
195
196 Commissioner Marshall asked about moving the road that was proposed to run
197 adjacent to the railroad tracks. Mr. Christensen explained that the road could
198 not be moved because of a gas line easement.
199
200 Commissioner Christianson asked about the park and what phase it would be
201 constructed in and the HOA. Mr. Maddox explained that he had successfully
202 managed 18 HOA's and what his phasing plan was involving the park.
203
204 Commissioner Marshall asked if the park could be moved somewhere else in the
205 project whether Mr. Maddox would consider moving it. Mr. Maddox said that
206 they had considered the option of moving the park but that there was not a City
207 park in this area of town and he felt that the current placement of the park was
208 in the best interest of the City.
209
210 Commissioner Marshall said that he felt having a park was an incentive to
211 approve the proposal to have some lot sizes that would be smaller than 6,000
212 square feet, but without the park he was not sure he would support it.
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214 Commissioner Evans asked Mr. Maddox if the park would be a public park or a
215 park maintained by the HOA for only the residents that belonged to the HOA.
216 Mr. Maddox said he felt the park should be a public park.
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218 Commissioner Marshall said he could see no point in the 60-foot wide roads and
219 said he would like to see them be 54 feet.
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221 Commissioner Evans said he liked the park and that the proposal was better
222 because of it.
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224 Chairman Robins said out of all of the proposals Mr. Maddox had proposed for
225 the property that he liked this project and commended Mr. Maddox for his
226 patience.

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228 Commissioner Christianson expressed that he did not want to see the park left
229 unfinished or not constructed.

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231 Commissioner Evans **moved to recommend** to the City Council that they **grant**
232 **the waiver** subject to the following findings and condition:

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234 **Findings**

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236 1. That the project consists of single-family detached homes as opposed to
237 town homes or twin homes.

238 2. That utilities and driveways will be designed in an integrated fashion as
239 part of the platting process.

240 3. That the developer will be responsible to install all of the landscaping.

241 4. That the HOA will maintain landscaping, fencing, all common areas and
242 front yards.

243 5. That a three-acre park meeting the City's standard amenities will be
244 installed.

245 6. That there will be masonry on the exterior of the homes.

246 7. That there will be planter strips on both sides of road.

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248 **Condition**

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250 1. That the City Council agrees that the park stays and Expressway Lane
251 does not go through the development.

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253 Commissioner Marshall **seconded** and the motion **passed** by a roll call vote.

254 Commissioner Christensen voted **nay**.

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257 **OTHER DISCUSSION**

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259 **Discussion on Planning Commission work program**

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261 Kevin Prichett

262 Mr. Prichett said he owns property on 800 South Main Street and asked Mr.
263 Anderson and the Planning Commission if they would support Commercial-2
264 zoning on the property.

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266 Mr. Anderson told the Planning Commission that the next project would be
267 updating the City's zoning map and that it would occur some time in November
268 or December of 2009.

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Discussion was held regarding noticing and how to involve the public, what the proper forum is for the Planning Commission to resolve issues, and when to get together for a work meeting.

ADJOURNMENT

Commissioner Evans **moved** to **adjourn**. Commissioner Stroud **seconded** and the motion **passed** all in favor at 9:17 p.m.

Adopted:

Shelley Hendrickson, Planning Secretary

DRAFT

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Planning Commission
FROM: Dave Anderson, Community Development Director
DATE: October 5, 2009
RE: Proposed Amendments to the Transportation Element of the General Plan

In last week's work meeting, we discussed the proposed amendments to the Transportation element of the General Plan. Our Engineering staff will be on hand in your October 7 meeting to provide a detailed description of the specific changes. In the meantime, if anyone has any specific questions or suggestions, please contact either myself (804-4586) or Chris Thompson (804-4556).

The Development Review Committee reviewed this request in their September 23, 2009 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Amendment to Transportation Element of the General Plan

Transportation Element

Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

Discussion was held regarding 1100 East, Cal Pac Avenue, and the change to road planned to cross the Ray Allen Swenson property.

Mr. Thompson **moved** to **recommend approval** of the Amendment to the Transportation Element with the recommendation that we remove the requirement that churches be located on a collector street and that 1850 South be designated as a local road instead of a collector road. Mr. Swenson **seconded** and the motion **passed** all in favor.