

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
September 2, 2009**

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

Staff Present: Dave Anderson, Community Development Director; Shelley Hendrickson, Planning Secretary; Chris Thompson, Assistant Public Works Director; Kirk Nord, Assistant City Attorney.

Citizens Present: Kevin Prichett, Chris Hailstone.

CALL TO ORDER

Chairman Robins called the meeting to order at 7:03 p.m.

PRELIMINARY ACTIVITIES

Pledge

Commissioner Marshall led the pledge of allegiance.

Adoption of Minutes: July 1, 2009

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

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

PUBLIC HEARING

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

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

Mr. Anderson explained that this proposal was continued from the Planning Commission's July meeting. He said that the State Law requires municipalities to hold public hearings for certain meetings. The State Legislature moved to do away with requiring public hearings for Preliminary Plats and our legal counsel has advised that it is best to change our Municipal Code to mirror the State Law. He said that City staff is concerned about giving neighbors an opportunity to be advised when developments are proposed and will continue with the requirement that developers hold a neighborhood meeting as part of the Preliminary Plat approval process.

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

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

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

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

Chairman Robins welcomed public comment.

Kevin Prichett

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

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

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

Emily Peterson

Ms. Peterson said that she agreed with Commissioner Evans. She did not feel that streamlining the process was the way to go. She felt that not everything was about money. She felt that people might know what is best in their area and should be able to speak their peace.

Commissioner Christianson explained what he felt the process was and the reason for the proposed change.

Commissioner Cope explained what he felt the process was and the reason for the proposed change.

Chairman Robins explained that he felt that whenever an opportunity was taken away for the public to know what was going on, that is not right. He felt it was useful every time someone left a meeting learning about the City ordinance.

Commissioner Marshall said he felt it was not right to hold a public hearing when the Planning Commission could not deny the proposal.

Steve Maddox

Mr. Maddox explained that as an individual who had made a living as a developer that a public hearing was not the best forum to have educated discussions. He said he felt that neighborhood meetings were much better and were the place where the dialogue should take place.

Discussion was held regarding State Code and public hearings.

Mr. Prichett felt that if a City got the reputation that the development process would take a long time then the developer will look elsewhere.

Commissioner Cope explained the difference between administrative decisions versus legislative decisions.

Commissioner Marshall **moved to recommend** that the City Council **approve** the proposed amendments to Title 15, Notice Requirements as proposed. Commissioner Christianson **seconded** and the motion **passed** by a roll call vote. Chairman Robins and Commissioner Evans voted **nay**.

Proposed Amendments to Title 15, Urban Village Zone

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

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.

Mr. Maddox explained that he was familiar enough with the development process and was comfortable with how the process was being handled. He presented his proposed concept plan and explained the proposal.

Commissioner Evans asked for clarification on the lot size. Mr. Maddox referred him to a page in the binder of his proposal.

Chairman Robins asked for clarification on the exterior of the buildings. Mr. Maddox said all of the exterior would be made of masonry materials with the exception of the vinyl soffit and fascia.

Commissioner Stroud asked for the width of the property between the proposed structures and the railroad tracks. Mr. Maddox addressed the question.

Commissioner Marshall asked about moving the road that was proposed to run adjacent to the railroad tracks. Mr. Christensen explained that the road could not be moved because of a gas line easement.

Commissioner Christianson asked about the park and what phase it would be constructed in and the HOA. Mr. Maddox explained that he had successfully managed 18 HOA's and what his phasing plan was involving the park.

Commissioner Marshall asked if the park could be moved somewhere else in the project whether Mr. Maddox would consider moving it. Mr. Maddox said that they had considered the option of moving the park but that there was not a City park in this area of town and he felt that the current placement of the park was in the best interest of the City.

Commissioner Marshall said that he felt having a park was an incentive to approve the proposal to have some lot sizes that would be smaller than 6,000 square feet, but without the park he was not sure he would support it.

Commissioner Evans asked Mr. Maddox if the park would be a public park or a park maintained by the HOA for only the residents that belonged to the HOA. Mr. Maddox said he felt the park should be a public park.

Commissioner Marshall said he could see no point in the 60-foot wide roads and said he would like to see them be 54 feet.

Commissioner Evans said he liked the park and that the proposal was better because of it.

Chairman Robins said out of all of the proposals Mr. Maddox had proposed for the property that he liked this project and commended Mr. Maddox for his patience.

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

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

Findings

1. That the project consists of single-family detached homes as opposed to town homes or twin homes.
2. That utilities and driveways will be designed in an integrated fashion as part of the platting process.
3. That the developer will be responsible to install all of the landscaping.
4. That the HOA will maintain landscaping, fencing, all common areas and front yards.
5. That a three-acre park meeting the City's standard amenities will be installed.
6. That there will be masonry on the exterior of the homes.
7. That there will be planter strips on both sides of road.

Condition

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

Commissioner Marshall **seconded** and the motion **passed** by a roll call vote. Commissioner Christensen voted **nay**.

OTHER DISCUSSION

Discussion on Planning Commission work program

Kevin Prichett

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

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

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: October 7, 2009

Shelley Hendrickson, Planning Secretary