

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
September 22, 2010**

Commission Members Present: Mike Christianson, Chairman; Brad Gonzales, Rick Evans, Tyler Cope, Shane Marshall, Tyler Cope.

Staff Present: Dave Anderson, Community Development Director; Shelley Hendrickson, Planning Secretary; Jered Johnson, City Surveyor; Trapper Burdick, Assistant City Engineer.

Citizens Present: Rich Harris, Brad Gardner, Elaine L. Gardner, Karen Gardner Stewart, Kathryn Gardner Perry, Steve Gardner, Diane Gardner Reid, Jesse Conway, Ken R. Christensen, June E. Christensen, Terilee Hutchings, David Hutchings, Mike Hutchings, Lynn E. Jones, Joanne Jones, Terese Mitchell, Larry Hutchings, Phyllis Hutchings, Duane Hutchings, Brian Gabler, Alan Hutchings, Brenda Hutchings, Ann Hutchings, Marsha Herbert, David Grotegut.

CALL TO ORDER

Chairman Christianson called the meeting to order at 6:00 p.m.

PRELIMINARY ACTIVITIES

Pledge

Commissioner Evans led the Pledge of Allegiance.

Approval of Minutes: September 1, 2010

Commissioner Marshall **moved** to **approve** the minutes of September 1, 2010. Commissioner Evans **seconded** and the motion **passed** all in favor.

PUBLIC HEARINGS

Giles Zoning Text – Zoning Map Amendment

Applicant: Rocky Giles

General Plan: Commercial Downtown

Zoning: Commercial Downtown and Residential Office

Location: 300 North Main

Mr. Anderson explained the proposal and passed out a letter submitted by a resident.

Commissioner Evans explained he felt that the resident was opposed to the map and not the text amendment.

Rocky Giles

Mr. Giles said the parcel in question was a parking lot west of the old bowling alley and would remain a parking lot. He said the reason for the change was to combine all of the property he owned into one. He said, if his change were to be approved, the loud equipment would be eliminated and that the changes he would make would really clean up the building.

Chairman Christensen invited public comment. There was none.

Commissioner Marshall **moved** to recommend that the City Council **approve** the Rocky Giles Zone Text and Map Amendment. Commissioner Gonzales **seconded** and the motion **passed** by a roll call vote.

***Commissioner Cope arrived at 6:07 p.m.*

STAFF REPORTS

Legacy Farms Annexation

Applicant: Legacy Farms at Spanish Fork, LLC

General Plan: Residential 1.5 to 2.5 units per acre, Residential 2.5 to 3.5 units per acre, Residential 5.5 to 8 units per acre, Commercial 2 and Rural Residential

Zoning: R-3, R-1-12, R-1-12 and Commercial 2

Location: Approximately 400 North 1500 East

Legacy Farms Preliminary Plat

Applicant: Legacy Farms at Spanish Fork, LLC

General Plan: Residential 1.5 to 2.5 units per acre, Residential 2.5 to 3.5 units per acre, Residential 5.5 to 8 units per acre, Commercial 2 and Rural Residential

Zoning: R-3, R-1-12, R-1-12 and Commercial 2

Location: Approximately 400 North 1500 East

Mr. Anderson explained the DRC recommendation.

Chairman Christensen asked if a copy of the Annexation Agreement for the proposal was available. Mr. Anderson said it was not ready.

Greg Magleby

Mr. Magleby addressed the Commission. He began by explaining in April of 2010 the Nebo School District Board reviewed the purchase of some property in the proposal; for a new Junior High School and that a formalized purchase agreement was in the works. He explained that the original plan showed 838 lots but due to the purchase of the school the plan had been amended to 753 lots. He said the parks and dedicated open space was 27.1 acres. He further explained the roads, relocated park space, detention basins, 50-foot frontage lots amended to 60-foot frontages, re-configured buildable lot issues, re-configured lots on the Miner parcel, addition of a traffic circle, original public park plan versus the amended public park plan and additional park space.

Commissioner Gonzales asked to view a phasing plan.

Mr. Magleby explained what he felt the discussion in the DRC meeting was relative to the Miner property and the maximum amount of lots and that Mr. Baker would address the Miner property, in the Annexation Agreement, not exceeding 93 units.

Commissioner Cope said that in his personal opinion the Miner parcel should not be deemed undevelopable.

Commissioner Evans asked about the detention basin located by the over pass.

Chairman Christensen asked about storm detention during the phasing.

Commissioner Gonzales asked about the timeline for phasing. Mr. Magleby explained the phasing plan and discussion was held regarding roads, if the school is not built by 1B than the developer will install the needed infrastructure, he explained the escrow account to ensure the parks are built and discussion was held regarding how the escrow account would be handled.

Chairman Christensen asked how the City would be guaranteed the park and who would control the escrow account. Mr. Magleby explained the escrow would be funded at Final Plat and the City along with Legacy LLC would both sign off on the funds before they were dispersed.

Discussion was held regarding land ownership at annexation and impact fees for roads.

Commissioner Gonzales asked for Mr. Anderson to give insight into the road impact fees.

Mr. Anderson explained the City's reasons for adopting the Transportation Impact Fee.

Discussion was held regarding the arterial road and the developer fronting the costs as an amenity, the arterial road being at grade at the railroad crossing and the impact to the development, what was to be planned with the Rocky Mountain Corridor (Mr. Magleby said it was too cost prohibitive to purchase the land) and the total acreage of the parks with the wetlands.

Commissioner Marshall said he was not happy about 40 percent of the property being completed before a park is constructed.

Chairman Christensen explained what he understood would be paid out of the escrow account. Mr. Magleby explained what would be coming out of the escrow funds and what the City Parks & Recreation Department guidelines were regarding parks.

Discussion was held regarding phasing and park space and whether or not traffic studies had been performed on 400 North and other roads within or near the proposal.

Mr. Burdick explained what happens when there is a failure of transportation.

Mr. Magleby explained what the transportation study reflected regarding 400 North and when it would reach a failure rate and proceeded to further explain the phasing plan and sewer capacity.

Commissioner Marshall said that in the feasibility report there are deficiencies and asked if the City had a plan to address them.

Mr. Anderson said he could not answer the question.

Commissioner Evans expressed that this development could take a very long time. And that that was how the proposal needed to be evaluated.

Commissioner Marshall asked about 2550 East and asked if it was part of the impact fee assessment. Mr. Anderson said it was not.

Chairman Christensen asked about the DRC condition of the miner property and expressed his concern of it turning into a nuisance strip.

Commissioner Evans asked about what he felt was a discrepancy with Mr. Anderson's nay vote from the DRC discussion with regard to the phasing of the parks. Mr. Anderson explained that he believed the difference comes with whether you include the Miner property in the calculations or not.

Mr. Anderson said he is concerned that there is insufficient parks space in the development but that that is not is biggest concern with parks. He explained that

he is much more concerned about the phasing of park construction. He further explained that in a Master Planned Developments it is common for cities to require that at least 10 or 15 percent of a development be park space and that in the last city he worked at they required 25 percent.

Commissioner Gonzales asked about the square footage of homes.

Mr. Magleby explained the minimum house sizes on each of the lots and the information they had pulled off of the Utah County Recorder's website. He further explained setbacks, different elements that would have to be incorporated (foundation corners, front elevation, roof lines etc), minimum finished area, porches and homes must be clad masonry.

Chairman Christensen explained that typically when a Master Planned Development is done that there is one developer that does the actual construction. He said in the case of the proposal where there was potential to have many developers where was the leverage to ensure that the development was constructed as presented. Mr. Magleby said that he had talked extensively with Dave Anderson and Chris Swenson and that the Building Department of the City would be policing the design guidelines.

Discussion was held regarding whether or not the City would be able to enforce the guidelines. Mr. Magleby said that he felt the City would from the document he was describing.

Commissioner Marshall asked about duplicate homes and how often they could be built. Mr. Magleby said it was 200 feet measured from property line to property line.

Commissioner Gonzales **moved** to **continue** the Legacy Farms Preliminary Plat based on the deficiencies on the plans of the City, phasing of the parks and the need for more information from the City to connect to highway 51, fire, police. The motion **died** for **lack** of a **second**.

Commissioner Evans **moved** to **approve** the Legacy Farms Preliminary Plat subject to the following conditions:

Conditions

1. That the applicant enter into an Annexation Agreement that incorporates a phasing plan and design guidelines.
2. That the applicant make any redline changes as indicated by the City Surveyor and Engineering Department.

3. That the applicant pay to the City the initial dollar amount that SESD gave to the applicant for the buyout realizing that the figure may change up or down.
4. That a decision be made on what needs to be done on RD6.

Commissioner Cope **seconded** and the motion **passed** by a roll call vote. Chairman Christensen voted **nay** just for the record. He explained that he felt the arterial road should be constructed as one of the amenities, the percentage of parks being only 5 percent should be in the range of 15 percent and that with the funding scenario he feels the City is being the developer. Commissioner Gonzales voted **nay** agreeing with Chairman Christensen and adding his concerns about the potential need to connect to State Road 51 and phasing of parks.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Adopted: November 18, 2010

Shelley Hendrickson, Planning Secretary