

Adopted Minutes
Spanish Fork City Planning Commission Work Session
June 6, 2012

Commission Members Present: Chairman Michael Christianson, Rick Evans, George Gull, Brad Gonzales, David Stroud.

Staff Present: Dave Anderson, Community Development Director; Shelley Hendrickson, Planning Secretary; Jered Johnson, Engineering Division Manager; Jason Sant, Assistant City Attorney.

Citizens Present: Connie Misket, Greg Magleby, Stan Jenkins, Mike Gardner, Steve Gardner, Chris Salisbury, Rick Salisbury, Dave Grotegut, Joe Millward, Luke (illegible last name), Josh Millward, Kim Pierce, Janet Pierce.

PRELIMINARY ACTIVITIES

Pledge

Scout Josh Millward led in the pledge of allegiance.

MINUTES

April 4, 2012 & May 2, 2012

Commissioner Evans **moved** to **approve** the minutes of April 4, 2012 and May 2, 2012 with the noted corrections. Commissioner Gonzales **seconded** and the motion **passed** all in favor.

PRELIMINARY PLAT

Maple Mountain

Applicant: Salisbury Homes

General Plan: Low Density Residential

Zoning: R-1-12

Location: approximately 200 North 1900 East

Mr. Anderson stated that the proposal was to amend the Maple Mountain approval. He explained that the Commission received a copy of the Preliminary Plat and a proposed Development Agreement to review. The Development Review Committee reviewed the proposal and recommended that the Plat be approved.

Chairman Christianson stated that he had some questions that he would like answered. He explained what he remembered with regard to the project being approved as a Master Planned Development and what the developer was awarded for bonus density. He said that he recalled there was a lot of discussion, when the project was approved, as to whether or not the amenities were adequate for the bonus density being asked for. He said that the biggest amenity was the park and in looking at the new proposal, the park looks a lot different than what was originally proposed.

Mr. Anderson stated that he could recall two previous amendments to the plat with regard to the park.

Chairman Christianson asked what had been built to date, within the project.

Discussion was held regarding what infrastructure was built.

Chris Salisbury

Mr. Salisbury explained that the northern half of the townhomes had been built, the west side of the single-family homes had been built and the single-family homes to the west of 130.

Chairman Christianson asked to go through the amenities so that everyone could understand what had been promised for the density bonus increase. They were: a trailhead park installed to the railroad trail complete with public access, roadway, parking stalls, public utility stubs, trail and park area of 2.88 acres. Chairman Christianson asked Mr. Salisbury if the trail had been built. Mr. Salisbury said that it had not been built. Chairman Christianson asked if the current proposal proposed for it to be built and Mr. Salisbury explained the Development Agreement with regard to phasing and the trail. Chairman Christianson asked if the developer was building the trail and Mr. Salisbury said no and continued to explain the Development Agreement.

Chairman Christianson asked Mr. Salisbury if Salisbury Homes would be constructing the trail per the original 2007 approval. Mr. Chris Salisbury said yes and continued his explanation of the phasing agreement.

Chairman Christianson said that the original approval included a park, pavilion (similar to the reservoir pavilion) be constructed with the park, in addition to a large clubhouse proposed for the multi-family area complete with gathering rooms, theatre and kitchen. Chairman Christianson asked Mr. Salisbury if this was part of the current proposal. Mr. Salisbury said the clubhouse was. Chairman Christianson said that the clubhouse was a ten percent increase in density and the pavilion itself was a ten percent increase in density. Chairman Christianson then asked about the open space and what was being proposed. Mr. Salisbury said it

was just over five acres. Chairman Christianson read the original approval for the park which included a sprinkler system, grass seed and the developer's willingness to work with the City for the park to be used as a regional storm drain facility. Chairman Christianson asked if the developer would be constructing the park, pavilion, sprinklers etc. Mr. Salisbury said no and explained the history of the plat and negotiations between Salisbury Homes, the Mayor and Councilman Leifson. He stated that it was proposed by the City that the City would pay for the park.

Commissioner Gonzales asked Mr. Salisbury who from the City offered for the City to pay for the park and in what forum. Mr. Salisbury said that he was not involved in the conversations and could not answer the question.

Rick Salisbury said that it was the Mayor and Councilman Leifson and that the discussion was that if the land was donated the City would pay for the park to be built.

Mr. Chris Salisbury explained that they only had control of the townhome property and that the prior developer lost the project to Central Bank. He further explained that Central Bank made the deal with the Nebo School District to sell the ground that the Sierra Bonita Elementary School was constructed on. He said that what Salisbury does affects Central Bank and what Central Bank does affects Salisbury Homes and that they had been trying to work together.

Commissioner Gonzales asked why having two parties involved affected what was approved with the development. Mr. Salisbury said it was because you have two different people controlling the ground. Commissioner Gonzales said that he felt it did not matter if the ownership had changed that the Master Plan still needed to be followed.

Mr. Salisbury explained that Salisbury Homes could not move forward with the townhome project because they were told by the City that until the park was built that they could not get anymore Final Plats approved. He said that the prior developer made commitments that Salisbury Homes was not aware of.

Discussion was held regarding the property owners involved and the agreements that had been made to the City.

Commissioner Gonzales asked for Mr. Anderson to clarify why Salisbury Homes should not be responsible for the park. He said that he could not understand why the amenities did not have to be met when the portion of the project that Salisbury Homes owns was part of the original approval.

Mr. Anderson stated that he was not sure he understood the question but that in speaking generally the townhomes are part of the project because bonus density was awarded and that is how you get this type of a housing product in a project of

this nature. He said everything shown on the plat is part of one development and the strings are attached throughout. He further explained that the project had reached a point, according to the most recent approval of the project, that the park had to be built next. He said that he felt that it was brought to everyone's understanding, over one year ago, and that is what had led to discussions of the developer not being required to pay for the park to be developed.

Chairman Christianson explained that he wanted everyone to be clear as to what was originally awarded for bonus density and what was to be given in return to the City, by the development group. He then asked the developer about the regional storm water basin and who would be paying for that. Mr. Salisbury said that the infrastructure was already constructed for the storm drain.

Chairman Christianson asked about the concrete wall on 100 South and if it had been constructed. Mr. Salisbury explained that the school had replaced the homes that would have been there and so the need for the wall went away.

Discussion was held regarding the trail and parkway on 100 South, landscaping, trail and six-foot wall along the south side of 400 North.

Mr. Salisbury explained the phasing and when it would trigger the amenities on 400 North.

Discussion was held regarding the townhome amenities and when they would be constructed (the clubhouse, sports court, playgrounds, picnic and barbeque areas). Mr. Salisbury explained what phase would trigger the construction of the amenities relative to the townhomes.

Commissioner Gonzales asked Mr. Salisbury to construct the amenities now. Why not construct them first.

Mr. Salisbury explained that they would love to have the townhome portion completed now but that no one was buying townhomes. He said that there was not a price difference, right now, that made sense between buying a single-family home in the area versus a townhome.

Discussion was held regarding the original developers, who owned what parcels and who currently owns the parcels in the project today and who was party to the original approval.

Mr. Rick Salisbury stated that Salisbury Homes was an investor in the project, just like the bank. He also said that he was probably present at the meetings when things were discussed but that he was not the developer.

Commissioner Gonzales asked Mr. Salisbury if in 2008/2009 was he not awarded 100 plus units in exchange for the park. Mr. Rick Salisbury said that the original developer could have been.

Chairman Christianson stated that he could not see the separation between Salisbury Homes involvement because they were recipients of the bonus density.

Commissioner Stroud explained that the Salisbury Home property and the bank property were under one development agreement and so they inherited the requirements. He further explained that he felt Salisbury Homes is required to participate in the construction of the park but that they did not want to.

Mr. Salisbury said that while they were a party to it that they were not physically present saying they would do it.

Discussion was held regarding Salisbury Homes being party to the original agreement.

Mr. Rick Salisbury stated that the bottom line was that they were trying to solve the problem of the Maple Mountain subdivision. He said that they made a proposal to the City and if the Planning Commission wanted to accept it fine. If they did not want to accept it that that was fine too.

Chairman Christianson explained that an agreement was made and that the Commission was just trying to understand why the agreement was not being fulfilled. Mr. Rick Salisbury said that it was because it could not be fulfilled and to just vote on the proposal.

Mr. Chris Salisbury explained that the alternative was that the approval would expire and then the project would revert into a standard R-1-12 subdivision without any amenities and Mr. Stan Jenkins, Central Bank, said that the bank would be happy to sell the City the land for the detention basin.

Chairman Christianson explained that he felt there was a density bonus granted for some amenities that the development group agreed to put in so he asked why they were opposed to doing that end of the agreement.

Mr. Salisbury said that they were not opposed to all of the agreement, just installing the park. He explained that one of the original developers purchased the ground at a very high market value and was upside down in the project and lost the property to the bank. He further explained that it had become Salisbury Homes problem because they cannot move forward, with the lot cost attached to the parcels, if they are required to construct the park. He said that Central Bank was going to carry the cost of 400 North.

Chairman Christianson expressed that the Commission would not have a problem if they would just commit to installing the amenities.

Mr. Salisbury said that in today's market they could not do it.

Greg Magleby expressed that what was originally approved to where we are now in the project was completely different and that the Commission needed to take into consideration what had occurred since the school was brought into the project.

Commissioner Stroud asked what the cost estimate was on the park. Mr. Magleby said roughly a half of a million dollars. Commissioner Stroud asked why the citizens of Spanish Fork should have to pay for the park.

Discussion was held regarding the size of the park and the original approval.

Chairman Christianson expressed that he felt it had everything to do with principles and why could they not fulfill the original agreement. He said that what was promised to the City that awarded the developer the bonus density was now being pulled off of the table (except for the land).

Commissioner Gonzales asked Mr. Salisbury if he was aware that bonus density was given for the construction of a park. Mr. Magleby said that yes, they were aware, at the time, that bonus density was awarded for the park but not that a specific townhome project could not move forward until a park was completed.

Discussion was held regarding what plat approval the amenities should have been attached to as the plat has been re-approved twice before.

Mr. Magleby expressed that they had been trying to draft an agreement that would work for all of the parties involved. He said that the reference that they had been negotiating, not in good faith, was simply not true.

Commissioner Evans **moved to advance** the Maple Mountain Preliminary Plat to the City Council **without a recommendation** from the Planning Commission as it appears that the Mayor, Councilman Leifson and City staff had already negotiated a deal.

Commissioner Gonzales expressed that he felt that there were negotiations that had taken place that he was not aware of and that he needed more time to research what had been going on. He said that Mr. Salisbury had referred to having discussions with the Mayor, several times, but that he did not know anything about the discussions.

Mr. Salisbury stated that he had come to the meeting under the impression that the Commission was aware of the discussions that had been held.

Chairman Christianson said that the amenities should be put in first.

Discussion was held regarding why the citizens of Spanish Fork City should have to pay for the park.

Commissioner Evans repeated his motion. It died for lack of a second.

Janet Pierce

Ms. Pierce asked when a public hearing would be held so that citizens could express their concerns.

Commissioner Evans explained that a public hearing would not be held and the Preliminary Plat approval process.

Mrs. Pierce explained that at the neighborhood meeting Mr. Chris Salisbury indicated that the reason they wanted to acquire the land was to clean up the mess of someone else. She further explained the concerns that she had were to clean up your own mess first. She expressed that she felt Salisbury Homes should have to finish the town home project first. She said that back in 2006 that 130 North was suppose to be finished within two years. It still has not been completed. The cut bridge needs to be widened; that traffic was a nightmare. The walking trails were incomplete and had turned into weed patches because they lead to no where. She expressed many other concerns regarding the project and discussion was held regarding her comments.

Commissioner Evans explained that his understanding of the preceding comments was that if the developer is forced to pay for the amenities they will walk away from the development and the plat will expire. The reality is that the original agreement does not make financial sense. This drafted agreement says that there will still be a park and the development will move forward and under some condition a clubhouse will be built.

Mrs. Pierce said that she felt they would not be worse off if the developer walked away because they do not have anything that was promised right now.

Joe Millward

Mr. Millward said that he felt as a tax payer in Spanish Fork he is opposed to shifting financial burdens to the citizens.

David Grotegut

Mr. Grotegut explained what his recollection of the original approval was and what had occurred with the last two approvals.

Mr. Salisbury explained that under the proposed plan the City would be improving the park with impact fee funds. That the citizens of Spanish Fork would not be footing the bill. That the impact fee money comes from the people who are buying into the subdivision.

Commissioner Gonzales **moved** to **deny** the Maple Mountain Preliminary Plat because he feels that they need to fulfill the original agreement and he disagrees that because of the economy, or change of ownership, that the amenities should change. Commissioner Stroud **seconded** and the motion **passed** by a roll call vote. Commissioner Evans voted **nay**.

CONDITIONAL USES

AT&T - Center

Applicant: American Telephone and Telegraph
General Plan: Mixed Use
Zoning: R-1-8
Location: approximately 1400 East Center

AT&T – 300 South

Applicant: American Telephone and Telegraph
General Plan: Public Facilities
Zoning: Public Facilities
Location: approximately 300 South 300 West

Mr. Anderson stated that the Commission would need to open the discussion for a public hearing. He explained that the proposals were to add an additional antennae on each monopole. The height of the poles would not change.

Commissioner Evans **moved** to **open** into a public hearing at 8:11 p.m. Commissioner Stroud **seconded** and the motion **passed** all in favor.

Chairman Christianson invited public comment. There was none.

Commissioner Evans **moved** to **approve** both of the AT&T Conditional Use permits. Commissioner Gull **seconded** and the motion **passed** all in favor.

GENERAL PLAN

Transportation and Traffic Circulation Element

Applicant: City Engineer
General Plan: City-wide
Zoning: City-wide
Location: City-wide

** Commissioner Stroud excused himself at 8:12 p.m.*

Mr. Johnson explained the changes to the Capital Facilities Plan. He explained the following projects: Model, Master plan and Impact Fee Studies, Widen 1000 North (Main Street to US-6), 1000 North traffic signals (Main St., 200 E, 400 E, 600 E and US 6), 1600 N./Main St., Center Street from 1150 E. to 1430 E, Construct Minor Arterial (Maple Mountain Parkway) SR-51 to US-6, Realign the 2600 East/Canyon Road Intersection, New Traffic Signal Center St./1150 East and Construct Arterial US-6 to 2150 North. Discussion was held regarding the changes.

Commissioner Evans **moved** to **open** into a public hearing at 8:29 p.m. Commissioner Gonzales **seconded** and the motion **passed** all in favor.

Chairman Christianson invited public comment. There was none.

Commissioner Evans **moved** to recommend that the City Council **approve** the Transportation and Traffic Circulation Element amendment of the General Plan. Commissioner Gull **seconded** and the motion **passed** all in favor by a roll call vote.

Salisbury Homes requested to address the Commission regarding the Legacy Farms Plat.

Mr. Chris Salisbury explained that the majority of the first phase is complete. He said over all there would be around 900 lots. Mr. Salisbury handed out a concept phase to the Commissioners and explained that they were not increasing or decreasing density that they would just like to adjust the lot lines in order to allow for some 50-foot wide lots to sprinkle in with a little bit wider lots. Discussion was held regarding the proposed concept.

ADJOURNMENT

The meeting **adjourned** at 8:45 p.m.

Adopted: August 15, 2012

Shelley Hendrickson, Planning Secretary