



## Planning Commission Agenda September 22, 2010

- Planning Commissioners** 5:30 P.M. Agenda Meeting
- Michael Christianson Chairman 6:00 P.M. 1. Preliminary Activities
- David Stroud a. Pledge of Allegiance  
b. Approval of Minutes: [September 1, 2010](#)
- Shane Marshall
- Rick Evans 2. Staff Reports
- Tyler Cope a. [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-1-15, Commercial 2 and Rural Residential proposed  
Location: Approximately 400 North 1500 East
- Brad Gonzales a. [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-1-15 and Commercial 2  
Location: Approximately 400 North 1500 East
3. Public Hearings
- a. [Giles Zoning Text - Zoning Map Amendment](#)  
Applicant: Rocky Giles  
General Plan: Commercial Downtown  
Zoning: Commercial Downtown and Residential Office  
Location: 300 North Main

**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 at 40 South Main Street, Room 140, Spanish Fork. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

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**Draft Minutes**  
**Spanish Fork City Planning Commission Meeting**  
**September 1, 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:** Richard V. Harris, Brad Mackay.

**CALL TO ORDER**

Chairman Christianson called the meeting to order at 6:04 p.m.

**PRELIMINARY ACTIVITIES**

**Pledge**

Commissioner Stroud led the Pledge of Allegiance.

**Approval of Minutes: June 2, 2010 & August 4, 2010**

Commissioner Marshall **moved** to **approve** the minutes of June 2, 2010 & August 4, 2010. Commissioner Stroud **seconded** and the motion **passed** all in favor.

**STAFF REPORTS**

**Spanish Highlands North**

Applicant: Ivory Homes

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: 1400 East 400 North

Mr. Anderson gave background on the proposal and explained that a Final Plat had never been recorded so the Preliminary Plat expired. He said that the applicant had re-submitted and that staff recommended re-approval of the project in the form it was originally approved (the exact same layout as in 2007). He further explained that the applicant had installed infrastructure in anticipation of

46 developing the property as it was approved in 2007. He further explained that  
47 since 2007 the City had a more detailed plan on how to handle storm water and  
48 that a regional detention basin facility would be needed in the proposed  
49 development. He said that Ivory Homes had included 112 lots (which is what the  
50 project was originally approved for), a detention basin in this proposal as well as a  
51 turnaround at the intersection of 130 North and 1950 East on the plat and that the  
52 plat was consistent with what City staff asked for. He said City Staff  
53 recommended approval with the condition that the City be reimbursed for what  
54 they paid to buy out the power at annexation, before recordation.

55

56 Chairman Christianson verified with Mr. Anderson that what he was looking at was  
57 the revised plat that staff recommended approval on. Mr. Anderson agreed.

58

59 Commissioner Marshall asked what the designation was on the streets in the  
60 proposal. Mr. Anderson explained that the streets had been constructed as minor  
61 collector streets even though today our Transportation Element would have them  
62 be constructed differently.

63

64 Discussion was held regarding narrowing the streets and where a good transition  
65 would be.

66

67 Commissioner Gonzalez recalled a discussion about people not wanting a road to  
68 go between the proposed development and an adjacent development and asked  
69 for Mr. Anderson's input. Mr. Anderson asked the Commissioners to look at the  
70 connectivity of the streets relative to how traffic moves through neighborhoods  
71 and said that the streets between developments would need to connect.

72

73 Chairman Christianson verified that density was not increasing, that some lots  
74 were smaller and a detention basin added. Mr. Anderson agreed.

75

76 Mr. Anderson explained that the City would be paying the expense for the  
77 detention basin and discussion ensued regarding impact fees.

78

79 Chairman Christianson said that he felt that the developer should pay for some of  
80 the detention basin even though it was a regional basin.

81

82 Mr. Anderson explained the City's storm drain impact fees.

83

84 Brad Mackay

85 Mr. Mackay said that he did not have anything to say but would answer any  
86 questions that the Commission might have. The Commission did not have any  
87 questions.

88

89 Mr. Anderson said that Cut Bridge was a facility that was perhaps being overused  
90 and asked the City Engineer to explain the future of the facility.

91

92 Commissioner Gonzalez said that citizens have asked questions about whether or  
93 not the roads and infrastructure can support this proposal and other growth in this  
94 part of the City. He said as we look at these developments we have a few things  
95 that need to be addressed such as recreation, trails and traffic.

96

97 Mr. Anderson said that the City has prepared master plans for transportation and  
98 recreation both of which had been created within the last two years. He said the  
99 documents were available on the City's website for anyone to view. He explained  
100 that planning for trails was relatively easy and that the City has recognized the  
101 need for trails and has required developers to build trails. He further explained  
102 that the City's best tool was to require them to be developed with construction  
103 and that was why there currently is only a patchwork of trails throughout the  
104 community. He said that the City has been proactive in obtaining grant money to  
105 construct trails and explained where the City is currently constructing trails.

106

107 Mr. Burdick explained that in 2007 a master transportation plan (Transportation  
108 Element) was adopted and it specifically showed the traffic light at Center Street  
109 and Cut Bridge would need to be re-designed. He explained that Final Plats were  
110 what triggered improvements and not Preliminary Plats. He further explained that  
111 growth was happening very fast on the east bench and that his department was  
112 compiling an RFP for the design and re-construction of the Cut Bridge. He said  
113 that the most logical time-frame and best circumstance would be to have the  
114 bridge done by August of 2011 but would be the City Council's decision as to  
115 when the bridge is constructed.

116

117 *\*\*Tyler Cope arrived at 6:41 p.m.*

118

119 Discussion was held regarding whether or not current residents pay for new  
120 development, impact fees and facility increases due to new growth. Mr. Anderson  
121 said that he felt that the City had impact fees in place now and that current  
122 residents would not be paying for new growth.

123

124 Commissioner Gonzalez asked Mr. Mackay for a timeline on his development.

125

126 Mr. Mackay said that based on the rate of sales he felt that it would be around five  
127 years to construct 112 lots.

128

129 Mr. Anderson explained that the City was typically behind on fixing development  
130 problems.

131

132 Commissioner Marshall **moved** to recommend to the City Council **approval** of the  
133 Spanish Highlands Preliminary Plat located at approximately 1400 East 400 North  
134 based on the following findings and subject to the following conditions:

135

136 **Findings:**

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- 138 1. That the City Council approved the project with 112 lots in 2007.  
139 2. That the applicant has installed infrastructure through these properties in  
140 anticipation of developing 112 lots.  
141 3. That the applicant has complied with our Storm Drain Master Plan, which  
142 warrants the bonus density that would be awarded to obtain 112 units when  
143 added to the proffered installation of the trail and other improvements along  
144 400 North and the proffered construction of the round-a-bout at the  
145 intersection of 130 North 1950 East.

146

147 **Conditions:**

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- 149 1. That the applicant provides the City with a detailed phasing plan.  
150 2. That the approval be subject to Ivory Homes providing any necessary  
151 easements for road right-of-way and infrastructure prior to the approval of  
152 the first Final Plat.  
153 3. That the applicant will reimburse the City for the power buyout that took  
154 place when the subject property was annexed in 2007.  
155 4. That the road designated 2000 East be re-designed as a local street and not  
156 a collector.

157

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

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161

162 **OTHER DISCUSSION**

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164 **Request to hold a special meeting in September**

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166 Mr. Duane Hutchings with Legacy Farms said he submitted a letter to hold a  
167 special meeting for the 15<sup>th</sup> of September to help facilitate the close of a purchase  
168 of land by Nebo School District. He said he had an approval in April from the  
169 Planning Commission but before the proposal went to the City Council he was  
170 approached by Nebo School District. The purchase of this property will eliminate  
171 several issues and explained why.

172

173 Discussion was held regarding a date for the meeting. It was determined to try for  
174 September 22, 2010 at 6:00 p.m.

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176 **Planning Commission work program**

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178 No discussion

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180 **ADJOURNMENT**

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The meeting adjourned at 7:25 p.m.

**Adopted:**

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Shelley Hendrickson, Planning Secretary

DRAFT



# ANNEXATION & PRELIMINARY PLAT

## REPORT TO THE PLANNING COMMISSION LEGACY FARMS ANNEXATION & PRELIMINARY PLAT

**Agenda Date:** September 22, 2010.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** Legacy Farms at Spanish Fork, LLC, is requesting to have some 480 acres annexed into Spanish Fork and to have a Preliminary Plat approved for a 270-acre Master Planned Development.

**Zoning:** Rural Residential, R-3, R-1-12, R-1-15 and Commercial 2 proposed.

**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 and General Commercial.

**Project Size:** The Northeast Bench Annexation includes a total of 479.58 acres. The proposed Legacy Farms Preliminary Plat contains 270.70 acres.

**Number of lots:** 756 proposed.

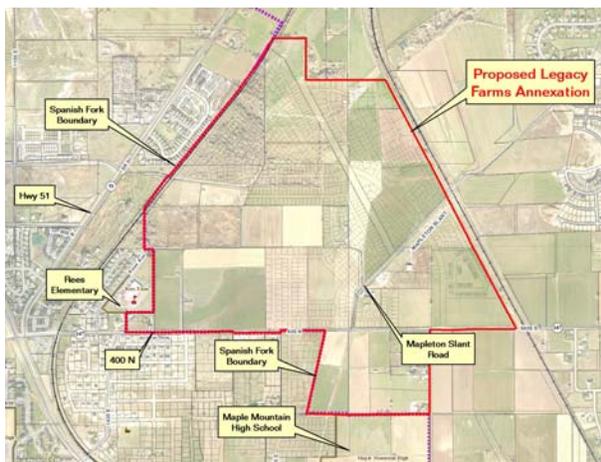
**Location:** Approximately 400 North 1500 East.

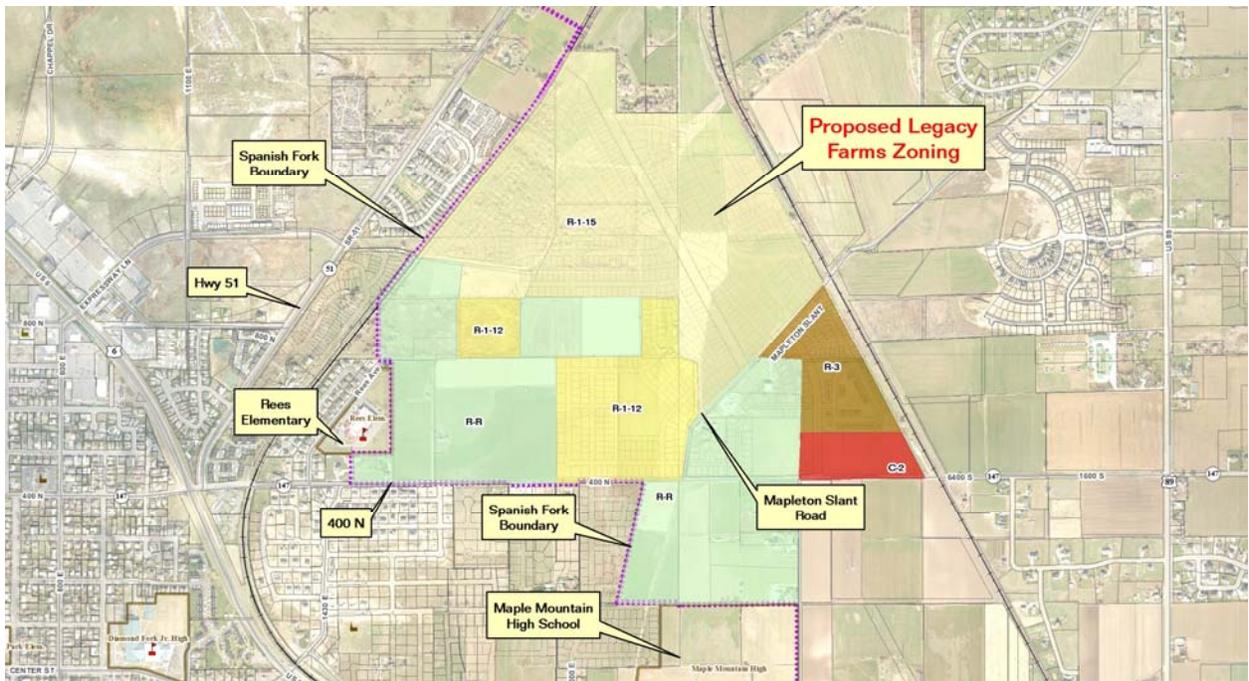
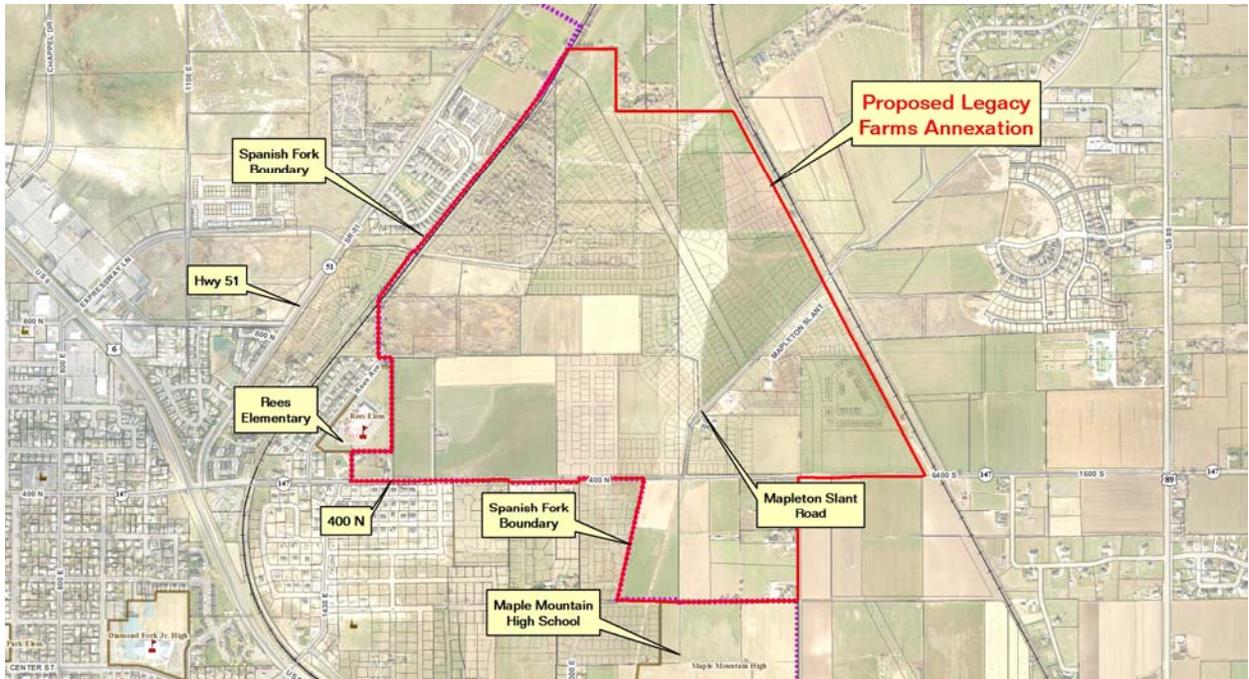
### Background Discussion

Accompanying this report are draft minutes from the City's September 8 and 14, 2010 meetings and supporting materials that describe the proposal.

### Recommendation

Staff recommends that the proposed Northeast Bench Annexation and Legacy Farms Preliminary Plat be approved.





## September 8, 2010 DRC minutes:

### Legacy Farms

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. Magleby explained the changes to the proposal including the Nebo School District's interest in purchasing a 24-acre site to construct a junior high school. He explained that one of the parks had been eliminated to include the school. He further explained the amendments to the proposal.

Discussion was held regarding park space.

Mr. Magleby continued to explain the amendments regarding traffic and roundabouts, increasing park space, storm drain detention (discussion was held regarding storm drain detention), the removal of some single-family lots (due to the loss of units for the school) and the addition of more multi-family units and 54-foot streets.

Mr. Thompson explained that UDOT was not putting in a signal at 2550 East.

Mr. Peterson explained what easements would need to be obtained for the power and said that SESD had made some significant improvements to their system in the area that it could affect this proposal.

Discussion was held regarding whether or not the City wanted to annex in the roads and if we did whether or not we could afford to maintain them.

Mr. Anderson said he felt that it would be a mistake for the phasing plan that supports building so many lots before parks are built. Discussion was held regarding phasing and 400 North and Slant Road.

Mr. Johnson explained what the Engineering redlines were and discussion was held regarding the redlines.

Mr. Oyler asked if all of the departments had submitted redlines and were good with the proposal.

Mr. Magleby explained the minimum construction standards that would apply to all lots in Legacy Farms: lot setbacks (discussion was held regarding the lot frontages that are between 70'-80' that the side setbacks should be a minimum of 10' and not 5'), foundation corners and planes, minimum finished area, porches, shutters and all homes being clad in masonry.

Mr. Anderson asked if the applicant could have the plat updated within a few days.

Mr. Anderson **moved** to recommend **tabling** the proposal so that the applicant could have time to review the redlines. Mr. Baker **seconded** and the motion **passed** all in favor.

Mr. Jarvis said that in his opinion that setbacks that are five feet back to back are too close. Mr. Baker said that if our Fire Department feels that we need 15 feet than we need 15 feet. Discussion was held regarding setbacks and fire.

## September 14, 2010 DRC minutes:

### Legacy Farms

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. Johnson explained the Engineering Department redlines to Greg Magleby and Brian Gabler. Discussion was held regarding road width, storm water detention, what was planned on being built under the overpass (box culvert), whether or not all of the lots were buildable and that storm drainage would need to be reviewed and approved by the City before it is on the Planning Commission agenda.

Mr. Magleby explained the changes they had made to their proposed construction standards and discussion was held regarding easements and setbacks.

Mr. Baker said that he was concerned that the Fire Department was not satisfied with the proposed side setbacks in the applicant's construction standards. Mr. Swenson explained what he believed to be Mr. Jarvis's concerns to be; he felt the City had made up their mind one year ago to have side setbacks be 5/10 and felt like they were being changed for this development. Mr. Swenson said he did not feel that Mr. Jarvis had a concern with the Fire Code but was more concerned with the City changing their minds. Mr. Baker said if Mr. Jarvis did not have any issue with the Fire Code then he was fine with the proposed setbacks because Master Planned Developments have always allowed the City to make some modifications to the City standards.

Discussion was held regarding the side setbacks being changed one year ago due to the power utility and not Fire Code.

Mr. Peterson said that, on narrow lots, he has asked that they be pre-approved for utilities so they can address whether or not it will work.

Mr. Oyler said he understands that because we're approving the layout of the utilities that it resolves the issue of 5/10 with Master Planned Developments.

Mr. Thompson said that utilities are no longer a setback issue because we were no longer going through City blocks, but around them.

Mr. Magleby explained that he felt the Design Guidelines should be more flexible.

Mr. Anderson expressed he felt that the right way to handle flexibility was to amend the guidelines if a suitable home design is presented that the standards would not permit. He explained that the Design Guidelines should be clear and not discretionary in any way.

Mr. Magleby asked if there was a way to not have to go through the entire approval process.

Mr. Baker said he agreed with Mr. Anderson that unless specific examples were included in the standards than to modify the guidelines they would need to amend the approval.

Mr. Anderson asked if the lot sizes or square footage of the homes had changed. Mr. Magleby said that they had not. Mr. Anderson then asked what the finished square footage would be on most of the homes in the development, 53 percent. Mr. Magleby said it was 1,400 square feet. He further explained that the average finished above ground square footage, single-family home, within Spanish Fork City was 1,554 square feet. Mr. Anderson asked Mr. Magelby if they did not plan on meeting the average home size on most of the lots in the proposal. Mr. Magelby said he needed to look at the average of the subdivision which was 783 lots. Mr. Anderson said in this case more than half of the lots would have the minimum house size which is less than Spanish Fork City's current average. Mr. Magelby agreed.

Mr. Oyler asked if a Development Agreement had been prepared. Mr. Baker said that he did not have one ready and did not believe he would be able to have it done before the Planning Commission meeting.

Mr. Johnson asked what was being proposed for the southeast portion of the plat on the west side of 2550 East. Mr. Anderson explained what had been agreed upon earlier.

Mr. Anderson expressed his concern with the Miner parcel and explained why he felt it could not be part of a development later on down the road and would need to be dedicated to the City as was previously planned.

Discussion was held regarding the Miner's property in its entirety and how to handle the density. Mr. Baker said that before all of the parties sign off on the development agreement that all of the exhibits will be attached so it will be clear to not only the Miner's but all of the parties involved.

Mr. Burdick asked if the phasing plan had been reviewed. Mr. Johnson said that the changes had been made but that he had not reviewed it. Mr. Oyler explained that there was still time to review that because we had two more meetings to make sure to get it done.

Mr. Baker **moved to recommend** to the Planning Commission annexation of the property formerly known as the North East Bench Annexation now being called Legacy Farm Annexation and including the parcel south of 400 North street; also, recommending approval of the Legacy Farms Master Planned Development located on the north side of 400 North and extending between 12<sup>th</sup> and 30<sup>th</sup> East based on the plans that have been submitted and 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 either on the plat or in the annexation agreement that the strip of Miner property located on the west side of 2550 East Expressway Lane extension be designated as non-developable based upon the densities of the overall project.
4. 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.

Discussion was held regarding the development boundary and the Miner parcel. Mr. Anderson explained that he felt that if the Miner's property develops that it will develop with another development and perhaps it should be taken out of this development and adjust the density in terms of units from this development. Mr. Magelby said the intent was not to double dip, that there would be no double dipping. He reiterated that there would be no double dipping.

Mr. Baker said that he could include language in the development agreement stating the maximum of units the Miner's would receive.

Mr. Oyler **seconded** and the motion **passed**. Mr. Anderson voted **nay**. Mr. Anderson explained he was voting nay. He explained his nay vote is because there are two developed parks proposed which total 13.75 acres or 5 percent of the overall project, not an excessive amount of park space. The proposed Phasing Plan indicates construction of the first park when nearly 300 homes of the development are built. The second park would be built when only 135 homes are left; the wetlands would be improved when 50 homes are left. Another concern is the Design Guidelines, particularly the minimum home size being 1,400 square feet for most of the lots in the development. Mr. Anderson is also concerned about not improving 400 North and Slant Road completely until such a substantial portion of the development is constricted.



# MAP AMENDMENT

## REPORT TO THE PLANNING COMMISSION GILES ZONING MAP AND TEXT AMENDMENT

**Agenda Date:** September 23, 2010.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** The applicant has requested that Title 15 be changed so as to permit Lube Centers and Tire Centers in the Commercial Downtown zone. The applicant has also requested to have the Zoning Map changed to change the zoning on a parcel from Residential Office to Commercial Downtown.

**Zoning:** Residential Office and Commercial Downtown existing, Commercial Downtown requested.

**General Plan:** General Commercial Residential Office.

**Project Size:** Approximately 1.5 acres.

**Number of lots:** Not applicable.

**Location:** Approximately 350 North Main Street.

### Background Discussion

The following Text Amendment is proposed along with a Zoning Map Amendment that would change the zoning of a parcel from Residential Office to Commercial Downtown:

#### 15.3.16.060 C-D Downtown Commercial

This district is intended to promote and maintain the character of a pedestrian oriented retail district along Main Street. Building orientation should strongly encourage pedestrian use by having buildings close to the street with frequent entrances to buildings, and significant amounts of glass. Drive-thru uses should be strongly discouraged.

#### A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Entertainment uses.
3. Financial institutions with no drivethru service.
4. Hotels, with all guest rooms above the first floor.
5. Office supply, copying, printing businesses.
6. Offices.
7. Personal service businesses.
8. Residential uses when located above the first floor.
9. Restaurants.
10. Retail uses, ~~except those which include automotive service, repair or sales.~~
11. Instructional Studios
12. Municipal facilities required for local service.

#### B. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Drive-thru facilities as part of a financial institution.
2. Parking structures.
3. Lube Center.
4. Tire Center.
5. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached;



or new stealth facilities which are camouflaged into its surroundings.

Discussion was held regarding what Mr. Giles needed to do next.

### **Development Review Committee**

The Development Review Committee reviewed this request in their September 8, 2010 DRC meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

#### **Giles**

Applicant: Rocky Giles  
General Plan: Commercial Downtown  
Zoning: Commercial Downtown  
Location: 300 North Main

Mr. Anderson explained the proposal was to amend the Commercial Downtown zone to allow for Lube Centers and Tire Centers.

Discussion was held regarding the definition of a Lube Center, Tire Center and Automotive Repair.

Mr. Giles explained what type of minor automotive repair he offers at his business.

Mr. Anderson explained what he felt 15.3.16.060 B should be: #4 Lube Center and a new #5 Tire Center. Another change under A point A#10 strike everything in 10 except for retail uses.

Discussion was held regarding the west portion being changed from the Residential Office zone to the Commercial Downtown zone, Conditional Use Permits and whether or not the change had been noticed to the public.

Mr. Anderson explained to Mr. Giles that the Planning Commission reviewed Conditional Use Permits and that there was a Condition Use application. Mr. Giles explained he already had a masonry wall in place and where he would have to extend it too. Mr. Anderson said there would be a landscape requirement next to the masonry wall.

Mr. Baker **moved to approve** the Zone Text Amendment for Rocky Giles changing the zone to Commercial Downtown and allowing, as Conditional Uses, Lube Centers and Tire Centers. He also recommend that the Giles property currently zoned Residential Office be changed to the Commercial Downtown.

Mr. Thompson **seconded** and the motion **passed** all in favor.

### **Budgetary Impact**

There is no significant budgetary impact anticipated with the proposed Zone Change or Text Amendment.

### **Recommendation**

Staff recommends that the proposed amendments be approved.

