



CITY COUNCIL MEETING

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on May 15, 2007**.

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

- a. Pledge
- b. Strawberry Days Royalty
- c. Employee of the Quarter

2. PUBLIC COMMENTS:

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

3. COUNCIL COMMENTS:

4. PUBLIC HEARINGS: 6:30 p.m.

- a. [Boswell Park Preliminary Plat](#)
- b. [Dennis Stone Zone Change](#)
- c. [Dos Amigos Zone Change](#)
- d. [Foster Zone Change](#)
- e. [Reed Esplin Preliminary Plat](#)
- f. [Juleen Whitney Zoning Text Amendment](#)
- g. [Master Planned Development Ordinance](#)

5. CONSENT ITEMS:

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. [Minutes of Spanish Fork City Council Meeting – April 3 ,2007](#)
- b. [Renew Hallmark Cable Channel Agreement](#)
- c. [Golf Pro Shop Contract](#)
- d. [Chip Seal Project, Road Chip Bid and Chip Seal Project, Liquid Asphalt Bid](#)

6. NEW BUSINESS:

- a. [Airport Grant Application](#)
- b. [Banking Services Bid](#)
- c. [Purchase of Land/Water Reservoir](#)
- d. [Notice of Intent to Revoke Business License Hearing – Christina Daycare](#)

7. OTHER BUSINESS:

- a. [Work Session – Budget Review](#)
- b. [Executive Session If Needed – To be Announced in the Motion](#)

ADJOURN:

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

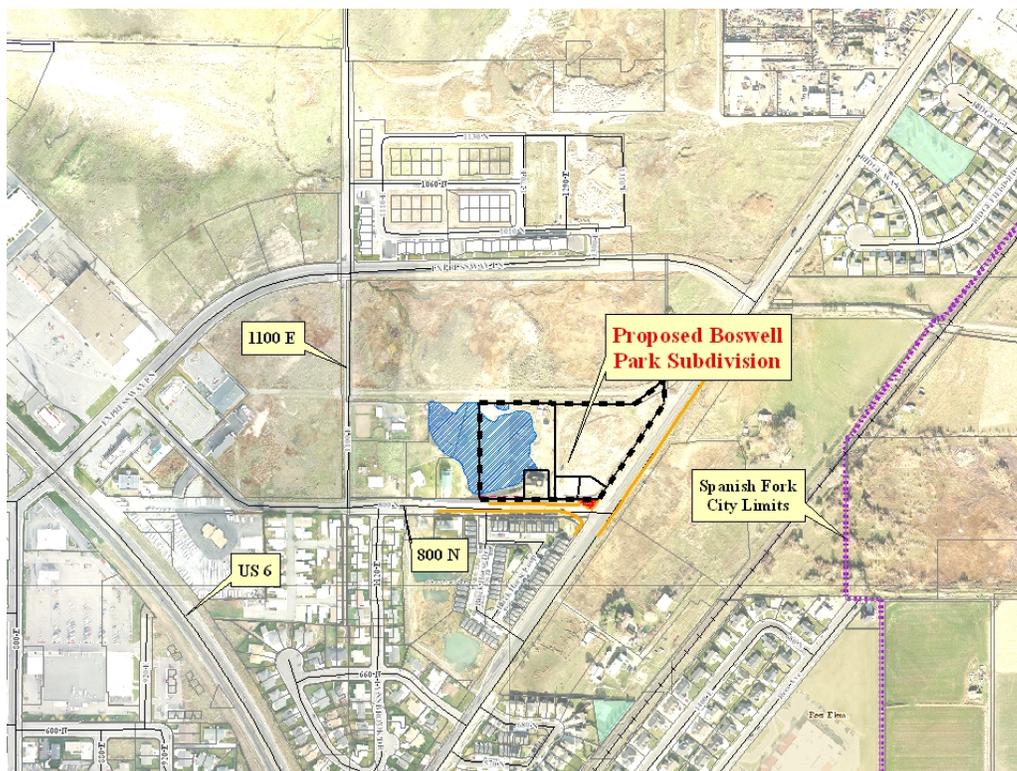
SPANISH FORK CITY
Staff Report to City Council



Agenda Date:	May 15, 2007
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Boswell Park Preliminary Plat Approval Request

Background Discussion:

The applicant, Jim Biesinger, is requesting Preliminary Plat approval for a 5.5-acre parcel located at the northwest corner of the intersection of 800 North and State Road 51. The property is zoned R-1-6. The General Plan designates the property as Residential 5.5 to 8 units per acre.



Details

The proposed Preliminary Plat is a standard subdivision that contains 4 lots. The proposed lots all meet the development requirements of the R-1-6 zone. There is one home currently located on the property.

Staff's only significant concern relative to the plat is access to lots 1, 2 and 4. As access to State Road 51 is regulated by U.D.O.T., staff believes it is very unlikely that permission could be obtained to access lot 3 from State Road 51 for the construction of a new dwelling. Staff has conveyed this concern to the applicant and understands that the applicant has no immediate plans to build on lot 3 and that the applicant is not concerned about accessing lot 3 for purposes of construction.

One other access related concern has to do with the City's standard that driveways are not allowed within 150 feet of an arterial road intersection. With that said, access to lots 1 and 2 would be limited to an easement that would follow the west and north boundaries of lot 1 to get access to the two lots. While this is something of an unconventional configuration, the DRC felt that it was satisfactory and recommended that the project be approved with the requirement that lots 1 and 2 be accessed in that fashion.

Development Review Committee

The Development Review Committee reviewed this request in their April 25, 2007 meeting and recommended that it be approved. Minutes from that meeting are provided below.

Boswell Park Subdivision

Applicant: James Biesinger

Zoning: R-1-6

Location: 900 North Highway 51

Mr. Anderson gave background and explained the proposal.

Discussion was held regarding UDOT and whether an access to lot 3 has been discussed with them.

Mr. Baker made a **motion** to the Planning Commission for approval of the Preliminary Plat for Boswell Park located at 900 North Highway 51 subject to the following conditions:

Conditions:

1. Meet the construction and development standards.
2. That redline corrections be made.

With a word of caution that lot 3 is essentially landlocked and the applicant should contact UDOT regarding ingress and egress from Highway 51.

Discussion was held regarding the intersection of 800 North and State Road 51. A driveway will not be allowed off of 800 North for lot number two because it would not meet the City's setback standard for arterial street intersections.

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

Planning Commission:

The Planning Commission reviewed this request in their May 2, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Preliminary Plat Boswell Park Subdivision

Applicant: James Biesinger

General Plan: Residential 5.5-8 units per acre

Zoning: R-1-6

Location: 800 North Highway 51

Mr. Anderson gave background and explained the proposal.

Commissioner Bradford asked for the distance between lot one and the adjacent property.

James Biesinger

Mr. Biesinger said that he had spoken to UDOT with regard to ingress and egress onto State Road 51.

Discussion was held regarding ingress and egress into Lot 3, easements, and zoning.

Mr. Biesinger explained his plans to put two single-family dwellings and preserve some open space.

Commissioner Robins made a **motion** recommending to the City Council **approval** of the proposed Preliminary Plat for the Boswell Park based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standards for development in the R-1-6 zone.

Conditions:

1. Meet the construction and development standards.
2. That the Final Plat describes access requirements or limitations provided in the City's Construction and Development Standards.
3. That redline corrections be made.

Commissioner Huff **seconded** and the motion **passed** by a unanimous roll call vote.

Commissioner **Robins** moved to go into public hearing. Commissioner Christianson **seconded** and the motion passed all in favor at 8:35 p.m.

Budgetary Impact:

Staff anticipates providing the City Council with a more detailed analysis of the monetary impact of residential development in the near future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Alternatives:

The proposed Preliminary Plat is a standard subdivision that meets the City's requirements in the R-1-6 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for the Boswell Park based on the following finding and subject to the following conditions:

Finding:

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-6 zone.

Conditions:

1. Meet the construction and development standards.
2. That the Final Plat describe access requirements or limitations provided in the City's Construction and Development Standards.
3. That redline corrections be made.

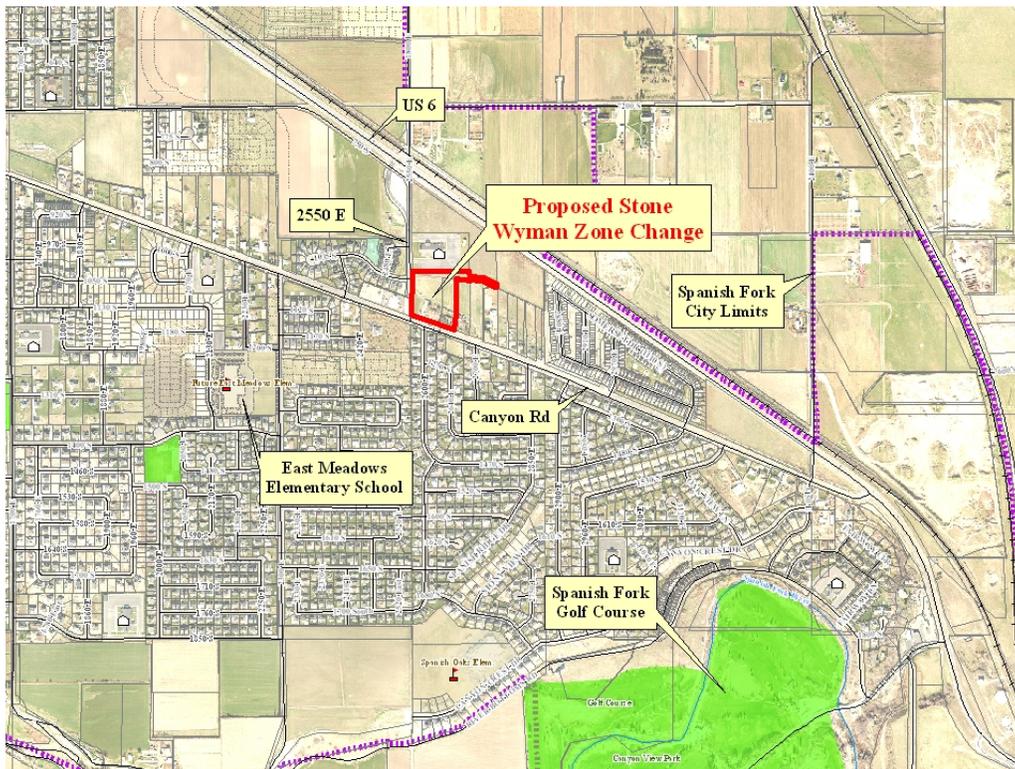
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: May 15, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Dennis Stone Zone Change Request

Background Discussion:

The applicant, Dennis Stone, is requesting a Zone Change for properties that are 5-acres in size located on the northeast corner of the intersection of 2550 East and Canyon Road. The current zoning of the property is Rural Residential; the applicant has requested that the zoning be changed to R-1-9. The General Plan designates the parcels as Residential 2.5 to 3.5 units per acre.



The R-1-9 zoning district allows for residential development that is consistent with the General Plan's density range. As such, staff and the Development Review Committee feel comfortable recommending that the proposed Zone Change request be approved.

Budgetary Impact:

Staff anticipates providing the City Council and City Council with a more detailed analysis of the budgetary impact of residential development in the future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Development Review Committee:

The Development Review Committee reviewed this request in their April 18, 2007 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Stone

Applicant: Dennis Stone
General Plan: 2.5-3.5 units per acre residential
Zoning: Rural Residential existing, R-1-9 requested
Location: 2575 East Canyon Road

Mr. Anderson explained the proposal. He feels that the requested zone is consistent with the neighboring properties and he feels comfortable approving the zone and leaving any detailed aspects of the design to the subdivision phase.

Discussion was held regarding the need for stub streets to neighboring parcels, the East Bench canal on the property needing to be piped, and zoning.

Mr. Baker made a **motion** to the City Council for **approval** of the Zone Change for Stone Property located at 2575 East Canyon Road from R-R to R-1-9. Mr. Banks **seconded** and the motion **passed** all in favor.

Planning Commission:

The Planning Commission reviewed this request in their May 2, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Stone Zoning Map Amendment

Applicant: Dennis Stone
General Plan: Residential 2.5 to 3.5 units per acre
Zoning: Rural Residential existing, R-1-9 requested
Location: 2550 East Canyon Road

Mr. Anderson explained the proposal.

Commissioner Robins asked for the zoning on Hunter's crossing.

Mr. Nielson said it was R-1-9.

Commissioner Christianson asked if the R-1-9 zone meant 9,000 square foot lots.

Mr. Anderson said yes.

There was no public comment.

Commissioner Robins made a **motion** recommending **approval** of the proposed Dennis Stone Zone Change request, changing the zoning at approximately 2575 East Canyon Road from Rural Residential to R-1-9, based on the following finding:

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan designation, Residential 2.5 to 3.5 units per acre, the R-1-9 zoning designation is consistent with the General Plan.

Recommendation:

Staff recommends that the City Council approve the proposed Dennis Stone Zone Change request, changing the zoning at approximately 2575 East Canyon Road from Rural Residential to R-1-9, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

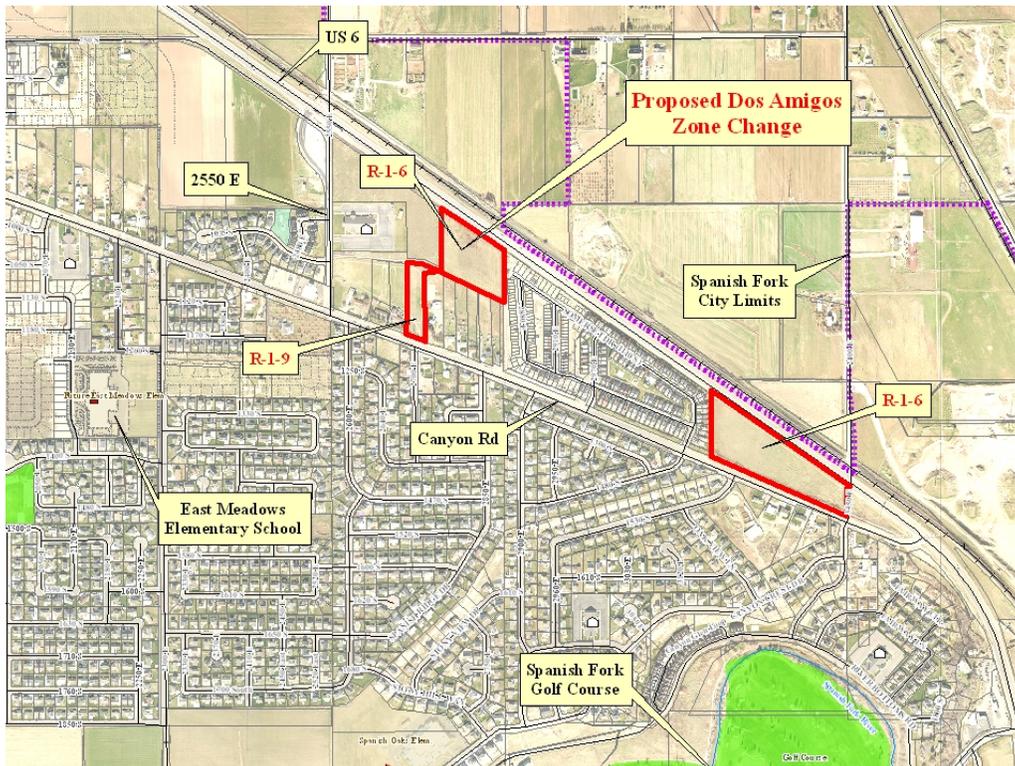
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: May 15, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Dos Amigos Zone Change Request

Background Discussion:

The applicant, Dos Amigos, is requesting a Zone Change for properties that total approximately 19 acres in size located between 2700 East and 3400 East on the north side of Canyon Road. The current zoning of the property is Rural Residential; the applicant has requested that the zoning be changed to R-1-6 and R-1-9. The General Plan designates the parcels as Residential 2.5 to 3.5 units per acre and 5.5 to 8 units per acre.



The R-1-6 and R-1-9 zoning districts allow for residential development that is consistent with the General Plan's density range. As such, staff and the Development Review Committee feel comfortable recommending that the proposed Zone Change request be approved.

Staff understands that the proposed change is being presented so as to allow the applicant to continue the Somerset Village project to both the east and the west. It's these parcels that are proposed to be zoned R-1-6.

The parcel that is proposed to be R-1-9 would also accommodate residential development but is primarily needed as a means of access to any additional development in Somerset Village.

Budgetary Impact:

Staff anticipates providing the City Council and City Council with a more detailed analysis of the budgetary impact of residential development in the future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Development Review Committee:

The Development Review Committee reviewed this request in their April 25, 2007 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Dos Amigos

Applicant: Les Allen

General Plan: 3.5-4.5 units per acre residential existing, 5.5-8 units per acre residential requested

Zoning: Rural Residential existing, R-1-6 requested

Location: 2800 East Highway 6

Mr. Anderson gave background and explained the proposal.

Discussion was held regarding zoning, the General Plan, UDOT, and lining up the roads with existing roads.

Mr. Baker made a **motion** to the Planning Commission for **approval** of the Zone Change for Dos Amigos parcels that are east of the Somerset development and on the northwest be zoned R-1-6 and the narrow piece of property that fronts onto Canyon Road be zoned R-1-9. Mr. Thompson **seconded** and the motion **passed** all in favor.

Planning Commission:

The Planning Commission reviewed this request in their May 2, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Dos Amigos Zoning Map Amendment

Applicant: Les Allen

General Plan: Residential 4.5 to 5.5 units per acre/General Commercial and Residential 2.5 to 3.5 units per acre

Zoning: Rural Residential existing, R-1-6 requested

Location: approximately 2700 East 1050 South

Mr. Anderson explained the proposal.

Discussion was held regarding the parcel boundary lines, ingress and egress from Canyon Road, and City standards for road width.

Allen Hall

Mr. Hall addressed the commission. He said that his property is in the middle of the proposed development and another proposed development. He feels that his property is going to be landlocked. He said he is not planning on developing his property at this time but would like to be included in the proposal so his property is not landlocked.

Discussion was held regarding land locking property and what constitutes a legal land lock.

Mrs. Johnson said that Mr. Hall's property would not be legally landlocked by the proposed developments.

Phillip Whitehead

Mr. Whitehead explained where his property was and that property lines have been adjusted to be on the South side of the canal. He feels that the barrier wall that will be constructed by the developer needs to be on the South side of the canal.

Les Allen

Mr. Allen said that ingress and egress off of Canyon Road is yet to be determined. He feels that UDOT will determine the placement of the road. He said that there are several property owners involved in the development of the parcels adjoining his and feels it is going to require give and take from all of the property owners involved to make things work for everyone involved. He is fine installing the fence on the South side of the canal.

Discussion was held regarding the canal, property boundaries, fencing, ingress and egress from the Dos Amigos parcel onto Canyon Road.

Commissioner Robins feels that it will take a lot of work and give and take by all of the property owners involved.

Commissioner Robins made a **motion** recommending **approval** of the proposed Dos Amigos Zone Change request, changing the zoning at approximately 2700 East Canyon Road from Rural Residential to R-1-6 and R-1-9 based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

Commissioner Huff **seconded** and the motion **passed** by a unanimous vote.

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan designations, Residential 2.5 to 3.5 units per acre and Residential 5.5 to 8 units per acre, the R-1-6 and R-1-9 zoning designations are consistent with the General Plan.

Recommendation:

Staff recommends that the City Council approve the proposed Dos Amigos Zone Change request, changing the zoning at approximately 2700 East Canyon Road from Rural Residential to R-1-6 and R-1-9, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: May 15, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Foster Zone Change Request

Background Discussion:

The applicant, Gary Carter, is requesting a Zone Change for a 2.5-acre area located at approximately 890 North 1100 East. The current zoning of the property is Rural Residential; the applicant has requested that the zoning be changed to R-3. The General Plan designates the parcels as Residential 5.5 to 8 units per acre.



The R-3 zoning district allows for residential development that is consistent with the General Plan's density range. As such, staff and the Development Review Committee feel comfortable recommending that the proposed Zone Change request be approved.

Budgetary Impact:

Staff anticipates providing the City Council and City Council with a more detailed analysis of the budgetary impact of residential development in the future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Development Review Committee:

The Development Review Committee reviewed this request in their April 18, 2007 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Foster

Applicant: Gary Carter
General Plan: 5.5-8 units per acre residential
Zoning: Rural Residential existing, R-3 requested
Location: 898 North 1100 East

Mr. Anderson explained the proposal.

Discussion was held regarding adjacent property zones, the differences between the R-3 and R-1-6, and single-family vs. multifamily housing to create a buffer zone next to the commercial zones.

Mr. Thompson feels that an R-3 zone makes more sense because it would create a buffer zone between the commercial zone. He also feels that it is in line with the density in Black Horse Run.

Mr. Nielson agreed with Mr. Thompson’s comments.

Mr. Baker made a **motion** to the Planning Cimmission for **approval** of the Zone Change for the Foster property located at approximately 898 North 1100 East from R-R to R-3 subject to the following conditions:

Conditions:

1. That the Biesenger property is excluded if they have not filed application.
2. That when the proposal develops that a barrier fence be placed between the R-1-6 zone to the east.

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

Planning Commission:

The Planning Commission reviewed this request in their May 2, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Foster Zoning Map Amendment

Applicant: Gary Carter
General Plan: Residential 5.5 to 8 units per acre
Zoning: Rural Residential existing, R-3 requested
Location: 900 North 1100 East

Mr. Anderson explained the proposal.

Commissioner Bradford asked for total acreage on the proposal.

Mr. Carter gave the acreage.

Discussion was held regarding the square footage required for duplexes, tri-plexes and four-plexes.

There was no public comment.

Commissioner Robins feels that this is one area of the City that the Commission needs to look at before adding higher density housing to the area.

Commissioner Bradford agreed with Commissioner Robins.

Gary Carter

Mr. Carter explained what type of structures he is planning on building. He is leaning towards lower profile buildings than something taller that would be more imposing.

Discussion was held regarding 1100 east and utilities, ingress and egress, improvements, and safety.

James Biesinger

Mr. Biesinger feels that the density is very high in this part of town and that a retaining wall will need to be constructed on the north easterly boundary. He also explained what he is proposing for his property.

Commissioner Robins asked for clarification on fencing standards.

Mr. Anderson explained what the City's fencing standards are.

Discussion was held regarding fencing.

Commissioner Huff made a **motion** recommending **approval** of the proposed Foster Zone Change request, changing the zoning at approximately 890 North 1100 East from Rural Residential to R-3 based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

Commissioner Robins **seconded** and the motion **passed** by a role call vote. Commissioner Christianson voted nay. He would like to see a concept plan.

Discussion was held regarding density.

Alternatives:

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan designation, Residential 5.5 to 8 units per acre, the R-3 zoning designation is consistent with the General Plan.

Recommendation:

Staff recommends that the City Council approve the proposed Foster Zone Change request, changing the zoning at approximately 890 North 1000 East from Rural Residential to R-3, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

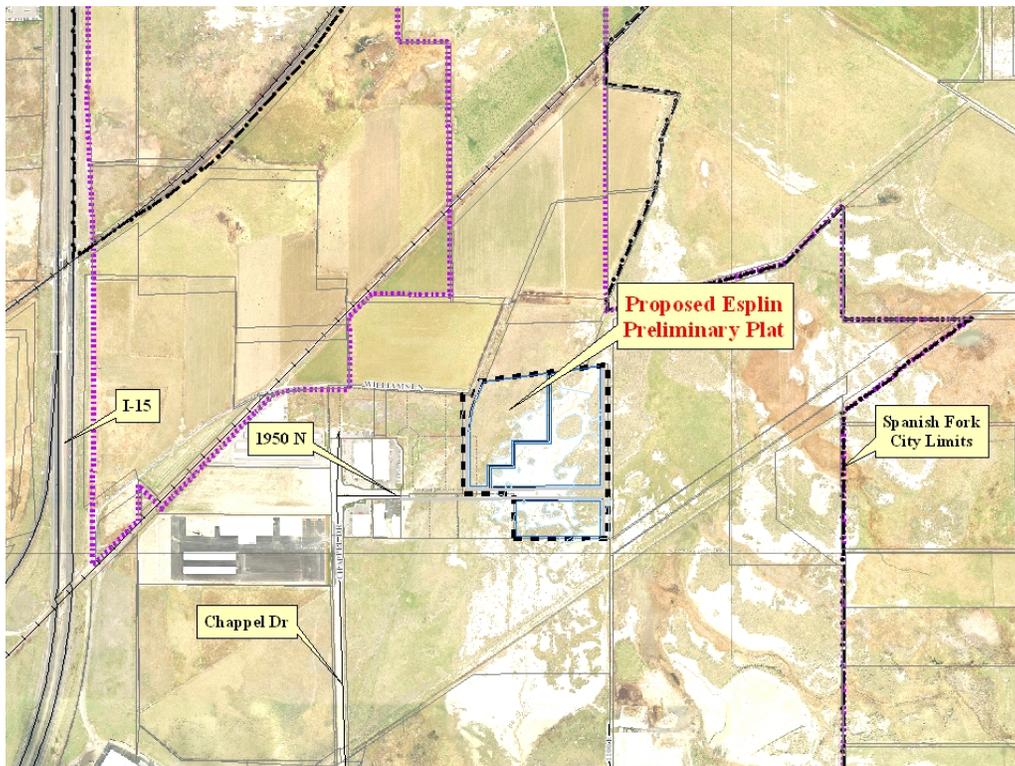
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: May 15, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Reed Esplin Preliminary Plat Approval Request

Background Discussion:

The applicant, Reed Esplin, is requesting Preliminary Plat approval for a 16-acre site located at approximately 1950 North and 1000 East. The zoning of the property is Industrial 1. The General Plan designates the property as Light Industrial. As this is an industrial subdivision, a public hearing is required. The proper notice has been provided and a public hearing is scheduled as part of the City Council's review of the plat.



Details

The proposed Preliminary Plat would allow for the development of 3 industrial lots. It is anticipated that the first phase of the project would only involve the development of one lot. A wetlands delineation has been

accepted by the U.S. Army Corps of Engineers for the subject property. Staff understands that the applicant is currently working with the Corps to mitigate the wetlands in hopes of making more of the subject property available for development. In any event, the proposed plat meets Spanish Fork City's standards for industrial subdivisions.

Development Review Committee

The Development Review Committee reviewed this request in their April 25, 2007 meeting and recommended that it be approved. Minutes from the April 25, 2007 meeting read as follows:

Esplin Subdivision

Applicant: Reed Esplin

Zoning: Industrial 1

Location: 1000 East 1950 North

Mr. Anderson gave background and explained the proposal.

Discussion was held regarding the construction of a road right-of-way between 1950 North and the proposed subdivision.

Mr. Baker said that if 1950 is deeded to the City that Mr. Esplin will need to make sure that there are not any liens attached to it.

Discussion was held regarding the wetlands.

Mr. Esplin said that he met with Ron Cass and a representative from the Corps of Engineers, and they walked all of the property and that Mr. Cass took pictures.

Mr. Anderson said that Spanish Fork City has discussed the possibility of a wetlands bank on property that the City owns to help free up adjacent wetlands.

Discussion was held regarding construction timelines for lots one, two, and three.

Mr. Baker made a **motion** to the Planning Commission for **approval** of the Preliminary Plat for Esplin located at 1000 East 1950 North subject to the following conditions:

Conditions:

1. Meeting the subdivision standards.
2. 1950 North street be dedicated to the City either as part of the plat, or deed outside of the plat, and be constructed to and through the first phase of the project when it is built or put in a temporary turn around.
3. That redline corrections be made.

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

Planning Commission:

The Planning Commission reviewed this request in their May 2, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Preliminary Plat Esplin Subdivision

Applicant: Reed Esplin

General Plan: Light Industrial
Zoning: Industrial 1
Location: 1000 East 1950

Mr. Anderson explained the proposal.

Discussion was held regarding wetlands.

William Reed Esplin

Mr. Esplin explained his plans for the future of his property. He also explained his business and what he manufactures.

Discussion was held regarding the adjacent properties.

There was no public comment.

Mr. Esplin explained what part of 1950 Street he will be constructing and asked if he could recoup some of the cost if adjacent property owner's access the road.

Mr. Nielson explained that Mr. Esplin could recoup costs through a connector's agreement and explained how to apply for one.

Commissioner Robins made a **motion** recommending **approval** of the proposed Preliminary Plat for Reed Esplin subdivision based on the following finding and subject to the following conditions:

Finding:

1. That the proposed plat does conform to the City's requirements for subdivisions in the Industrial 1 zone.

Conditions:

1. Meeting the subdivision standards.
2. 1950 North street be dedicated to the City either as part of the plat, or deed outside of the plat, and be constructed to and through the first phase of the project when it is built or put in a temporary turn around.
3. That redline corrections be made.

Commissioner Christianson **seconded** and the motion **passed** by a unanimous vote.

Commissioner Robins made a **motion** to close public hearing. Commissioner Huff **seconded** and the motion **passed** all in favor at 8:13 p.m.

Budgetary Impact:

The development of this property with industrial uses will in all likelihood result in an increase in revenue for the City. Property taxes will increase with the development of the lots and sales tax may be generated by some or all of the businesses that might eventually be located in this development. Generally speaking, industrial developments generate more revenue than expenses for municipalities. In this case, it is certainly anticipated that this development will generate more revenue than expense for the City.

Alternatives:

The proposed Preliminary Plat is consistent with the City's standards for developments in the Industrial 1 zone. Given the development's conformity with the City's standards the Development Review Committee recommended that it be approved.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for the Reed Esplin subdivision based on the following finding and subject to the following conditions:

Finding:

1. That the proposed plat does conform to the City's requirements for subdivisions in the Industrial 1 zone.

Conditions:

1. Meeting the subdivision standards.
2. 1950 North street be dedicated to the City either as part of the plat, or deed outside of the plat, and be constructed to and through the first phase of the project when it is built or put in a temporary turn around.
3. That redline corrections be made.

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

**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date:	May 15, 2007
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Juleen Whitney Zoning Text Amendment

Background Discussion:

The applicant, Juleen Whitney, is requesting that Title 15 of the Municipal Code be amended to allow accessory buildings to cover more than 10% of a lot. The standard that is being reviewed limits the square footage of accessory buildings. Currently, the square footage of accessory buildings cannot exceed 10% of a lot's area. On a 10,000 square foot lot, a property owner could currently construct accessory buildings that cover 1,000 square feet or 10% of that lot's size.

Mrs. Whitney has requested that section 15.3.24.090 A 7 be changed to allow accessory buildings to cover 12% of a lot. In the case then of a 10,000 square foot lot, changing the standard as proposed would allow someone to construct accessory buildings that cover 1,200 square feet.

This particular standard has been discussed by the Development Review Committee on several occasions in recent weeks. When the Development Review Committee reviewed this particular request on April 18, 2007, it was suggested that the ordinance be changed to allow accessory buildings to cover more of a lot. However, the DRC's recommendation was somewhat different than what was proposed by Mrs. Whitney. The DRC recommended that the ordinance be changed to allow accessory buildings to be up to 15% of a lot's area if they are located entirely within the setback for the principle structure, and that the 10% standard remain in affect for structures located elsewhere on a lot.

In either case, staff understands that the applicant's goal would be accomplished and that the Whitney's have consented to support the language recommended by the DRC.

In considering this request, thought was given to the potential impact that the change would have on a lot, a neighborhood and the City as a whole. Perhaps the most significant detriment that could potentially result with the proposed change would be the construction of a building large enough to impact the residential nature of a lot or neighborhood. Given any number of potential circumstances, it's conceivable that this could be a concern and problem in various cases.

Even so, as it is currently legal to build as large of building as someone chooses within the above described setbacks, the proposed change would not allow for the construction of more building space on a lot. It would only allow the construction of more accessory building space. I understand this train of thought was central to the DRC's recommendation in that the DRC felt particularly comfortable recommending a change that would allow for more accessory building space but not more building space as a whole.

The specific change that the DRC recommended be approved is as follows:

15.3.24.090 A 7

7. The combined square footage of all detached accessory buildings, structures, and satellite earth stations shall not exceed 500 square feet, or **fifteen percent (15%) of the total lot area if the structure is entirely within the setbacks for the principal structure and ten percent (10%) of the total lot area if the structure is located elsewhere on the lot;** whichever is greater, **the 500 square foot standard or the applicable percentage standard.**

Budgetary Impact:

Staff anticipates no budgetary impact with or without the proposed change.

Development Review Committee:

The Development Review Committee reviewed this request in their April 18, 2007 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Lot Coverage Requirement

Applicant: Juleen Whitney

Location: City Wide

Mr. Anderson gave background and explained the proposal.

Mr. Baker said that at one time there was discussion about amending the requirement to read that the total building area on your lot including any accessory buildings cannot exceed a certain percent.

Mr. Shorts said that a majority of the houses being built are right at the setback requirements; thus, not leaving them any room for accessory buildings if they need to be located within the setbacks of the primary structure.

Mr. Baker feels that if people use up all of the footprint with house then they ought to be limited to a shed that does not require a building permit.

Mr. Anderson feels that there could be potential issues with lots that are big but have a small primary structure on them; the owner could then build several other accessory buildings if they stay within the setback requirements. He feels height is really the biggest issue.

Discussion was held regarding total building area of a lot not exceeding a certain percent, percentage requirements, height requirements, setback requirements, and lot coverage requirements.

Mr. Baker made a **motion** to the Planning Commission that they favorably consider an ordinance change on accessory buildings that would allow accessory buildings to take up to 15 percent of the total lot area if the accessory building is fully within the setbacks footprint for that lot. Mr. Nielson **seconded** and the motion **passed** all in favor.

Planning Commission:

The Planning Commission reviewed this request in their May 2, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Ordinance Amendment – Title 15

Applicant: Juleen Whitney
Location: Citywide

Mr. Anderson gave background and explained the proposal.

Discussion was held regarding setback standards.

Commissioner Christianson asked if Mr. Anderson could think of any scenario that would have any negative impacts with the proposed increase.

Mr. Anderson does not feel that changing the standard to 15 percent will have any negative impacts.

***Commissioner Huff excused himself at 8:49 p.m.*

Mr. Whitney explained his proposal.

Commissioner Christianson made a **motion** recommending to the City Council **approval** of the proposed Amendment to Title 15 of the Municipal Code, changing section 15.3.24.090 A 7, based on the following findings:

Findings:

1. That the proposed Zone Change would allow residents to make more effective and efficient use of their property.
2. That the proposed change would not result in the creation of any situations that are more detrimental than what the ordinance currently allows.

Commissioner Robins **seconded** and the motion **passed** all in favor.

Commissioner Robins **moved** to take a five minute break. Commissioner Christianson **seconded** and the motion **passed** all in favor at 8:52 p.m.

Alternatives:

The City maintains complete discretion with respect to approving or denying most proposed ordinance amendments. In this case, staff believes the level of discretion that can be exercised is particularly high.

Recommendation:

Staff recommends that the City Council approve the proposed Amendment to Title 15 of the Municipal Code, changing section 15.3.24.090 A 7, based on the following findings:

Findings:

1. That the proposed change would allow residents to make more effective and efficient use of their property.
2. That the proposed change would not result in the creation of any situations that are more detrimental than what the ordinance currently allows.

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Council
FROM: Dave Anderson, Planning Director
DATE: May 15, 2007
RE: Proposed Master Planned Development Ordinance

Accompanying this memorandum is a copy of the City's existing Master Planned Development Ordinance and a draft copy of the proposed Master Planned Development Ordinance.

The Planning Commission reviewed the proposed ordinance and recommended that it be approved, once several revisions are made. The revisions that the Planning Commission required have been made on the draft that accompanies this memorandum.

Please feel free to contact me in advance of your meeting should you have any questions or suggestions.

attachments: existing Master Planned Development Ordinance
proposed Master Planned Development Ordinance
draft minutes from the Planning Commission's May 2, 2007 meeting

EXISTING

15.3.24.030. Master Planned Developments:

1. Purpose:

The purpose of the Master Planned Development concept is to:

- a. Encourage imaginative and innovative planning of residential neighborhoods by providing greater flexibility in design;
- b. Encourage the provision of useable open space and recreation facilities within developments;
- c. Encourage variation in lot size, setbacks, and residential products within the development;
- d. Establish residential neighborhoods with a distinct character and convey a sense of unity;
- e. Allow projects that provide superior design features, amenities, and open space to be developed at the high end of the density ranges as shown on the General Plan Map;
- f. Lessen the burden of traffic on streets and highways;
- g. Reduce development costs and ongoing maintenance costs.

2. Permitted Uses:

- a. All uses listed in R-1 and R-3 Districts, subject to the same restrictions or limitations of the use.
- b. Multi-family dwellings with more than four (4) attached units.
- c. Clubhouses, community buildings, and recreational facilities. designed for the use of the residents within the Master Planned Development.

3. Area Requirements and Density Ranges:

The number of dwelling units allowed in a Master Planned Development is calculated in the following manner:

- a. Density bonus shall be calculated according to the base density in the zoning district within which the development is located.
- b. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
- c. The minimum size of a Master Planned Development in the R-1-6 & R-3 zones is five (5) contiguous acres.

School and church sites are to be excluded from the acreage calculations.

- d. In all other residential zones, the minimum size for a Master Planned Development is 20 contiguous acres, excluding school & church sites, unless the following criteria can be met:
 1. The City Council has made a finding that the development is consistent with the development objectives of the Comprehensive General Plan and is in the best interest of the City.
 2. Each individual portion of a Master Planned Development must be a minimum of 20 acres.
 3. The individual portions of Master Planned Developments may not be separated, at the nearest point, by more than 1000 feet, measured in a straight line.
 4. The roadways and utilities must be designed for all necessary connectivity and service.

4. Application:

Applications to establish a Master Planned Development shall be processed as a subdivision if any new lots are to be created. If no new lots are proposed, such as for an apartment project, an application will be processed according to the Design Review procedures. All applications must include the following information in addition to normal filing requirements for a subdivision or Design Review project:

- a. Complete description of the intended nature and character of the development.
- b. Description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions.
- c. Proposed project phasing.
- d. General landscape concepts, fences, walls, entry treatments, signage, lighting.
- e. Preliminary conditions, covenants, and restrictions (CC & R's).
- f. Any variations from the non-Master Planned Development standards.
- g. Any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes.
- h. Proposed street cross sections, and proposed ownership and maintenance provisions, if the streets are proposed to be private.
- i. A general description of the architecture, materials, and colors of the dwelling types within the project.
- j. A data table which includes total acreage, acreage of sensitive lands, total number of dwelling units, and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space.

5. Minimum House Sizes

Minimum House Sizes - Finished Floor Area (square feet)			
District	Rambler – Main Level	Two- Story – Main Level	Townhomes, Twinhomes – Main Level
R-1-80	1,600	1,200	1,400
R-1-60	1,600	1,200	1,400
R-1-40	1,600	1,200	1,400
R-1-30	1,500	1,100	1,400
R-1-20	1,500	1,100	1,300
R-1-15	1,500	1,100	1,200
R-1-12	1,400	1,000	1,100
R-1-9	1,300	1,000	1,000
R-1-8	1,200	750	1,000
R-1-6	1,100	750	800
R-3	1,000	600	600

6. Performance Standards

- a. Duplicate Houses - There shall be no identical houses, i.e. same footprint (floor plan or elevation) within 200 feet of another, measured from property line to property line.
- b. Parking - Single family housing developments shall provide at least a two car garage. Developments are encouraged to have side-entry garages, especially on corner lots. Townhomes and multi-family units must have one attached or detached garage (minimum 12 feet x 20 feet) per unit.
- c. Roofing - Homes in the development shall have at least a 4/12 pitched roof.
- d. Design Appeal - Homes in the development will be required to blend in with adjacent homes sharing similar design characteristics and using high quality materials.
- e. Minimum lot size and width - Single family lots shall be a minimum of 6,000 square feet, with a minimum of 60 feet of frontage; twinhome lots shall be a minimum of 5,000 square feet each, with a minimum of 50 feet of frontage each.
- f. Density Calculations - Churches, schools, and other non-residential uses may not be counted in the density calculations.

7. Density Bonus

In order to qualify for a density bonus the applicant can pick the following to determine the amount of the bonus:

- a. Active Recreation (private-gated communities only or if accepted by City)

Active Recreational Facilities that are provided for residents of the Master Planned Development or the citizens of Spanish Fork City are entitled to a density bonus. Active recreation areas may include swimming pools, sports courts, spas, and other similar areas. Developments that provide active recreation areas are eligible for up to a ten (10) percent density increase.

- b. Common Buildings (private-gated communities only or if accepted by City) Developments which provide common buildings or facilities for use by residents of the project or citizens of Spanish Fork City for meetings, indoor recreation, receptions, classes, or other similar uses are eligible for up to a ten (10) percent density increase.
- c. Fencing Developments that incorporate fencing for individual lots and the whole project with high quality materials are eligible for up to a five (5) percent density increase.
- d. Front setback variation Developments that provide front setback variations of at least 5 feet, provided they meet the minimum setbacks standards can qualify for up to a three (3) percent density increase.
- e. Garage – three car Developments that require three car garages or side entry garages on at least 60% of the homes are eligible for up to a three (3) percent density increase.
- f. Garage setback Developments that require all garages to be setback at least 10 feet from the front of the home are eligible for up to a three (3) percent density increase.
- g. Open space Developments that provide and improve, at the developer's expense, at a rate of 1 acre of park space for each 75 proposed dwelling units, OR a payment to the City's dedicated park fund equal to the land and basic development of the park space are eligible for up to a five (5) percent density increase. The city will not accept public parks less than three acres in size.
- h. Landscaping Developments that install front yard landscaping with automatic sprinkling systems, grass, and at least two 2" caliper trees are eligible for up to a seven (7) percent density increase.
- i. Lot Size Variation Developments that have a significant variation of lot sizes are eligible for up to a three (3) percent density increase. Significant variation is to be determined by the City Planner
- j. Materials on Front Facade Developments which incorporate only brick or stone as a major material into the design of the front facade of homes in the project are eligible for up to a five (5) percent density increase.
- k. Mixture of Housing Types Developments that include a mix of housing types (i.e.

detached single-family dwellings, attached single-family residences, accessory apartments, townhouses). Developments must include at least seventy-five percent (75) of units being detached, single-family dwellings. Projects that qualify are eligible for up to a five (5) percent density increase.

l. Offsetting Lots

Developments that have significant lot offsets from housing units across the street are eligible for a density increase. This is to provide more scenic views through the use of geographic displacement. Significant offset is to be determined by the City Planner. Those developments that qualify are eligible for up to a three (3) percent density increase.

m. Roof Pitch

Developments that incorporate roof pitches of at least 6/12 on 60% of the homes in the project are eligible for up to a three (3) percent density increase.

n. Home sizes

Developments that require homes to be 20 percent larger than the minimum house size for the zoning district are eligible for up to a seven (7) percent density increase.

o. Miscellaneous amenities:

Amenities that are not listed but could be counted as design improvement may be eligible for up to a seven (7) percent density increase, as determined by the City Council.

8. Phases:

All residential subdivisions shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat. If the sequence of construction of various portions of the development is to occur in stages then the open space and/or recreational facilities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction.

9. Findings:

Prior to granting approval of a Master Planned Development, the applicable reviewing body shall make findings identifying why the applicant's proposal justifies a bonus density. Those findings should include the following:

- a. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone;
- b. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
- c. Any variation allowed from the

development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas;

- d. Projects at or near the top of the density range for the underlying district must demonstrate a coordinated approach to neighborhood development and include such things as an overall landscape concept, the use of high quality materials and architecture, the blending of different dwelling types in larger projects, well designed and useable open space and developed recreational amenities, and attention to details such as fencing, street lighting, entry treatments, and project signage.

PROPOSED

15.3.24.030. Master Planned Developments

1. Purpose:

The purpose of the Master Planned Development concept is to:

- a. Encourage imaginative and innovative planning of residential neighborhoods by providing greater flexibility in design.
- b. Encourage the provision of useable open space and recreation facilities within developments.
- c. Encourage variation in lot size and residential types within the development.
- d. Establish residential neighborhoods with a distinct character and convey a sense of unity.
- e. Allow projects that provide superior amenities to be developed at the high end of the density ranges as shown on the General Plan Map. Amenities include but are not necessarily limited to design features, architectural style, open space (including parks and trails), conservation elements, landscaping features and recreational facilities.
- f. Reduce ongoing maintenance costs.

2. Permitted Uses

- a. All uses listed in R-1 and R-3 Districts, subject to the same restrictions or limitations of the use.
- b. Multi-family dwellings with more than four (4) attached units.
- c. Clubhouses, community buildings, and recreational facilities.

3. Master Planned Development Requirements and Bonus Density

This section includes a list of requirements that must be met in order for a project to qualify as a Master Planned Development and a list of options that exist for the City to award bonus density. Density bonuses may be awarded for the inclusion of amenities that the City determines to be upgrades from **design** standards in conventional subdivisions. In determining what bonus is warranted, the Planning Commission and City Council shall consider the size of the development and the overall benefit that a particular amenity would be to the development and the City. As a guide, sample items are listed in the various areas below to describe some elements that may qualify for bonus density. The listed elements are intended to serve as a guide and do not represent an all inclusive list of what may be considered. Projects at or near the top of the density range for the underlying district must demonstrate a coordinated approach to neighborhood development and include such things as an overall landscape concept, the use of high quality materials and architecture, the blending of different dwelling types in larger projects, well designed and useable open space and developed recreational amenities and attention to detail such as fencing, street lighting, entry treatments, and project signage.

A. Subdivision Design

1. Base Density - The base density for projects that meet the minimum requirements to qualify as Master Planned Developments will receive the base density as identified in Table 1 - Residential Development Standards plus .25 units per acre. Additional density may be obtained as developments qualify for bonus density.
2. Maximum Density - Developments may not exceed the maximum density identified in Title 15, Table 1 - Residential Development Standards.
3. Density Calculations - Churches sites schools sites and sites for other non-residential uses may not be counted in the density calculations. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
4. Minimum Size - the minimum size of a Master Planned Development in the R-1-6 & R-3 zones is five (5) contiguous acres. School and church sites are to be excluded from the acreage calculations.
In all other residential zones, the minimum size for a Master Planned Development is twenty (20) contiguous acres, excluding school & church sites, unless the following criteria can be met:
 - a. The City Council has made a finding that the development is consistent with the development objectives of the Comprehensive General Plan and is in the best interest of the City.
 - b. Each individual portion of a Master Planned Development must be a minimum of twenty (20) acres.
 - c. The individual portions of Master Planned Developments may not be separated, at the nearest point, by more than 1000 feet, measured in a straight line.
 - d. The roadways and utilities must be designed for all necessary connectivity and service.
5. Minimum lot size and width - Single family lots shall be a minimum of 6,000 square feet, with a minimum of 50 feet of frontage; twinhome lots shall be a minimum of 4,000 square feet each, with a minimum of 40 feet of frontage each. **The Council may grant a waiver of this requirement based upon superior design. The City Council has the absolute discretion in approving a request for such a waiver.**
6. Street Design - Local streets shall not exceed 800 feet in length without intersecting streets.
7. **Open Space - Master Planned Developments that are exclusively single-family shall contain fifteen (15) percent open space. All other Master Planned Developments shall contain twenty-five (25) percent open space. For purposes of calculating the required open space, sensitive lands shall be excluded. Land proposed to be covered with trails, plazas, playgrounds, sports courts, clubhouses and other hard surface recreational features is eligible to count as required open space.**

B. Recreation

Bonus Density

Developments that include recreation elements may qualify for bonus density. Some of the specific elements that may qualify for bonus density are listed below:

Active Recreation (private-gated communities only or if accepted by City).

Active recreation areas may include swimming-pools, sports courts, spas, and other similar areas.

Common Buildings (private-gated communities only or if accepted by City). Developments which provide common buildings or facilities for meetings, indoor recreation, receptions, classes, or other similar uses.

Parks. Developments that provide and improve park space may qualify for bonus density. Improved park space means fully developed in accordance with the City's Parks and Recreation Master Plan and Construction Standards, which includes a commercially rated automatic sprinkler system and commercially rated playground equipment, pavilion or equivalent facility. The City will not accept public parks less than three acres in size.

Trails. Developments that construct trails in accordance with the City's Trails Master Plan and Trails Construction Standards, may qualify for bonus density.

C. Architecture

1. Minimum House Sizes - finished area (sq. ft.)

Minimum House Sizes - Finished Floor Area (square feet)			
District	Rambler – Main Level	Two- Story – Main Level	Townhomes, Twinhomes – Main Level
R-1-80	1,600	1,200	1,400
R-1-60	1,600	1,200	1,400
R-1-40	1,600	1,200	1,400
R-1-30	1,500	1,100	1,400
R-1-20	1,500	1,100	1,300
R-1-15	1,500	1,100	1,200
R-1-12	1,400	1,000	1,100
R-1-9	1,300	1,000	1,000
R-1-8	1,200	750	1,000
R-1-6	1,100	750	800
R-3	1,000	600	600

- Duplicate Houses - There shall be no identical houses, i.e. same footprint (floor plan or elevation) within 200 feet of another, measured from property line to property line.
- Parking – Master Planned Developments shall provide at least a two car garage for each single family residence. Townhomes and multi-family units must have one attached or detached garage (minimum 12 feet x 20 feet) per unit. **Multi-family portions of Master Planned Developments shall also provide no less than .5 guest parking spaces per dwelling unit. At least one space for guest parking shall be located within 200 feet of each dwelling unit.**
- Roofing - Homes in the development shall have at least a 6/12 pitched roof.
- Design Appeal - Homes in the development will be required to have variation in their articulation of front and side façade and roofline, provide variation in the fenestration between structures and use high quality materials.
- Exterior Materials - Homes in Master Planned Developments shall be clad in masonry or masonry based materials. The Council may grant a waiver of this requirement based upon superior architectural design plans which involve other materials. The City Council has the

absolute discretion in approving a request for such a waiver.

Bonus Density

Developments with superior architectural designs qualify for bonus density. Designs may be determined to be superior based on consistency with a particular style, building articulation, type and quality of materials, excellent use of materials, conservation elements, additional garages or garage placement and other creative and/or innovative ideas, as deemed superior in the discretion of the City Council.

D. Landscaping

1. Front and side yard landscaping shall be installed in Master Planned Developments prior to receiving a Certificate of Occupancy. Exceptions to this rule include the installation of yards between October 15 and April 15. Provisions shall be made to allow bonds to be posted for required landscaping between October 15 and April 15 when homes are otherwise ready for occupancy. **For phased multi-family Master Planned Developments, landscaping shall be installed according to the approved phasing plan.** Minimum landscaping shall include sod or hydroseed, one two inch caliper tree for each 30 feet of street frontage planted in the parkstrip and an automated sprinkler system. The City Council has the discretion to modify the minimum landscaping requirements if a conservation (xeriscape) landscape plan is proposed.

Bonus Density

Developments that include landscaping above and beyond the minimum required qualify for bonus density. Landscaping elements that may qualify for bonus density include perimeter landscaping, entrance monuments, landscaped features in common areas and enhanced landscaping on individual lots.

Developments that incorporate fencing for individual lots and the whole project with high quality materials may qualify for bonus density.

Developments that are designed so as to incorporate common areas at highly visible locations may qualify for bonus density.

4. Application

Application for Master Planned Development begins with the submission of a Concept Plan. The information listed below is required with the submission of the Concept Plan. Furthermore, the City Engineer may require additional information as part of the Concept Plan review process. Concept Plans shall be reviewed by the DRC, Planning Commission and City Council. Public Hearings will be held with the Planning Commission and City Council. Upon approval by the City Council, a Master Planned Development Agreement shall be prepared and signed by the applicant and the City.

Applications to establish a Master Planned Development shall be processed as a subdivision if any new lots are to be created. If no new lots are proposed, such as for an apartment project, an application will be processed according to the Site Plan procedures. All applications must include the following information in addition to normal filing requirements for a subdivision or Site Plan project:

- a. Complete description of the intended nature and character of the development.
- b. Description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions.
- c. Proposed project phasing.
- d. Plans representing proposed landscaping, fences, walls, entry treatments, signage and lighting.
- e. Preliminary conditions, covenants, and restrictions (CC & R's).
- f. Any variations from the non-Master Planned Development standards.
- g. Any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes.
- h. Proposed street cross sections, and proposed ownership and maintenance provisions, if the streets are proposed to be private.
- i. A description of the architecture, materials, and colors of the dwelling types within the project including colored elevations and materials boards.
- j. A data table which includes total acreage, acreage of sensitive lands, total number of dwelling units, and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space.
- k. A description of any requested bonus density and the proposed justification for bonus density.

5. Phases

All residential subdivisions shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat. If the sequence of construction of various portions of the development is to occur in stages then the bonus density amenities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction.

6. Findings

Prior to granting approval of a Master Planned Development, the applicable reviewing body shall make findings identifying why the applicant's proposal justifies a bonus density. Those findings should include the following:

- a. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone;
- b. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
- c. Any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

Draft Planning Commission Minutes – May 2, 2007

Ordinance Amendment – Title 15

Applicant: Spanish Fork City

Location: Citywide

Mr. Anderson explained the proposal. He feels it is a lot more open ended than the old ordinance and asked for the Commission's opinion.

Commissioner Robins feels that it will work if the Planning Commission and City Council are willing to put the time into the decisions otherwise he feels it will get abused.

Mr. Anderson agreed.

Discussion was held regarding how bonus density is awarded to the developer and consistency, whether or not this new proposal will eliminate standard 'cookie cutter' subdivisions, latitude for bonus density and landscaping requirements.

Commissioner Christianson is concerned with the application process being bias from the Development Review Committee to Planning Commission and then to City Council.

Discussion was held regarding the application process and how to make it more effective, fencing standards and open-space.

Les Allen

Mr. Allen feels that Master Planned Developments are really wonderful and explained why he feels this way. He feels that parking requirements should be increased. He feels that the City needs to be careful with the term 'masonry' and explained why. He feels the City should ask for concept plans. He also feels that if landscaping is required before receiving a Certificate of Occupancy it will put developer's out-of-business. He also feels that people will do lousy landscaping just to be able to move in.

Discussion was held regarding how to get people to get their landscaping done, bonds, and parking.

James Sweeten

Mr. Sweeten feels that Master Planned Developments might favor the developer's with a lot of money because of the higher expectations. He would like to see the moratorium lifted so they can move forward because for them time is money and they have had a project in the process for two years now. He feels that Master Planned Developments are not always about bonus density. He feels it can be about being different from the developer around the corner, being unique.

Commissioner Robins asked Mr. Allen how many units would need to be included together to have good landscaping.

Mr. Allen said 15 to 20 units.

Mr. Anderson would like the Commission to approve the ordinance with conditions so that the ordinance can move forward.

Discussion was held regarding changes to: landscaping, parking, masonry, open space, and concept plans.

Commissioner Bradford asked if they were to approve this proposal tonight if they could set a date to discuss issues that might come up or fix things that might have been overlooked or missed.

Mr. Anderson agreed with Commissioner Bradford and said they could revisit it within six months time.

Discussion was held regarding verbiage changes, cash in lieu of the construction of parks, clustered homes and usable open space.

Commissioner Robins made a **motion** to approve the Master Planned Developments as proposed; with the discussed changes. Commissioner Christianson **seconded** and the motion **passed** all in favor.

Commissioner Robins made a **motion** to close public hearing. Commissioner Christianson **seconded** and the motion **passed** all in favor at 10:56 p.m.

OTHER DISCUSSION

Planning Update

ADJOURN

Commissioner Robins **moved** to adjourn. Commissioner Christianson **seconded** and the motion **passed** all in favor.

Meeting **adjourned** at 10:58 p.m.

Adopted:

Shelley Hendrickson, Planning Secretary

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Tentative Minutes
Spanish Fork City Council Meeting
April 3, 2006

Elected Officials Present: Mayor Joe L Thomas, Councilmember's Matthew D. Barber, Chris C. Wadsworth, G. Wayne Andersen, Steven M. Leifson, Seth V. Sorensen

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Richard Heap, Public Works Director; Dale Robinson, Parks and Recreation Director; Dave Anderson, City Planner; Aaron Brown, Golf Pro; Jeff Foster, Electric Superintendent; John Bowcut, IS Director; Dee Rosenbaum, Public Safety Director; Kimberly Robinson, Deputy Recorder

Citizens Present: Gary Anderson, Ashley Harward, Heather Campbell, Jerry Orton, Mathew Hannett, Bridger Goodnight, Kyle Lowe, Jordan Osborne, Justin Beary, Dustin Oskell, Jordan Brandon, Kathy Mecham, Tanner Blanthorn, Marden Pace, Tanner Greenwood, Samuel Maughan, Taft Pace, Forester Starr

CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION:

Mayor Thomas called the meeting to order at 6:03 p.m.

Councilman Wadsworth lead in the pledge of allegiance.

Gary Anderson

Commissioner Anderson wants to make sure the Council knows there is someone to talk to at the county. He stated if there has ever been problems dealing with the County or talking with a Commissioner those days are over, they are accessible. He lives in Springville, they are aware of the transportation needs and that South County is growing, if he can do anything please let him know.

Councilman Wadsworth asked what the feasibility was of having a South County Recreation Center.

Commissioner Anderson said it is on everyone's list but still being studied, it will happen, there are just things that have to be worked out, it is a matter of when and where.

Councilman Sorensen thanked Commissioner Anderson for coming and making himself available to them.

Councilman Andersen feels the same way, and stated it is nice to know there is someone that can give them an opportunity to access the County.

Councilman Leifson is glad to have him there and asked about the bookmobile. He would rather see the funding go to a county-wide library system, and asked that he look into it.

47 Commissioner Anderson said North County has done a county wide library system and
48 they are looking at it as a prototype for this one, it is moving forward.
49
50 Councilman Barber said it is good to see the effort Commissioner Anderson made to
51 attend the meeting. He has been on the Council for a few years and has never spoken to a
52 County commissioner. One issue is going to be the dispatch fees, the latest he hears
53 everyone will have to sit down and discuss the issue.
54
55 Commissioner Anderson said they met last week, they say the billing should be \$27 a call
56 to cover the costs, the current rate increase is \$15 a call. They have discussed central
57 dispatch issues and are moving towards it, hopefully they will have good news soon.
58
59 Mayor Thomas stated at the South County Mayor Meeting the price is a concern if it is
60 costing that much they would like to see why. If South County thought they could do it
61 for equal or less they would, also there is an issue with dispatch bills for each daily pager
62 test they are not doing it all the time but still charging for it. They either have the wrong
63 impression of what they are getting for their money or the prices are way out of line.
64 They would like to know what they can do for them. The cost of the animal shelter is
65 another issue, there are people that feel they can care for the animals and provide the
66 services for less.
67
68 Commissioner Anderson said it is on the list but not as high as some of the other items,
69 he will look into it and see what they can do about it.
70
71 Mayor Thomas said not to be afraid of sharing the information with the Council. He also
72 said they need to address the high turn over rate of the dispatchers.
73
74 Commissioner Anderson explained they currently work 12 hour shifts, but in the office
75 there are no windows and they do not get breaks, it is something they are working on.
76
77 Councilman Andersen asked for comments about the Utah Lake issues.
78
79 Commissioner Anderson said they finally got all the players together and the State said
80 they own the lake but the County should control what to do with it. He does not know
81 what to do with it and if anyone has input he would welcome it. He wants to get it done
82 but wants to do it right.
83
84 Councilman Wadsworth asked about Bonneville Shoreline trail and when it will come to
85 Spanish Fork.
86
87 Commissioner Anderson does not know the answer but can get back to them.
88
89 Councilman Leifson asked what the plans are for the Utah county fair.
90

91 Commissioner Anderson feels it is not the right place to have the county fair at
92 Thanksgiving Point, he feels the fair needs its own place whether they build one or rent
93 one but it needs to be where the county fair stuff is and that is in south county.
94

95 **PUBLIC COMMENTS:**
96

97 Jerry Orton

98 Mr. Orton is a long time citizen of Spanish Fork. He's concerned the city has no plans to
99 do anything to occupy the youth. He's wondering if they are making any provisions to
100 occupy the youth with the bowling and skating facilities closing.

101
102 Councilman Leifson feels that is an issue, he has spent a lot of time at the bowling alley.
103 He explained the city is doing a lot more with the youth sports. He does not know the
104 answer. This city has the best youth sports program in the state, they will keep trying to
105 meet the needs of the youth and work to solve the problems.
106

107 Mayor Thomas reported the City has a new golf pro, there will be a new youth program,
108 and opportunity for jobs. He noted there is an underutilized shooting club, one of the best
109 in the country. He addressed the roller skating rink, it is a private business and the market
110 has not been able to sustain them. He noted the bowling alley was leaving for a different
111 reason because they have lost their lease, the city is limited on what they can do and he is
112 not in support of helping private business unless there is a way to help without any risk to
113 the city.
114

115 Councilman Wadsworth appreciated Mr. Orton for expressing his concern he added there
116 are a lot of youth theater programs as well.
117

118 Pat Parkinson

119 Ms. Parkinson sent an e-mail to the Council and received no response, she hears it is the
120 policy that the Council does not respond to e-mails. The Council stated that was not true
121 and for her to resend her e-mail they did not receive it. She addressed the animal property
122 rights requirement in the code, you lose the rights, as she understands, if you do not use
123 them.
124

125 Mr. Baker stated losing the rights only applies if they are a non-conforming use, if they
126 are conforming it is not a problem whether they continue to use the rights or not they still
127 keep them.
128

129 Mr. Oyler explained the process of sending a question to the city and how to use the
130 online service.
131

132 Mayor Thomas explained the working of different e-mails to address problems as well.
133

134 Dale Robinson

135 Mr. Robinson introduced the new golf professional Aaron Brown, he said they are
136 excited to have him on staff.

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Mr. Brown presented Spanish Oaks Golf Course hats to the Council. He noted the 18th will be meet the pro and say goodbye to the old one day, from 11:00-3:00. He thanked the Council for their support and if there's anything he can do let him know.

COUNCIL COMMENTS:

Councilman Wadsworth reported the trails committee met last week and has some good things going on, they meet once a month the last Wednesday of each month. They also held a finance committee meeting this morning, and talked about the RFP for banking and advisory services.

Councilman Sorensen said this Saturday is the Easter egg hunt at the new ball park it starts at 10:00 a.m. hosted by the Chamber of Commerce. He invited everyone to participate.

Councilman Andersen reported the groundbreaking for the new police court building will be held April 9, 2007 at 1:00 p.m., and invited everyone to participate.

Mayor Thomas noted they are moving forward with the reshaping of North Park. The Economic Development Committee has done a good job of attracting new business. The American Public Power Association took first place in incident safety. He publicly thanked the ladies golf association; because they have done a significant amount of service throughout the city. Spanish Fork Gun club finished their Round Robin Tournament, some of the teams are going to state. SFCN has had some problems with e-mail and are working to correct it. Also the Pressurized Irrigation System (PI) will start April 15, 2007 he asked those at home to turn their valves off to check for leaks.

Councilman Barber reported about North Park, Dave Anderson has been meeting with the developer discussing how they want this to move forward and make it top notch. He also reviewed the budget items with Mr. Oyler. He is doing a 30 day ride along with different officers to see what their needs are and to have a better understanding of the public safety department. He asked about notifying the fertilizer companies letting them know the water does not turn on until the middle of April, he also requested the watering schedule be sent out again this year. He noted the leadership library was in place and is currently being used, he will be donating a few books himself.

Councilman Leifson attended the South Utah Valley Animal Service District meeting they discussed fees, licensing cats is the new topic, they are finding taking care of cats is the big expense. There will be a presentation at a future date regarding the changes.

Councilman Barber mentioned last Saturday was the opening men's social at the golf course and there was a 20-30% increase this year they are doing a great job.

CONSENT ITEMS:

- 183 a. Minutes of Spanish Fork City Council Meeting – March 6, 2007
184 b. Resolution Proclaiming Arbor Day

185
186 Councilman Barber made a **motion** to approve the consent items. Councilman Sorensen
187 **seconded** and the motion **passed** all in favor.

188
189 **NEW BUSINESS:**

190
191 **Larson Stewart Myrick and Link Proposal**

192 Councilman Wadsworth explained the information given to the Council regarding this
193 topic and items to be included in the RFP.

194
195 Councilman Andersen said he asked the congressman's office and as long as they have
196 someone in place by the first meeting in May they will be ok to move forward.

197
198 Mr. Oyler handed out the draft RFP and also read the list of main lobbyists firms some of
199 the other cities use.

200
201 Mayor Thomas feels it should be left open and to make sure there are specialist in the
202 areas they need, they need to be open minded and see what they can do for the city.

203
204 Mr. Oyler wants to send it out this week and then allow them to get some proposals back,
205 he would think by the middle of May they can have someone hired.

206
207 **OLD BUSINESS:**

208
209 **Board and Commission Appointments**

210 Mayor Thomas would like to appoint Bradley Creer to the Personnel Committee.

211
212 Councilman Barber made a **motion** to appoint Bradley Creer to the Personnel
213 Committee. Councilman Wadsworth **seconded**, and a roll call vote was taken.
214 Councilmember's Leifson, Andersen, and Sorensen voted Nay. Councilman Andersen
215 explained the reason he voted Nay was because another name was put up for
216 consideration from the Personnel Committee and he would like it looked into further
217 before they make a decision. The motion failed due to a majority vote.

218
219 Mayor Thomas stated they will address the issue at the next meeting.

220
221 Mayor Thomas invited everyone on the Council to adjust their assignments and serve on
222 different committees.

223
224 **OTHER BUSINESS:**

225
226 Mr. Oyler stated they need the Council to give input on major projects, tonight they will
227 be bringing the major six year capital projects to the Council. He then explained the
228 process of the budget adoption.

229
230 Mr. Foster discussed some of the major items for the next year's capital facilities budget.
231
232 The Meter Management system was a big item, Mr. Foster explained the system will do
233 all they need to be done, they can turn the meters off at certain locations and will be able
234 to gather information.
235
236 Mayor Thomas asked to see the savings go back to the tax payer.
237
238 Mr. Foster said they are working on the numbers.
239
240 Mayor Thomas stated he wants to see the information and make sure it is cost effective.
241
242 Mr. Heap explained with the hard costs sending people out to turn on and off the pay off
243 will be approximately 12 years.
244
245 Mayor Thomas feels the fees should cover the costs to start and shut off, he feels there
246 are more options.
247
248 Mr. Foster has the same issues training and keeping the staff, they can't keep the meter
249 readers either because they only work three days a month and there is nothing else for
250 them to do.
251
252 Mr. Heap stated they will do an analysis and it will also change with growth.
253
254 Mayor Thomas wants more detail to make sure the tax payer is getting their money's
255 worth.
256
257 Mr. Foster explained they have held off for as long as they can until they could find a
258 system that will provide them the service they are looking for.
259
260 **OLD BUSINESS:**
261
262 **Allied Waste**
263 Gordon Raymond
264 Mr. Raymond said from a corporate perspective they have had to drill down on their
265 residential contracts, they have some contracts where the customers are problems and his
266 charge has been to identify those here in Utah and try to rectify that situation. Some of
267 the options are to ask for a substantial increase, or to help finance and go through a bid
268 process to see what the market would handle. There are three of four contracts throughout
269 the state they were too low bidding on. They will need a \$1.40 per cart increase, or they
270 can help them bid out the contract.
271
272 Mayor Thomas asked if there is a surplus in the cities fees, he also said if they gave the
273 rate out to competitors to see if they can beat it he had no problem with that.
274

275 Councilman Leifson as a contractor he enters into contracts and has to deal with it if he
276 makes money or loses money he does not ask for more.

277
278 Mayor Thomas does not want a tax payer to pay a larger amount, but if they are open
279 book he has no problem looking into it.

280
281 Councilman Barber agrees with the Mayors line of thinking, but when it is someone
282 else's money they need to be able to justify the change.

283
284 Councilman Sorensen thought back to when they did the RFP and there was not a huge
285 discrepancy between costs of the different companies.

286
287 Mr. Raymond thinks they ball parked the Spanish Fork figures and that the other
288 businesses are seeing increases as well.

289
290 Councilman Sorensen said they all understand where they are coming from and feel the
291 pain, but that is one of the reasons they do the RFP and contract they should not have to
292 rob the citizens of the lower contract.

293
294 Councilman Andersen is sympathetic, but last year when they had this discussion they
295 adjusted the rate and said they did not want to see it come back again, and here in a year
296 they are back again asking for more and he has a hard time with that.

297
298 Mayor Thomas asked where the cost increases have come from besides fuel.

299
300 Mr. Raymond explained the labor costs have gone up two dollars an hour over the last
301 year and a half, the cost of equipment has increased as well. He thinks the two percent
302 increase they figured into the contract does not cover the costs that have increased so
303 dramatically.

304
305 Mayor Thomas asked how long they keep the trucks.

306
307 Mr. Raymond said they try to keep them ten years but that does not always happen.

308
309 Mr. Oyler asked how much the cost of fuel is in the overall expense.

310
311 Mr. Raymond said 25%-30% overall is the cost of fuel.

312
313 Mayor Thomas would love to know what those that lost this bid are charging now,
314 without the specifics and more solid data, this is a tough one to consider.

315
316 Mr. Raymond was looking to see if the Council would entertain the change and what
317 direction they would like to go.

318
319 Mayor Thomas would like to see the data, and see them work with the Council but
320 without the details they can't make a decision with more information.

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Councilman Barber stated he was open for discussion.

Councilman Leifson has no problem discussing it if they come back with the data and can justify it, the Council has to justify it to the citizens.

The Council was unanimously open to further discussion with more specifics and information.

OTHER BUSINESS:

A general discussion was made regarding the 2008 Capital Facilities Projects. There was no action taken.

Mr. Baker reminded the Council about the annual land use training scheduled for the next Tuesday night.

ADJOURN:

Councilman Leifson made a **motion** to adjourn to executive session for real estate, personnel, and litigation issues. Councilman Sorensen **seconded** and the motion **passed** all in favor at 9:18 p.m.

ADOPTED:

Kimberly Robinson, Deputy Recorder

GOLF PRO SHOP CONTRACT

This contract is entered into by and between Spanish Fork City (City) and Aaron Brown (Brown) as follows:

RECITALS

WHEREAS, Spanish Fork City has hired Brown as an employee to supervise and manage the Spanish Oaks Golf Course and act as the Golf Pro; and

WHEREAS, the City desires to assign to Brown all of its rights, interests, and obligations in the merchandise, inventory, equipment, receivables, and payables of the pro shop, with the intent that Brown will operate the pro shop as a separate business; and

WHEREAS, Brown is willing to accept the aforementioned assignment:

NOW THEREFORE, the parties hereby contract, covenant, and agree as follows:

CONTRACT

1. Brown agrees to operate the Spanish Oaks Pro Shop as his separate business. The City agrees to provide the building and utilities at no cost in return for Brown acting as the Golf Pro. Brown shall be responsible for all of his own taxes related to the operation of the pro shop as a separate business. Brown shall be obligated to obtain a state sales tax number either in his name, a dba, or similar entity owned by him for all transactions made at the pro shop.
2. Brown agrees to buy the existing inventory (as of April 1, 2007) from City for the sum of \$20,000.00 Brown further agrees to purchase from City ten

rental club sets at \$25.00 each and ten pull carts at \$10.00 each.

3. Brown also agrees to purchase the accounts receivable for the sum of \$5,995.82 and assumes the risk that some or all may be uncollectible, but recognizing the purchase price represents a discount from the face value for a part which may be uncollectible.
4. Brown agrees to assume the current accounts payable and receive a credit against the accounts receivable and inventory cost in the amount of \$7,447.42. Brown agrees to timely pay the payables and hold the City harmless therefrom.
5. Totaling the debits and credits, Brown agrees to pay City the sum of \$18,898.40 to purchase all of the interest in the Spanish Oaks pro shop, with the exception of the building and grounds, which shall remain the property of City.
6. This document represents the entire agreement between the parties. All prior representations, negotiations, or understandings are merged herein and superceded hereby.
7. This agreement may be modified only by written amendments to the terms hereof.
8. In the event of a default of any of the terms of this agreement, the defaulting party shall also be liable for costs and attorney fees incurred by the non-defaulting party.
9. This agreement is specific to the parties hereto and cannot be assigned.

DATED this ____ day of May, 2007.

SPANISH FORK CITY,

JOE L THOMAS, Mayor

ATTEST:

KENT R. CLARK, Recorder

AARON BROWN



MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: May 9, 2007

TO: Mayor Thomas and City Council

FROM: Richard J. Nielson, Assistant Public Works Director

RE: Chip Seal Bids

There are two bids on the agenda for this years chip seal project. Spanish Fork City provides the bidding for the group of cities involved in the chip seal project.

The first bid is for the 3/8" road chips. There were two bidders for the road chips with Searle Trucking being the low bidder. We have estimated the number of tons needed for each city and I would recommend that the City Council approve the unit price of \$15.70 per ton be awarded to Searle Trucking with an estimated quantity of 6400 tons.

The second bid is for the liquid asphalt used in the chip seal project. There were two bidders for the liquid asphalt with Peak Asphalt being the low bidder. I would recommend that the City Council approve the bid of Peak Asphalt in the amount of \$302.00 per ton with an estimated 760 tons.

Both of these bids are for all of the material needed for the chip seal project. The Spanish Fork City portion of the project is approximately 22% of the total project.

SPANISH FORK CITY
2007 Chip Seal Bids
Road Chips Bid Tabulation

Item	Unit	Quantity	Searle Trucking		Staker Paving		Average	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Type "C" 3/8" Road Chip	Ton	6400	\$ 15.70	\$ 100,480.00	\$ 16.70	\$ 106,880.00	\$ 16.20	\$ 103,680.00

Asphalt Bid Tabulation

Item	Unit	Quantity	Peak Asphalt		SEM Materials		Average	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
LM CRS-2h liquid asphalt	Ton	760	\$ 302.00	\$ 229,520.00	\$ 315.00	\$ 239,400.00	\$ 308.50	\$ 234,460.00