



AMENDED CITY COUNCIL AGENDA

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 December 15, 2009**.

AGENDA ITEMS:

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

- a. Pledge

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. 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 – November 10, 2009; December 1, 2009
- b. *Airport – Rocky Mountain Composites Ground Lease

5. NEW BUSINESS:

- a. **Resolution Authorizing the Issuance and Confirming the sale of up to \$5,000,000, of the aggregate principal amount of Electric Revenue Refunding Bonds, Series 2009** of the City; authorizing the execution and delivery of certain documents relating to such bonds; and providing for related matters.
- b. ***Maple Mountain Amended Preliminary Plat**, located in the vicinity of 100 North and 1500 East. The proposed amendment would create a site for an elementary school.
- c. ***Pine View Preliminary Plat**, located in the vicinity of 2700 East 750 South. The proposed plat would create two lots of approximately 12 and 16 acres in size.
- d. ***Swenson Addition**, located at approximately 3000 North 700 West. The proposal involves the City Council's acceptance of an annexation petition for further study.

6. PUBLIC HEARING:

- a. ***American Leadership Academy Zoning Text and Zoning Map Amendments**, located at 110 South Mill Road. The proposed text amendment would reduce the setback requirements in the R-1-15 Zone. The proposed map amendment would change the zoning on a portion of the ALA site from R-1-30 to R-1-15.
- b. ***Jensen General Plan and Zoning Map Amendments**, located at 55 East 700 North. The proposal would change the General Plan and Zoning Maps to permit a 3,600 square

* Supporting documentation is available on the City's website www.spanishfork.org

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.
- This agenda is also available on the City's webpage at www.spanishfork.org

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 804-4530.

- foot area to be used commercially.
- c. ***Isacson General Plan and Zoning Map Amendments**, located in the vicinity of 885 North 200 East. The proposal would change the General Plan and Zoning Maps to permit commercial uses at 885 North 200 East.
 - d. ***Peterson Spanish Cove, In-Fill Overlay and Preliminary Plat Approval**, located at 245 North 300 East. The proposal would approve the application of the In-Fill Overlay Zone and a Preliminary Plat to permit the construction of two twin home structures.

7. EXECUTIVE SESSION:

- a. Discussion of Real Property Transaction

ADJOURN:

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Tentative Minutes
Spanish Fork City Council Meeting
November 10, 2009

Elected Officials Present: Mayor Pro Tem G. Wayne Andersen Councilmember's Steven M. Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson

Elected Officials Absent: Mayor Joe L Thomas

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Junior Baker, City Attorney; Kent Clark, Finance Director; Kimberly Robinson, City Recorder

Citizens Present: Lana Creer Harris, Rich Harris, Jen Allen, Keir Scoubes, Matthew McEwen

CALL TO ORDER:

Mayor Pro Tem Andersen called the meeting to order at 6:00 p.m.

Canvass of the 2009 General Municipal Election

Ms. Kimberly Robinson explained what the canvass is and the laws regarding elections. She then revealed the final tally including the count of the provisional ballots.

Ms. Robinson gave the council the elections books for review. There were 61 provisional ballots to validate; 42 of which were counted.

Councilman Nielson asked Ms. Robinson to explain a provisional ballot

Ms. Robinson explained the various ways a voter has in casting a provisional ballot and how their vote could potentially be validated. She also explained there is a 7 day period wherein 1 of the 2 candidates can request a recount that the City would have to pay for. If the request is received within the 7 days, the City will do the recount. If we do not receive a request, this count will be the official count for the election.

Mayor Pro Tem Andersen stated everyone had reviewed and initialed the poll books and information.

Mr. Leifson thanked the residents for voting and thanked Ms. Robinson for her hard work and effort on the election. He reiterated that residents need to always remember that their one vote counts. He noted again why your vote is so important because here we have an election hinging on 13 votes. Your vote really does count and he encourages all to get out and Vote.

Councilman Davis made a **Motion** to approve the Canvass of the 2009 General Municipal Election. Councilman Nielsen **Seconded** and the motion **Passed** all in favor.

49 **ADJOURN:**

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51 Councilman Leifson made a **Motion** to adjourn. Councilman Dart **Seconded** and the
52 motion **Passed** all in favor at 6:15 p.m.

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54 ADOPTED:

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Kimberly Robinson, City Recorder

DRAFT

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Tentative Minutes
Spanish Fork City Council Meeting
December 1, 2009

Elected Officials Present: Mayor Pro Tem Steve Leifson, Councilman Rod Dart, Richard M. Davis, Jens P. Neilson

Elected Officials Absent: Mayor Joe L Thomas, Councilman G. Wayne Andersen

Staff Present: Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Kent Clark, Finance Director; Richard Heap, Public Works Director; Dale Robinson, Parks and Recreation Director; Chris Thompson, Assistant Public Works; Tyler Jacobson, Dee Rosenbaum, Dave Anderson, Kimberly Robinson, Recorder

Citizens Present: Lana Creer Harris, Rodger L. Hardy, Mike Mendenhall, Namon Bills, Sarah Wilcox, Tyler Jacobson, Greg Lewis, Mandy Law, Daniel Lander, Josh Mathews, Keir Scoubes, Tyler Clement, Tawnia Stephen, Russell Olsen, Kayla Walker, Chris Thompson, Jeremy Falkner

CALL TO ORDER, PLEDGE:

Councilman Dart made a **Motion** to appoint Councilman Steve Leifson as Mayor Pro Tem. Councilman Neilson **Seconded** and the motion **Passed** all in favor.

Mayor Pro Tem Leifson called the meeting to order at 6:00 p.m.

Scout Robby Dickson led in the pledge of allegiance.

PUBLIC COMMENT:

Greg Lewis

Mr. Lewis commented that with the economy as bad as it is he is here tonight asking those who hold public office to make a big movement towards change. He is asking the City Council to stand up and go to the counties and the state to make a pitch to get things turned around.

Mayor Pro Tem Leifson stated they are doing what they can, trying to bring in jobs etc. to help stimulate the local economy.

PUBLIC HEARING:

Councilman Dart made a **Motion** to open the public hearing for the Common Boundary Adjustment with Mapleton (Ensign Bickford Property). Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:03 p.m.

Common Boundary Adjustment with Mapleton (Ensign Bickford Property)

48 Mr. Junior Baker explained some background regarding the adjustment. Cities with
49 common boundaries may adjust those boundaries by following the procedures set forth in
50 the law that is what is being done. He stated notice of the public hearing has been
51 published we have been made aware that Mapleton will continue their decision until
52 February. He added it would be wise to open the public hearing to take comments from
53 anyone present then continue the public hearing until February in order to work along the
54 same time frame as the Mapleton City Council.

55
56 There was no public comment made at this time.

57
58 Councilman Davis made a **Motion** to continue the public hearing to February 16, 2010.
59 Councilman Neilson **Seconded** and the motion **Passed** all in favor by a roll call vote.

60
61 Councilman Davis made a **Motion** to move out of public hearing. Councilman Neilson
62 **Seconded** and the motion **Passed** all in favor at 6:06 pm

63
64 **COUNCIL COMMENTS:**

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66 Councilman Dart thanked the Chamber for the light parade, it was well attended and he
67 would like to thank the merchants and those involved.

68
69 Councilman Davis commented the light parade was a great event. He is thankful for the
70 citizens who came out and participated. He also thanked the airport crew David Bradford
71 and Cris Child for all the work they do. The Youth Council is working hard they are good
72 leaders for their schools. He thanked Alicia Norris and Anita Ward for working with the
73 Youth Council. He thanked the Fiesta Days Committee; they are already working on the
74 Grand Marshal and theme for this next year. He wished everyone a Merry Christmas and
75 Happy New Year and asked that they please support the local businesses.

76
77 Councilman Neilson would like to wish everyone a Happy Holiday Season, and he
78 encourages all to attend the Festival of Lights.

79
80 Mayor Pro Tem Leifson commented there are new decorations on Main Street. The City
81 was able to save money by waiting to buy them after last season. They had a UMPA
82 Board meeting this last week. He noted there will be a lot of challenges coming in the next
83 years regarding power. The UMPA Board is working to keep electric costs low. He also
84 thanked the National Honors Society who provided meals for 42 families here in Spanish
85 Fork. He added a thanks to all those that rendered service to others during the holidays.

86
87 **CONSENT ITEMS:**

- 88
89 **a. Minutes of Spanish Fork City Council Meeting – November 17, 2009**
90 **b. Concessions Contract for Spanish Oaks Golf Course**

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92 Councilman Dart made a **Motion** to approve the consent items. Councilman Davis
93 **Seconded** and the motion **Passed** all in favor.

94
95 **NEW BUSINESS:**

96

97 **Suncrest Fuel Trailer Lease for Airport – Cris Child**

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99 Mr. Baker explained this is a lease for an aircraft fueling trailer. This will allow the lessee
100 an additional option for fueling at the airport. The Airport Board is asking both Spanish
101 Fork and Springville to approve the lease.

102

103 Councilman Davis explained the lessee runs a helicopter service and are asking to bring a
104 fuel trailer to fuel their aircraft. He noted a portion of the cost of the fuel comes back to the
105 cities in the form of a fuel flowage fee. The amount is currently \$.05 per gallon.

106

107 Councilman Davis made a **Motion** to accept the Suncrest Fuel trailer lease for the airport.
108 Councilman Neilson **Seconded** and the motion **Passed** all in favor.

109

110 **Independent Financial Audit Report FY 2009 – Larson & Rosenberger LLP**

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112 Mr. Kent Clark reviewed the city's audited financial statements with the City Council. He
113 explained the Utah State Code requires the financial statements to be audited by an
114 independent auditor.

115

116 Russell Olsen, Auditor

117 Mr. Olsen reviewed the audit opinion, internal controls, and compliance with laws
118 regulations, grants, agreements, state compliance report, and the management letter. In
119 the management letter he stated the findings, one having to do with an entry in the River
120 Reclamation Projects, also the General Fund balance which exceeds the 18% limit in the
121 General Fund. In the City's case there are plans scheduled for that money and the finding
122 will go away when the money is transferred to a capital project fund. He stated Spanish
123 Fork has done very well to prepare them for the downturn in the economy.

124

125 Councilman Dart thanked all the staff that work so hard to keep the city in good financial
126 condition.

127

128 Councilman Nielson made a **Motion** to accept the Independent Financial Audit Report FY
129 2009 – Larson & Rosenberger LLP. Councilman Davis **Seconded** and the motion **Passed**
130 all in favor.

131

132 **Staff Follow Up to Lynnbrook Subdivision Concerns – Richard Heap**

133

134 Mr. Richard Heap stated there were questions raised at a previous Council Meeting
135 regarding Blackhorse Run and Lynnbrook Subdivisions. He then explained what was
136 approved by Blackhorse Run originally. He noted the intent for the plat approval was that
137 the open space around the ponds be cleaned and mowed three times a year, it never was
138 intended to be a landscaped park with lawn, only natural vegetation. The same stipulation
139 was added when it went to final plat at DRC. He spoke to the management group for
140 Blackhorse Run regarding the cleaning of the property. The bigger concern he has is the
141 drain for the pond on the north. The grate plugs up with debris very often and raises the
142 water level. The management at Blackhorse Run is trying to get some sort of a self
143 cleaning grate to avoid the water backing up. They are only required to clean and cut the

144 area three times a year. The HOA is also worried about trespassers because of the
145 liability, and there was concern whether the ponds were leaking and causing the flooding.
146 Mr. Heap stated there was a drain through the area and he plans to get with the
147 homeowners and work together to find the end of the drain. Ever since Lynnbrook has
148 been developed there have been surface water problems. He wants to follow through on
149 what happened with the drain in the area. He feels it is a matter of the clay soil being tight
150 and the water having no where to go. He will meet with the Home Owners Association and
151 neighbors to work on finding the drain line.

152

153 **ADJOURN:**

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155 Councilman Dart made a **Motion** to adjourn. Councilman Davis **Seconded** and the motion
156 **Passed** all in favor at 7:03 p.m.

157

158 **ADOPTED:**

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Kimberly Robinson, City Recorder

DRAFT

MagicMail WebMail Interface

INBOX

Compose

Addresses

Folders

Options

Calendar Help Search

Current Folder: INBOX

Sign Out

Logged in as: **rmoneyd@sfcn.org**



All Msgs



Delete



Forward



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Reply



Reply All

Subject:

Rocky Mountain Composites Ground Lease

From:

"Cris Child" <Cris@prestigehome.com>

Date:

Wed, December 9, 2009 12:55 pm

To:

"Richard Davis" <rmoneyd@sfcn.org> (more)

Priority:

Normal

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[View Printable Version](#)

[Download this as a file](#)

Options:

[Add to Addressbook](#)

[View Message details](#)

[View as HTML](#)

[Block Sender](#)

We need council approval to increase Rocky Mountain Composites Lease rate for 2010 five percent from \$10,995.60 to \$11,545.38 this will bring them up to 18.74 cents per square foot. Could you put this on the agenda and get an approval by the City Council at your earliest convenience. Rocky Mountain's lease is different from all of the other leases on the airport. We neglected to address this issue at the time we set the 2010 ground lease rates when we raised all the other hangers from 24 cents per square foot to 29 cents per square foot. Please verify that the raise for all the other hangers has also been reflected in the Council minutes.

Thanks,
Cris

Attachments:

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REPORT TO THE CITY COUNCIL MAPLE MOUNTAIN PRELIMINARY PLAT APPROVAL

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: Dave Simpson is requesting the reapproval of an Amended Preliminary Plat for the Maple Mountain development.

Zoning: R-1-12

General Plan: Residential 2.5 to 3.5 units per acre

Project Size: Approximately 98.88 acres

Number of lots: 308

Location: 1500 East 100 North

Background Discussion

The Maple Mountain Preliminary Plat was originally approved in January of 2007. A number of Final Plats have been approved and homes have been built in the subdivision.

The impetus of this most recent proposal is a request by the Nebo School District to acquire a site for an elementary school within the subdivision. The amended plat shows the site proposed for the school and a 4.5-acre City park.

The current approval includes a 5-acre City park located in the vicinity of site where the 4.5-acre park is proposed. The City Parks and Recreation Department has reviewed the proposed amendment and believes the proposed 4.5-acre park can function well even though it is obviously smaller than what was proffered when the development was originally approved.

In all, staff views the proposed amendment as a positive change. Staff believes that the proposed lot for the school provides an excellent location for this type of facility. Staff does have a few concerns about storm drain facilities for the area and other infrastructure details. Staff's most significant concern, however, relates to phasing and the development of the park.

At the time that this report is being prepared, staff does not have a final version of a phasing plan that would coincide to the amended plat. Staff anticipates having such a document prepared in advance of the City Council meeting.

Staff believes the other issues related to infrastructure can be addressed as part of the Final Plat approval and recommends that the applicant be required to address concerns raised by the Engineering Department before a Final Plat application is submitted.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:



Maple Mountain Amended

Applicant: Dave Simpson

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: 100 North 1500 East

Mr. Anderson explained that the reason for the proposed amendment was to allow the Nebo School District to purchase several of the lots in order to create a site for a new school. He said with this amendment the developer has proposed 152 lots which was the maximum permitted by the General Plan. He said that details still would need to be worked through on the storm drainage. He explained that phasing was an issue and asked for a phasing plan be created in the motion.

Mr. Baum asked if the road on 2550 East would be completed (at least ½ plus ten like it was on the north side of the football field).

Discussion was held regarding the road and whether or not restrictions would be placed on this amendment that would tie up the school. Mr. Anderson said he was more concerned about public improvements and didn't see how that would tie up the school site.

Mr. Oyler said the units that will be built on the north side should not be allowed to be constructed until the park is constructed. Mr. Anderson agreed. Discussion was held regarding when the bond will be posted for the park. Mr. Baker said he would not tie the construction of the park to the school but to the residential development.

Mr. Oyler asked why there was such a rush on the proposed amendment when there had not been any rush on the part of the developer to construct the park. He asked when the park would be bonded for.

Mr. Dave Simpson said he did not know when the park would be built. He said he was present for the meeting representing the request to accommodate a site for Nebo School District. He said he realized the amendment was somewhat of a band aid on the situation due to the economic down turn.

Mr. Thompson explained that there could be some easements that the City would ask to be turned over as part of the phasing for storm drain but that he would not know that for a couple of more weeks.

Mr. Jorgensen explained a sewer concern along the west side of the school property.

Discussion was held regarding the sewer and who would be responsible to construct the road in front of Jared Clayson's home.

Mr. Baker explained that the original plat approval said the park was to be constructed with the third phase.

Mr. Oyler asked Mr. Simpson if Mr. Salisbury was aware that the park would need to be installed with the next residential phase. Mr. Simpson said that he could not speak for Mr. Salisbury and that they did need to hold a meeting to discuss the details of the park.

Mr. Baker **moved** to recommend to the City Council **approval** of the amended Maple Mountain Preliminary Plat subject to the following conditions:

Conditions

1. That the applicant meet all of the conditions of the original approval.
2. That the park be constructed with the next residential phase.

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

Mr. Anderson asked the committee if they had any qualms about him discussing a phasing plan with the applicant before the December City Council meeting. Mr. Oyler explained that, with the school project, Mr. Thompson might need easements for the storm drain. Mr. Heap said that they would take care of any easements with the final plat application. Mr. Johnson said that he would need to get an upgrade of the utility map.

Planning Commission

The Planning Commission reviewed this request in their December 2, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Maple Mountain Amended

Applicant: Dave Simpson

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: 100 North 1500 East

Mr. Anderson gave background on the proposal. He explained that the original approval was for over 350 lots and that with this proposal the project would drop to 308 units. He said that there were some loose ends that needed to be tied up, along with the need for a phasing plan. As part of the phasing plan Mr. Anderson talked with Mr. Simpson about the need for storm drain detention. Mr. Thompson explained that the northern part of the development was not sized to have direct input from the subdivision.

Chairman Christianson said that they had received a lot of bonus density and wanted to make sure that we had received a landscaped trail along the railroad tracks and a clubhouse. Mr. Anderson said that the clubhouse and the park had not been constructed.

Discussion was held regarding the park being less than five acres and if the applicant had proffered anything in lieu of the change.

Commissioner Robins said his biggest concern was not having things nailed down and, with the building of a school being on one lot, were they missing any details.

Commissioner Marshall **moved** to recommend to the City Council **approval** of the Maple Mountain Amended Preliminary Plat subject to the following conditions:

Conditions

1. That the applicant meets all of the conditions of the original approval.
2. That a phasing plan and storm drain be developed prior to Final Plat approval.

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

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of this plat.

Recommendation

Staff recommends that the proposed amended Preliminary Plat be approved subject to the

applicant meeting all of the conditions of the original approval, the applicant signing an agreement relative to the phasing of improvements in the project and the applicant addressing any Engineering Department concerns prior to a Final Plat being approved.



MAPLE MOUNTAIN

PRELIMINARY PLAN AMENDED

SPANISH FORK, UTAH



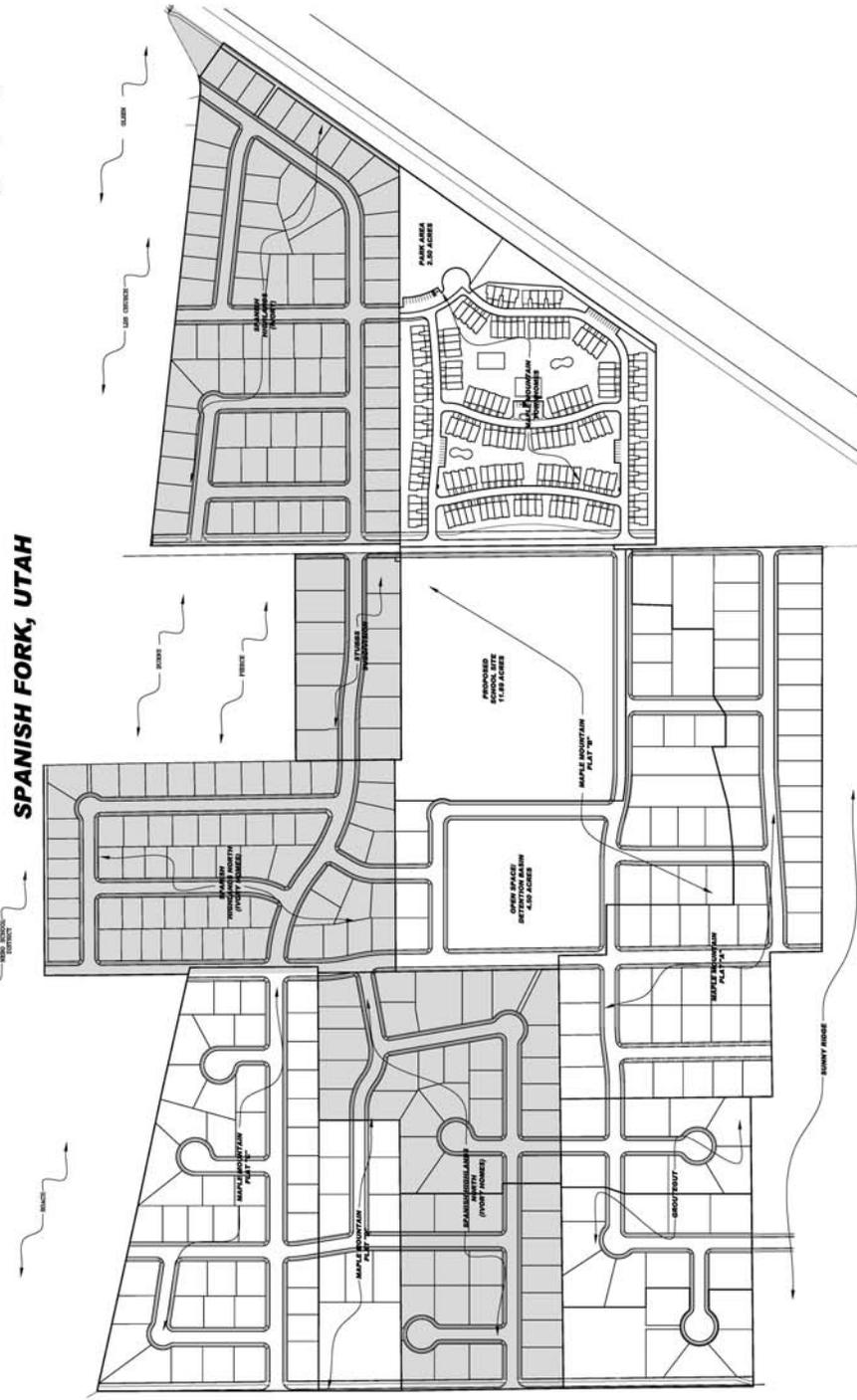
TABULATIONS

| AREA | ACRES |
|--------|-------|
| AREA A | 1.18 |
| AREA B | 1.18 |
| AREA C | 1.18 |
| AREA D | 1.18 |
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| AREA X | 1.18 |
| AREA Y | 1.18 |
| AREA Z | 1.18 |

DEVELOPER
 JAMES ANDERSON, INC.
 427 NORTH MAIN STREET
 SPANISH FORK, UT 84403
 (435) 489-3211

ENGINEER
 JACOBSON ENGINEERING
 100 WEST MAIN STREET
 SPANISH FORK, UT 84403
 (435) 489-3211

PROJECT NAME
 MAPLE MOUNTAIN
 SPANISH FORK, UT 84403



JACOBSON ENGINEERING
 100 WEST MAIN STREET
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 (435) 489-3211



REPORT TO THE CITY COUNCIL PINE VIEW PRELIMINARY PLAT APPROVAL

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: Kay Heaps is requesting the approval of the Preliminary Plat for Pine View.

Zoning: R-1-15

General Plan: Residential 1.5 to 2.5 units per acre

Project Size: Approximately 28.8 acres

Number of lots: 2

Location: 750 South 2700 East

Background Discussion

At the time that this property was annexed into the City, it was general planned for low density residential use. Recently, the Nebo School District approached the property owner about buying part of the property for a future school. As proposed, the subdivision would create two lots, one that would be conveyed to the Nebo School district and one that would be retained by the property owner in anticipation of having the property develop residentially. Prior to the commencement of residential development, another Preliminary Plat would need to be approved so as to permit the further subdivision of the subject property.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Pine View

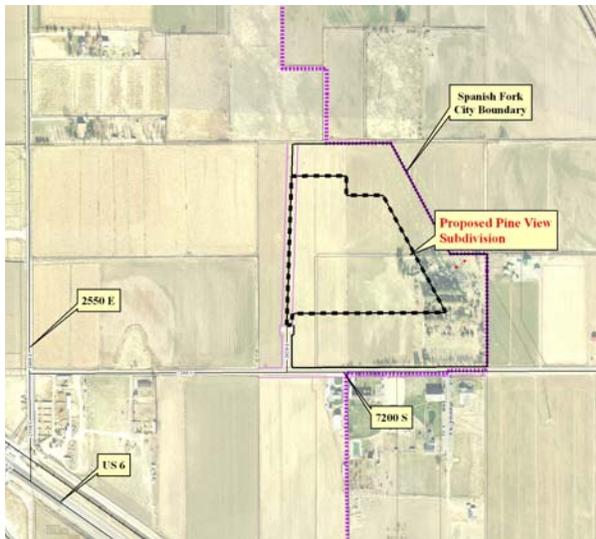
Applicant: Kay Heaps
 General Plan: Residential 1.5 to 2.5 units per acre
 Zoning: R-1-15
 Location: 2700 East 750 South

Mr. Anderson explained that this property was annexed into the City in 2007 and at that time the General Plan was amended to permit residential development at a density of 2.5 units per acre. He said the purpose of the proposal was that the Nebo School District would like to purchase a portion of the property to build a school.

Mr. Baker asked if the power corridor was on the east side of the proposed lot and discussion was held regarding what the applicant was proposing to build along the power corridor. Mr. Kay Heaps said he would have residential lots.

Discussion was held regarding SESD and whether or not the power had been bought out from SESD at the time of annexation.

Mr. Baker said that this was a Preliminary Plat and the approval would only be good for one year. He asked if either developer involved in this proposal



were going to be constructing anything within a year. They said they were not planning to construct anything that soon. Mr. Baker determined that the proposal was an agricultural subdivision; therefore, it did not require a Preliminary Plat.

Mr. Oylar **moved** to recommend to the City Council **approval** of an agriculture subdivision that does not require a plat. Mr. Baker **seconded** and the motion **passed** all in favor.

Mr. Peterson said that along 7200 South the Power Department has planned for a major line and he wanted them to be aware of it.

Planning Commission

The Planning Commission reviewed this request in their December 2, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Pine View

Applicant: Kay Heaps
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-15
Location: 2700 East 750 South

Mr. Anderson explained that the proposed division would create two lots. He said that the property was annexed into the City two years ago.

Chairman Christianson asked if they were approving two lots for the record.

Commissioner Robins asked if there was enough room for homes and a road on the east side of the proposal. Mr. Anderson said that there would be.

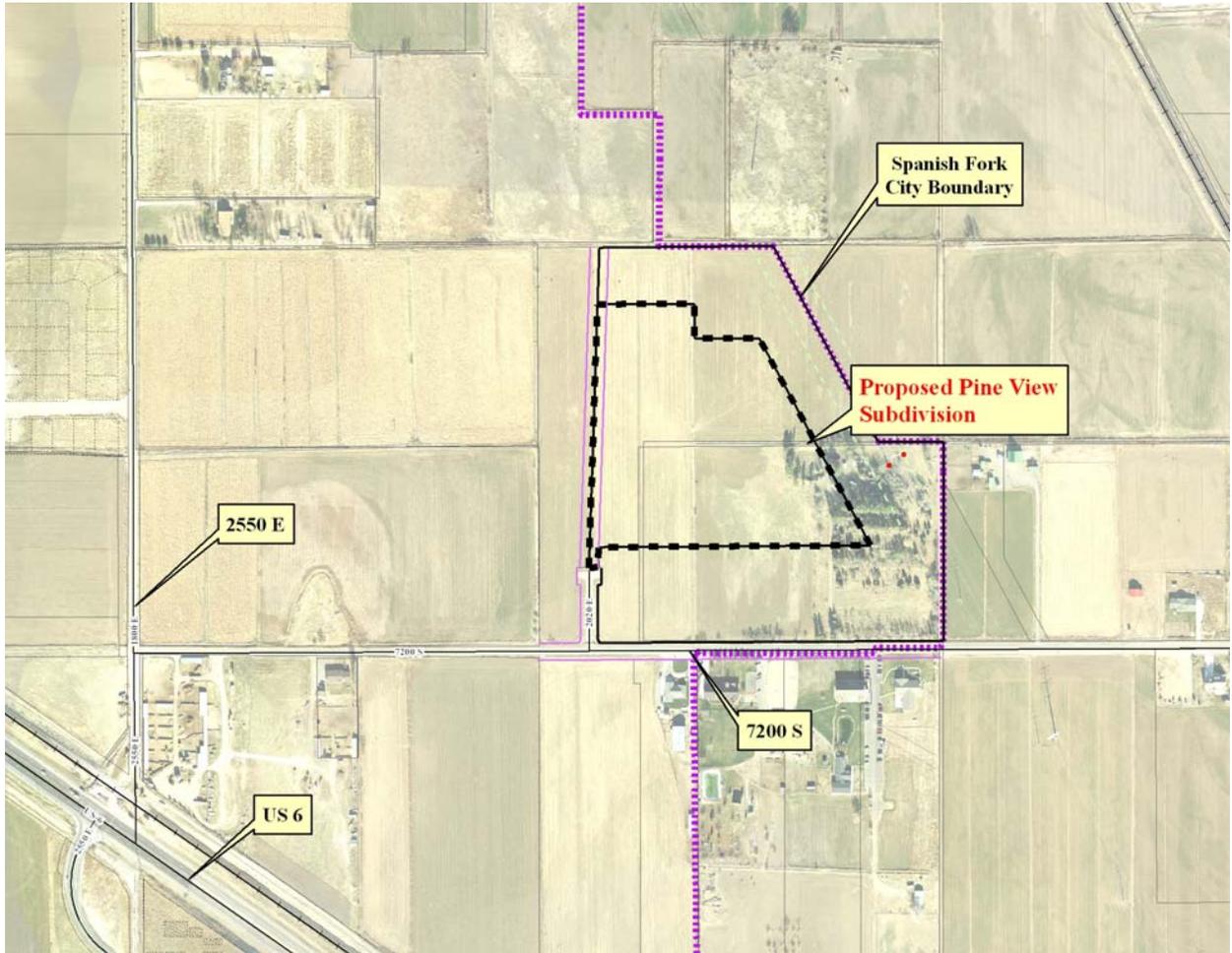
Commissioner Robins **moved** to recommend to the City Council **approval** of the Pine View Preliminary Plat subject to the applicant completing the SESD buyout as is stipulated in the Envision Annexation Agreement. Commissioner Stroud **seconded** and the motion **passed** all in favor by a roll call vote.

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of this plat.

Recommendation

Staff recommends that the proposed Preliminary Plat be approved subject to the applicant completing the SESD buyout as is stipulated in the Envision Annexation Agreement.





REPORT TO THE CITY COUNCIL SWENSON ADDITION ANNEXTION ACCEPTANCE

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: The proposed annexation includes some 39 acres of land which are adjacent to the current City boundary.

Zoning: Industrial 1 proposed

General Plan: Light Industrial

Project Size: 39 acres

Number of lots: Not applicable

Location: approximately 700 West and 3000 North

Background Discussion

Gerald Swenson has initiated the annexation of this 39-acre property which is located adjacent to the City's current boundary.

At this time, the Council is being asked to accept the annexation petition for further study. The Development Review committee has reviewed the proposed petition and recommended that it be accepted for further study.

Budgetary Impact

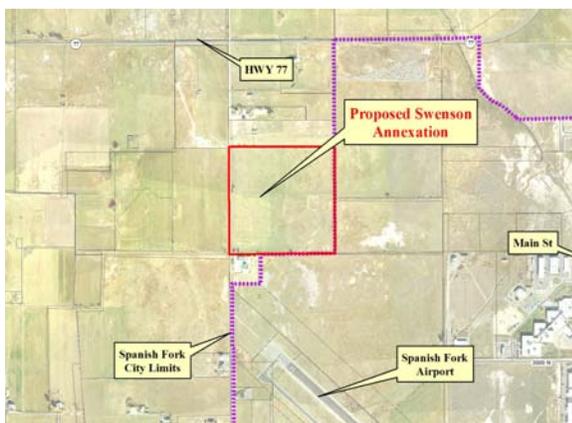
Certainly, the ultimate goal of the proposal is to positively impact Spanish Fork City's budget by attracting new commerce that would bring employment and capital investment. At this point, it is impossible to predict what the impact may be.

Alternatives

The Council has considerable discretion relative to annexation proposals. In this case, you may accept the annexation for further study or deny its acceptance.

Staff Recommendation

Staff recommends that the proposed Swenson Addition Annexation be accepted for further study.



CONTRACT

COMES NOW the Redevelopment Agency of Spanish Fork City (RDA) and the Gerald L. Hill Family LLC, Sherald W. and Mary A. James, Robert J. and Janice B. Gull, Ricky D. and Connie B. Hansen, Hal M. and Carolyn M. Lucas, and the Robert L. and Evelyn M. Lucas Family Trust (collectively, Petitioners) and hereby enter into this contract for the benefit of all parties.

RECITALS

WHEREAS, RDA seeks opportunities to assist various business entities with economic development within Spanish Fork City; and

WHEREAS, RDA has had businesses contact it about locating to Spanish Fork City if suitable property can be located adjacent to the airport; and

WHEREAS, Petitioners own property adjacent to the airport; and

WHEREAS, Petitioners' property is south and west of the airport but is not within the corporate limits of Spanish Fork City; and

WHEREAS, RDA has requested that Petitioners annex their property into Spanish Fork City in order to accommodate potential economic development; and

WHEREAS, Petitioners are willing to file a petition for annexation if they are not required to incur any expense related to the annexation; and

WHEREAS, RDA is willing to assume responsibility for the usual and ordinary expenses related to the annexation;

NOW THEREFORE, the parties now hereby

CONTRACT, COVENANT, and AGREE

1. Petitioners agree to file a petition for annexation with Spanish Fork City, requesting annexation of the property identified on the map attached hereto as exhibit A and incorporated herein by this reference. The petition will be filed on or before the 31st day of March, 2008.
2. Petitioners represent that they own sufficient of the real property identified in Exhibit A to annex it into Spanish Fork City.
3. RDA agrees to assume and pay the usual and ordinary expenses of the petition for annexation and to hold Petitioners harmless therefrom, which expenses are identified as follows:
 - A. Filing fees;
 - B. Plat preparation fees and related costs;

C. SESD facilities buy out costs.

4. In the event RDA fails to pay the costs identified herein, Petitioners may withdraw the petition for annexation. If RDA pays the costs identified herein, Petitioners shall proceed with the annexation.
5. RDA does not represent that economic development will occur as a result of the annexation, nor does it represent nor guarantee that Petitioners will gain any benefit if economic development does occur.
6. This agreement represents the entire agreement between the parties concerning the subject matter hereof. Any prior representations, discussions, or agreements are merged herein and superceded hereby.
7. This agreement may be modified only by a written amendment to the agreement, signed by all the parties hereto.

DATED this 1st day of April, 2008

REDEVELOPMENT AGENCY OF
SPANISH FORK CITY by:

JOE L THOMAS, Chair

Attest:

David A. Oyler, Executive Director

THE GERALD L. HILL FAMILY LLC by:

GERALD L. HILL, Manager

SHERALD W. JAMES by:
CARL JAMES, Power of Attorney

MARY A. JAMES by:
CARL JAMES, Power of Attorney

HAL M. LUCAS

ROBERT J. GULL

JANICE B. GULL

THE ROBERT L. AND EVELYN M. LUCAS
FAMILY TRUST by:

ROBERT L. LUCAS, Trustee

DAVID K. JAMES

KARLA K. JAMES



REPORT TO THE CITY COUNCIL ALA ZONING TEXT AMENDMENT AND ZONE CHANGE APPROVAL

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: The American Leadership Academy is requesting the approval of a zoning text amendment, as well as a zone change.

Zoning: R-1-30 existing, R-1-15 requested

General Plan: Residential 1 unit per 5+ acres or 1.5 to 2.5 units per acre

Project Size: Approximately 19.9 acres

Number of lots: Not Applicable

Location: 1100 South Mill Road

Background Discussion

A structure was built in 2006 at the American Leadership Academy (ALA) site that did not meet the setback requirements of the existing R-1-30 zone. Over the past few years, representatives from ALA have pursued a number of different solutions to rectify this situation. This most recent attempt involves changing the zoning of the property in question to R-1-15 and requesting an amendment to the text of that zone to allow for the setbacks to be identical to those of the R-1-12 zone.

If the proposed Zone Change and Zoning Text amendments are approved, the existing structure would conform to the City's zoning standards and would be eligible for Building Permits. The proposed Zone Change does conform to the General Plan designation for the subject property. Staff has no concerns about modifying the setback requirements for the R-1-15 zone.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

American Leadership Academy Zone Change and Text Amendment

Applicant: American Leadership Academy
 General Plan: Residential 1.5 to 2.5 units per acre
 Zoning: R-1-30 existing, R-1-15 requested
 Location: 1050 South Mill Road

Mr. Anderson explained that there was a non-conforming building at the American Leadership Academy and explained the way that the ordinance could be changed in order to bring the non-conforming structure into conformance.

Mr. Anderson **moved** to **approve** the American Leadership Academy Zone Change changing the zone of the athletic portion of the ALA site to R-1-15. Mr. Baker **seconded** and the motion **passed** all in favor.



Mr. Anderson **moved** to **approve** the American Leadership Academy Text Amendment to amend the text of Title 15 so as to make the setback requirements of the R-1-15 zone to be the same as the R-1-12 zone. Mr. Baker **seconded** and the motion **passed** all in favor.

Planning Commission

The Planning Commission reviewed this request in their December 2, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Proposed Amendments to Title 15, American Leadership

Academy Text Amendment

Applicant: American Leadership Academy
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-15
Location: City-wide

Mr. Anderson explained that there was a non-conforming structure on the ALA site and that there had been other applications for text amendments in order to make the building a conforming use. He explained that the building was constructed closer to the property line than what our setback requirement allowed; therefore, violating the setback. He said that if the setbacks in the R-1-15 zone were changed to be identical to the setbacks in the R-1-12 zone then it would make the structure conform. He explained the setbacks in the Residential Development Standards table in Title 15 of the Municipal Code.

Commissioner Robins asked why the request was not for the R-1-12 zone. Mr. Anderson said he thought it was because some City Council members did not want to decrease the square footage in the area because the anticipated lot sizes are larger in the Mill Road area.

Chairman Christianson welcomed public comment. There was none.

Commissioner Marshall **moved** to recommend to the City Council that the proposed American Leadership Academy Zoning Text Amendment and Zone Change be **approved** based on the following findings:

Findings

1. That the proposed Zone Change is consistent to the General Plan designation for the property.
2. That changing the setback requirements for the R-1-15 zone will not create any significant or noteworthy change in how properties in the R-1-15 zone are developed.

Commissioner Stroud **seconded** and the motion **passed** by a roll call vote. Commissioner Robins voted **nay** because he said he did not like shrinking setbacks.

American Leadership Academy Zone Change

Applicant: American Leadership Academy
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-30 existing, R-1-15 requested
Location: 1100 South Mill Road

Discussion and motion took place with the discussion on the American Leadership Academy Text Amendment.

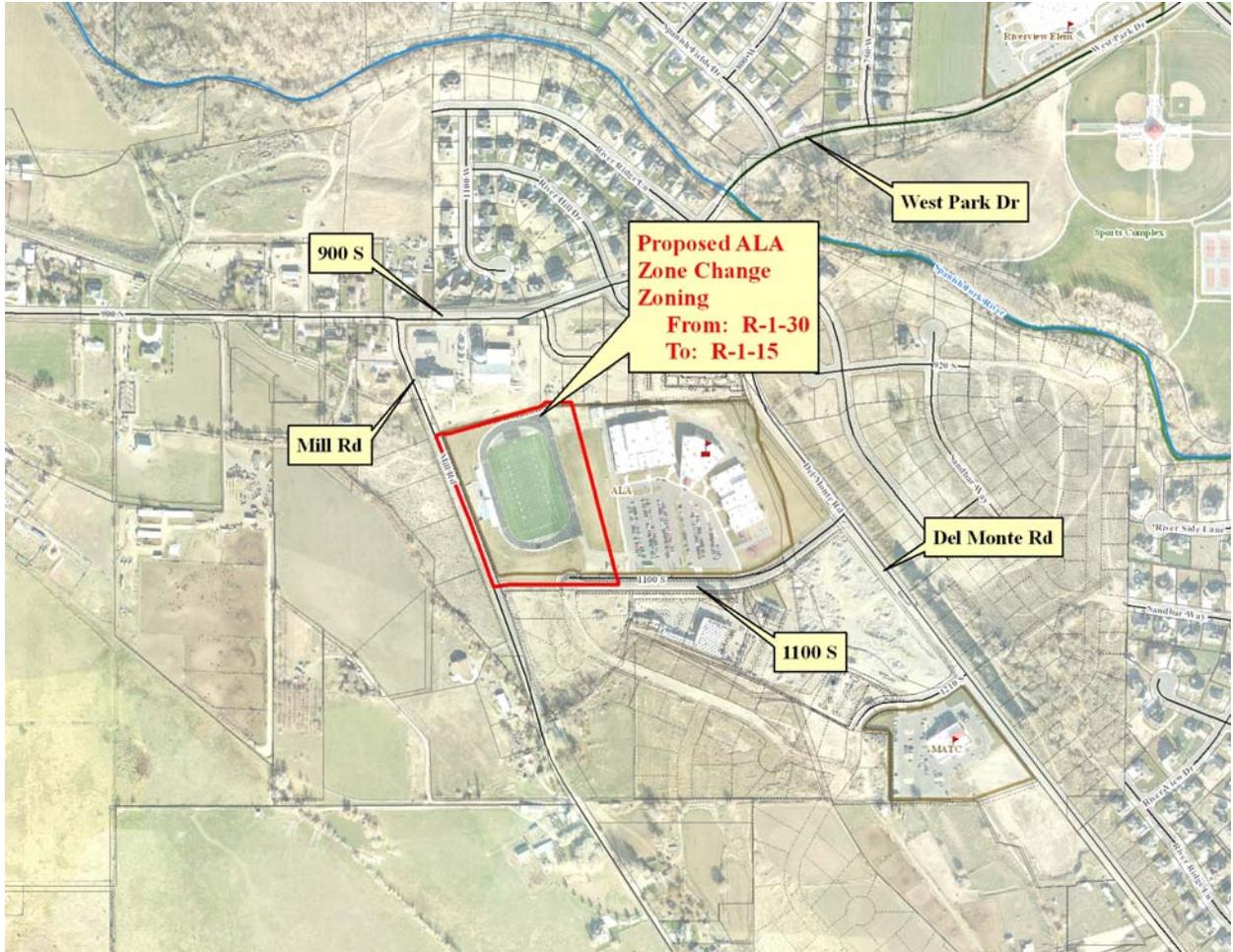
Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of the Zoning Text Amendment or Zone Change.

Recommendation

Staff recommends that the proposed Zoning Text Amendment and Zone Change be approved based on the following findings:

1. That the proposed Zone Change is consistent to the General Plan designation for the property.
2. That changing the setback requirements for the R-1-15 zone will not create any significant or noteworthy change in how properties in the R-1-15 zone are developed.





REPORT TO THE CITY COUNCIL JENSEN ZONE CHANGE AND GENERAL PLAN AMENDMENT

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: The applicant has requested that the zoning be changed from R-1-6 to Commercial 2. The subject property is currently vacant.

Zoning: R-1-6 existing, Commercial 2 requested

General Plan: Residential 9 to 12 units per acre existing, General Commercial requested

Project Size: 0.225 Acres

Number of lots: Not applicable

Location: 55 East 700 North

Background Discussion

Mr. Grant Jensen is requesting a General Plan Map Amendment and Zone Change so as to permit the use of some 3,600 square feet of property as additional parking for an adjacent commercial building that he owns.

As proposed, the boundary line between two parcels, both owned by Mr. Jensen, would be adjusted. The northern portion of a residential lot would then become part of an adjacent commercial property. The residential lot would retain 6,000 square feet or more so as to remain a legal building lot in the R-1-6 zone. The proposed General Plan Amendment and Zone Change would only apply to the portion of the residential lot that would be used as a commercial parking lot.

If the proposed changes are approved, the applicant would then be allowed to construct the parking lot. The parking would have to meet all of the City requirements for commercial uses and commercial uses that abut residential properties. In this case, those requirements would include the construction of a masonry wall and landscaping along the north, east and south boundaries of the proposed parking areas.

As the proposed change would create needed parking for the adjacent use without having a detrimental impact on adjacent properties, staff supports the proposed change.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Jensen Zone Change and General Plan Amendment

Applicant: Grant Jensen

General Plan: Residential 9 to 12 units per acre existing, General Commercial requested

Zoning: R-1-6 existing, Commercial 2 requested

Location: 55 East 700 North

Mr. Anderson explained the proposal.



Discussion was held regarding the minimum square footage requirements in the R-1-6 zone and that the applicant would need to make sure that he maintained the 6,000 square foot minimum with the home so that it would conform to the zoning ordinance.

Mr. Baker said a lot line adjustment and zone change looked good to him.

Mr. Anderson explained the City's fencing requirements to Mr. Jensen and that he would need to install a masonry fence where his commercial zone abutted any residential zone.

Mr. Peterson said he had some clearance issues with the overhead lines and asked what they anticipated using the parking lot for. Discussion was held regarding the parking lot.

Mr. Baker **moved** to recommend **approval** of amending the General Plan for the property outlined in blue and approve a boundary line adjustment to incorporate the 3,600 square feet to the west, provided that the parcel with the house remain 6,000 square feet and when the applicant is ready to construct that they will need to meet the City's construction and development standards. Mr. Anderson **seconded** and the motion **passed** in favor.

Development Review Committee

The Planning Commission reviewed this request in their December 15, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Jensen Zone Change and General Plan Amendment

Applicant: Grant Jensen
General Plan: Residential 9 to 12 units per acre existing, General Commercial requested
Zoning: R-1-6 existing, Commercial 2 requested
Location: 55 East 700 North

Mr. Anderson explained that the applicant asked him what he would need to do in order to use the property as a parking lot for his commercial building. Mr. Anderson said that he told him that in order for him to build a parking lot he would need to amend the City's General Plan Map and change the zoning to a commercial designation. Mr. Anderson explained the only concern that staff

had was that the home on the property that would need to maintain a minimum lot size of 6,000 square feet. He explained the requirements that would need to be met when commercial uses abut a residential use.

Commissioner Stroud asked how the property would be accessed. Mr. Anderson said that Mr. Jensen suggested he had an easement along the southern property line.

Commissioner Robins asked what the easement was.

Grant Jensen
Mr. Jensen told the Commission that he had an 18-foot easement out to 700 North.

Commissioner Marshall asked what was currently there now. Mr. Jensen said weeds.

Commissioner Evans asked Mr. Jensen how many parking spaces he was proposing. Mr. Jensen said he had at least 12 spaces. Mr. Anderson said there would be room for approximately 10 spaces.

Chairman Christianson welcomed public comment.

Max Sabey
Mr. Sabey said he did not have heartburn over the parking. He said that the previous owner ran the property commercially when it was residential so he wanted some assurance that what gets approved is what will really happen on the property. He was also concerned about lighting, drainage, fencing and landscape.

Mr. Anderson explained that a 10-foot landscape buffer and a masonry wall was required where a commercial use abuts residential. He said that trees and shrubs would be required.

Mr. Thompson explained that they would have to retain the storm drain on-site.

Mr. Jensen explained how he would handle the storm drain and landscaping, and addressed concerns over the gate. He said he could keep it closed if that was what the residents wanted. He said he had no intention to zone the house commercial.

Alira Orwin
Ms. Orwin explained to the Commission where she lived. She said that Mr. Jensen inherited the mess and that the previous owner had said the property

would remain residential but then used it as a commercial storage site. She asked what the time frame would be for when Mr. Jensen would have to have the parking lot built by.

Discussion was held regarding zoning and what could happen with the property.

Commissioner Robins said he felt comfortable with the proposal but asked if there was a way to ensure that what was proposed was built.

Mr. Anderson said there was not.

Mary Flinders

Ms. Flinders expressed her concern over if the property was approved for a commercial use what would really go on there. She would like the parking lot closed at night.

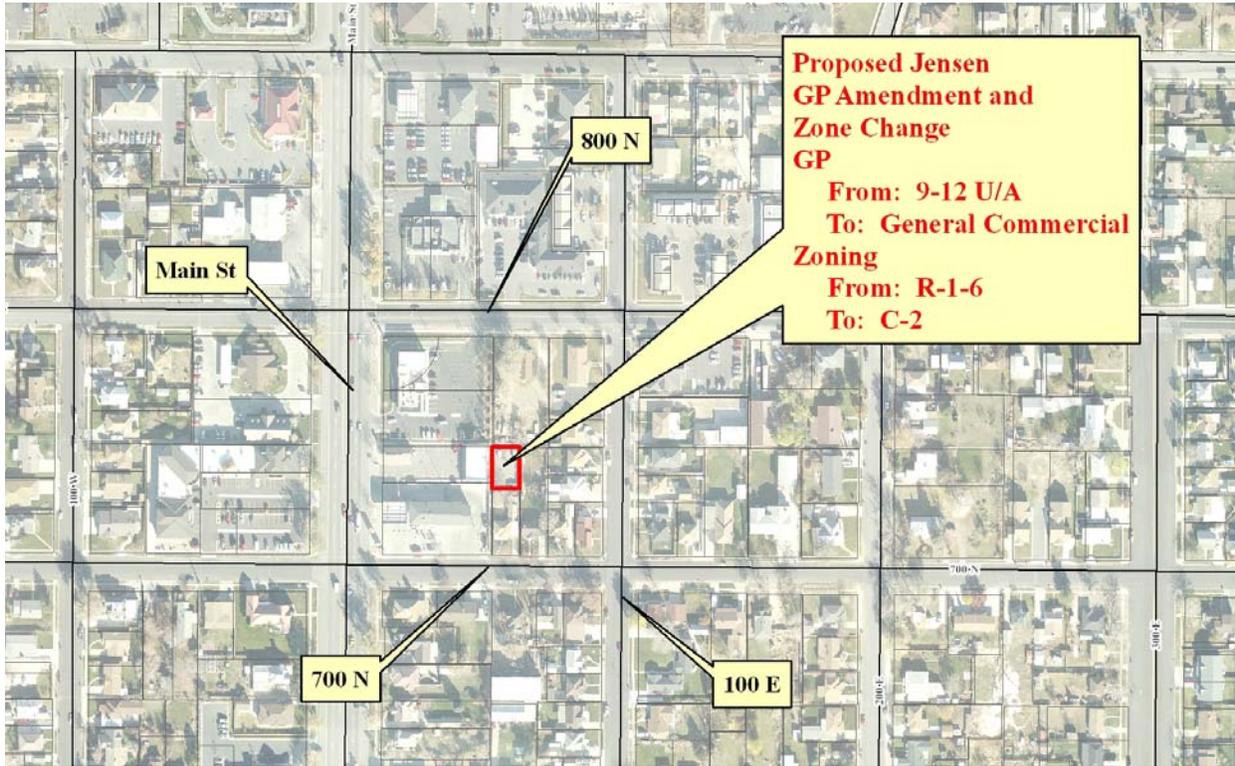
Commissioner Marshall **moved** to recommend to the City Council **approval** of the proposed Jensen General Plan and Zoning Map Amendments. Commissioner Robins **seconded** and the motion **passed** all in favor by a roll call vote.

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of the General Plan or Zone Change.

Recommendation

Staff recommends that the proposed General Plans and Zoning Map Amendments be approved.





REPORT TO THE CITY COUNCIL ISAACSON ZONE CHANGE AND GENERAL PLAN AMENDMENT

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: The subject property is currently zoned R-1-6. The applicant has requested that the zoning be changed to Residential Office. The subject property is currently being used as a single-family dwelling with a Home Occupation.

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

General Plan: Residential 5.5 to 8 units per acre existing, Residential Office requested

Project Size: 0.3 Acres

Number of lots: 1

Location: 885 North 200 East

Background Discussion

The applicant, Scott Isaacson, is requesting a General Plan Amendment and Zone Change so as to utilize a dwelling on the property as a commercial site and perhaps as a dwelling as well. At present, the applicant resides at the subject property and operates a Home Occupation from that location.

The City has reviewed other proposals to amend the General Plan Map along the 900 North corridor in recent years. In light of discussions related to those proposals, staff has anticipated applying some focus on this area when the City-wide General Plan update is performed next year.

With that said, staff is not averse to acting on this proposal at this time but does suggest that the General Plan Amendment not be considered in an isolated fashion. In staff's view, land-uses found in the surrounding area lend credibility to a proposal to include Residential Office in the vicinity of the subject property.

With this in mind, the Development Review Committee has recommended that the City Council do one of two things. One suggestion is to not act on the proposal at this time but to instead review the entire 900 North corridor between Main Street and 800 East as part of the 2010 General Plan update. A second suggestion would involve changing the General Plan for the northern portion of the block surrounded by 800 North, 900 North, 100 East and 200 East to Residential Office. Perhaps the only option that staff would object to involves changing the General Plan only for the subject property rather than to look at a broader area and the potential impacts and changes that may result.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting. Minutes from that meeting read as follows:

Isaacson Zone Change and General Plan Amendment

Applicant: Scott Isaacson



General Plan: Residential 5.5 to 8 units per acre existing, Residential Office requested
Zoning: R-1-6 existing, Residential Office requested
Location: 885 North 200 East

The applicant Scott Isaacson explained to the committee that they had purchased the home and were running a home occupation business out of it. He said the block that the home was located on already had some commercial zoning. He explained that if they were granted the R-O zoning that they would continue to run the business as they were running it currently but that they would move out of the home. He said that in the future they might want to live there and run the commercial business.

Mr. Anderson explained that the City Council would be looking at the General Plan in 2010 and that the area of town that this proposal was located in was one of the areas that the City Council was going to study. He said that the commission might not want to take action on this proposal until they studied the entire area in 2010.

Mr. Isaacson said he would still like to move forward with his request.

Mr. Anderson **moved** to recommend that the City Council either **approve** a General Plan Amendment to the portion of the block that was not Professional Office to Professional Office/Residential Office or that they **review** this when they review the General Plan Amendment. Mr. Baker **seconded** and the motion **passed** all in favor.

Mr. Anderson **moved** that if they approve the General Plan Amendment that the zone be changed to Residential Office. Mr. Baker **seconded** and the motion **passed** all in favor.

Planning Commission

The Development Review Committee reviewed this request in their December 2, 2009 meeting and recommended that action be postponed until the General Plan is updated in 2010. Minutes from that meeting read as follows:

Isaacson Zone Change and General Plan Amendment

Applicant: Scott Isaacson

General Plan: Residential 5.5 to 8 units per acre existing,
Residential Office requested
Zoning: R-1-6 existing, Residential Office requested
Location: 885 North 200 East

Mr. Anderson explained the proposal and the General Plan. He said that a Home Occupation Business License had been issued for this location but that the applicant would like to use the structure as a commercial use. He explained that this section of the City was one of the sections that the Commission anticipates studying with the General Plan in 2010.

Chairman Christianson asked if there had been any contact with any of the other property owners that the City had included in the General Plan Amendment. Mr. Anderson said no.

Scott Isaacson

Mr. Isaacson said they had purchased the home in August and cleaned it up. He said his wife had a master's degree in oriental medicine. She has 15-25 patients a week with one patient coming every hour. He said that they had looked at the zoning rules. He said he felt the change would not change the nature of the neighborhood and that he had met most of the neighbors and talked with them and feel that they are supportive.

Steve Hogan

Mr. Hogan is concerned about the Zone Change and if his taxes would go up.

Mr. Anderson explained the difference in the C-O and R-O zones.

Mr. Isaacson explained what the difference would be to run the home-based business versus a commercial business.

Discussion was held regarding looking at the bigger picture with the General Plan.

Commissioner Robins asked Mr. Anderson how long he felt the General Plan discussion would last. Mr. Anderson said probably into July of 2010.

Commissioner Evans expressed concern with the precedence of piece-mealing the general plan and not looking at it from a broader view.

Discussion was held regarding a time table for the General Plan amendment change.

Commissioner Cope asked if, in a commercial office zone, you could occupy the residence. Mr. Anderson said you could not live there.

Discussion was held regarding zoning and cross-zoning on the General Plan.

Commissioner Marshall said it pained him to look at only one block of the General Plan.

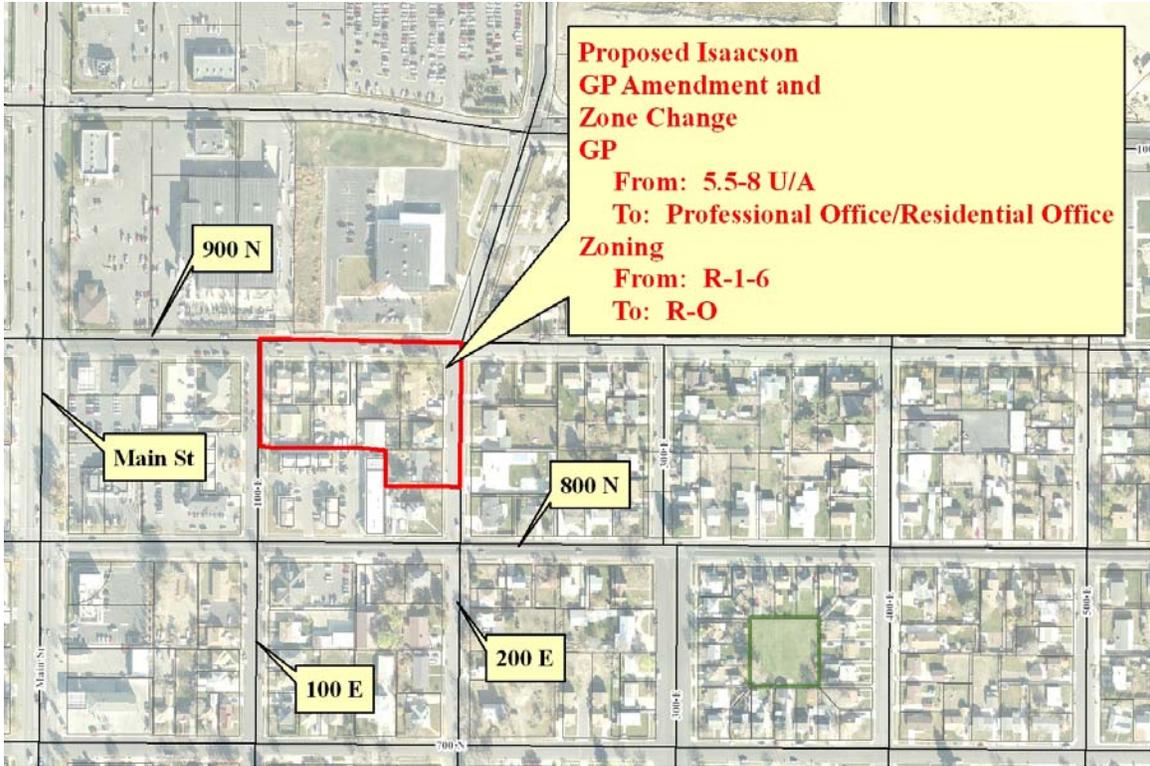
Commissioner Marshall **moved** to recommend to the City Council that they **postpone** taking action until the 2010 General Plan review was complete. Commissioner Evans **seconded** and the motion **passed** by a roll call vote. Commissioner Robins voted **nay** because he felt it was not right to delay property rights based on legislative action. Commissioner Cope voted **nay** because he was not in favor of tabling very many motions.

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of the General Plan and Zoning Map Amendments.

Recommendation

Staff recommends that the City Council either postpone action on the proposal until the 2010 General Plan review is complete or that the City Council act to change the General Plan designation for the all of the properties on the subject block that don't currently have the Professional Office designation to Professional Office/Residential Office and to change the zoning of the subject property to Residential Office.





REPORT TO THE CITY COUNCIL PETERSON SPANISH COVE ZONE CHANGE AND PRELIMINARY PLAT

Agenda Date: December 15, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: The applicant, Warren Peterson, has requested that the In-Fill Overlay Zone be approved for a parcel located at 245 North 300 East. The applicant is also requesting that a Preliminary Plat be approved. This plat involves two twin home structures, four dwelling units in all.

Zoning: R-3 existing, In-Fill Overlay requested

General Plan: Residential 9 to 12 Units Per Acre

Project Size: 0.4 acres

Number of lots: 4

Location: 245 North 300 East

Background Discussion

The proposed change involves a request to approve the In-Fill Overlay and Preliminary Plat for a parcel located at 245 North 300 East.

In July of this year, the City Council approved a General Plan Amendment and Zone Change for the subject property. At that time, it was contemplated that, if the changes were approved, the applicant, Warren Peterson, would proceed to apply for In-Fill Overlay and Preliminary Plat approval.

The project that is now proposed is consistent with what the City reviewed earlier this year. One noticeable modification has been made to the proposed lot layout as the driveway from 300 East is now located on the north, rather than south, side of the subject property. The proposed architecture is identical to what was reviewed this past year.

Accompanying this report are images that were provided by the applicant when the project was reviewed earlier this year. Again, the driveway has been reversed to the other side of the property. Aside from that change, the project should be constructed as represented in these images.

As proposed, the Preliminary Plat conforms to the requirements for In-Fill Overlay developments. Staff does suggest that the applicant be required to submit a more detailed landscaping plan and to address redline comments provided by the City's Engineering and Electric Departments.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Peterson Spanish Cove Preliminary Plat

Applicant: Warren Peterson

General Plan: Residential 9 to 12 units per acre

Zoning: R-3 existing, In-Fill Overlay requested

Location: 245 North 300 East



Mr. Anderson explained the proposal and that the applicant had held a neighborhood meeting. He said that the underlying zone (R-3) would not be changing and that the In-Fill Overlay zone, if approved, would be applied as an overlay zone.

Mr. Baker asked if the driveway was going to be asphalt or if there would be some landscaping. Mr. Johnson said that it was going to be concrete. Mr. Dansie said he thought it would be asphalt.

Mr. Baker asked if the Committee felt that this was a superior design and to include in the motion how the project met the superior design standard.

Mr. Anderson **moved** to recommend to the City Council **approval** of the Peterson Spanish Cove In-Fill Overlay Zone based on the following findings:

Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

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

Mr. Baker **moved** to recommend **approval** of the Peterson Spanish Cove Preliminary Plat based on the following findings and conditions:

Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

Conditions

1. That the applicant meets the City construction and development standards.

2. That the applicant meets any Engineering and Electrical Department conditions.

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

Planning Commission

The Planning Commission reviewed this request in their December 2, 2009 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Peterson Spanish Cove Zone Change

Applicant: Warren Peterson

General Plan: Residential 9 to 12 units per acre

Zoning: R-3 existing, In-Fill Overlay requested

Location: 245 North 300 East

Mr. Anderson gave a brief history of the project and explained that this request was for the In-Fill Overlay zone in order to accommodate two twin home structures. He explained the proposal with images projected on the overhead projector. He explained that there were two different components to the proposal, the In-Fill Overlay zone and the Preliminary Plat. He said the parking met the City's parking ordinance and the landscape met the City's landscape ordinance.

Commissioner Robins asked Mr. Anderson to explain the DRC's approval on how they felt the proposed architecture was superior to other twin home structures within the City. Mr. Anderson said inclusion of different features on the roof, building materials, etc. Commissioner Stroud asked if there was a development agreement that would ensure that what was being proposed would indeed be what was constructed.

Discussion was held regarding how to guarantee that what is proposed is constructed. Mr. Anderson said it was through a building permit. Mr. Nord explained that a development agreement could be written if the Commission had it as a condition of approval.

Commissioner Marshall said that in the past the applicant provided more material for an In-Fill Overlay request than had been provided for this proposal. Mr. Anderson explained that the material had been provided when the Commission saw the zone request previously. Commissioner Marshall asked if the materials could be included every time.

Warren Peterson

Mr. Peterson explained the parking situation with the proposal by using images projected by the overhead projector.

Commissioner Marshall asked about a shaded part of the Site Plan being parking or a driveway. Mr. Anderson said it was both.

Chairman Christianson asked what the depth was on the lot. Mr. Peterson said it was approximately 176 feet. Chairman Christianson asked about fire hydrants. Mr. Thompson explained the City's fire hydrant standards.

Chairman Christianson welcomed public comment.

Les Otteson

Mr. Otteson read from an article addressing the definition of high density housing and crime statistics. He expressed that he felt this proposal was high density and asked the Commission to not allow it.

Chairman Christianson and Commissioner Robins explained what they felt the intent of the In-Fill Overlay zone was.

Mr. Otteson said in his opinion he felt that the Commission was opening a door for high density.

Commissioner Evans asked Mr. Otteson for his opinion, on his belief, that better quality as opposed to density was a trade off. Mr. Otteson said his concern was density.

Lynn Otteson

Ms. Otteson asked for the live broadcast of the meeting to be stopped while she commented, for the protection of her family. She told how she had been on a walk in her neighborhood. While on her walk she observed a property with two twin homes where 8-12 people were living. She assumed more than one family was living there. As she walked past she was approached by two men that stopped her, gave her a very detailed description of an individual and asked her if she had seen him. She told them that she had not and continued on her walk. As she walked she noticed blood on the sidewalk. She said she believes that a young man of fourteen years of age was beat up by the individuals that had stopped her. She said that she felt that density matters and would like a study to be done. She

said she felt that it was very pertinent to have a study done.

Commissioner Robins said, in all due respect, that four additional units did not constitute high density.

Ms. Otteson asked what it would take for Mr. Anderson to look at density.

Commissioner Robins explained that the General Plan had been looked at and would be studied again in 2010.

Joan Swenson

Ms. Swenson said her concern was an increase in units and asked if the Commission was taking into consideration the people that live in the community. Where will water come from, schools, police department, traffic, etc. She challenged the Commission to think about what they are doing to the community.

Commissioner Cope explained that he felt the design of the twin homes was superior and felt that it would conform to the surrounding area. He liked the variation in the direction the structures face and said it would look really good.

Commissioner Marshall explained that they had been working on the ordinance for over a year, placed a moratorium, discussed at length in several meetings, passed an ordinance, and then looked at it again because they wanted to make the City develop better, and this ordinance was what the City was looking for. He said that he appreciated the application and felt it addressed the In-Fill Overlay Zone exactly. He suggested that the citizens come when the General Plan is reviewed.

Ms. Otteson explained that she had thought about what the proposal ought to look like if it was approved. She said she felt it should look like the neighborhood and that the way it was proposed was very modern looking and did not look like the neighborhood since the majority of homes were all brick. She asked about landscape, fencing, and lighting.

Mr. Anderson explained that the fencing requirement was a masonry wall around the boundary.

Commissioner Robins explained that they see a lot of proposals for duplexes and that he felt that this

proposal was a substantial upgrade over what had been approved in recent years.

Nick Otteson

Mr. Otteson told the Commission that he felt the point people were trying to make regarding density was that, within a four block radius, there were already a lot of apartments. He said he appreciated how well the property looked, the architecture, landscape etc., but the main concern was that the area was already such high density that it was not any type of trade.

Commissioner Robins explained that he had come to believe that it is quality not quantity.

Discussion was held regarding the legalities of the ordinances.

Alira Orwin

Ms. Orwin asked what meetings she or any citizen would need to attend so that their opinions would count.

Discussion was held regarding City meetings and when the appropriate time to voice an opinion would count.

Sydney Otteson

Ms. Otteson said she was at the meeting and felt that her opinion did not matter.

Discussion was held regarding how the Commission was treating public comments.

Ms. Otteson said that in studies the ideal community is to spread out the density, not to put it into one spot. She said they already have enough in their neighborhood and to put it somewhere else.

Commissioner Stroud said that he has multi-family units on his street and that there have been no problems of adverse impacts on the neighborhood. He expressed his opinion of the proposal. He supports the project.

Commissioner Evans said that he had the same points as some of the citizens. He expressed his opinion of the proposal.

Commissioner Robins **moved** to **close** the public hearing on this item. Commissioner Evans **seconded** and the motion **passed** all in favor. Commissioner Marshall voted **nay**. Commissioner Evans voted **nay**.

Commissioner Robins **moved** to recommend to the City Council **approval** of the In-Fill Overlay Zone for Peterson Spanish Cove based on the following findings:

Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

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

Commissioner Robins **moved** to recommend that the proposed Peterson Spanish Cove Preliminary Plat be **approved** based on the following findings and subject to the following conditions:

Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

Conditions

1. That the applicant submits a more detailed Landscaping Plan with the Final Plat submittal.
2. That the applicant meets the City construction and development standards.
3. That the applicant meets any Engineering and Electrical Department conditions with the Final Plat submittal.

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

Budgetary Impact

There is no immediate budgetary impact anticipated with the proposed Zone Change and Preliminary Plat.

Recommendation

Zone Change

Staff recommends that the In-Fill Overlay Zone be approved based on the following findings:

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

Preliminary Plat

Staff recommends that the proposed Peterson Spanish Cove Preliminary Plat be approved based on the following findings and subject to the following conditions:

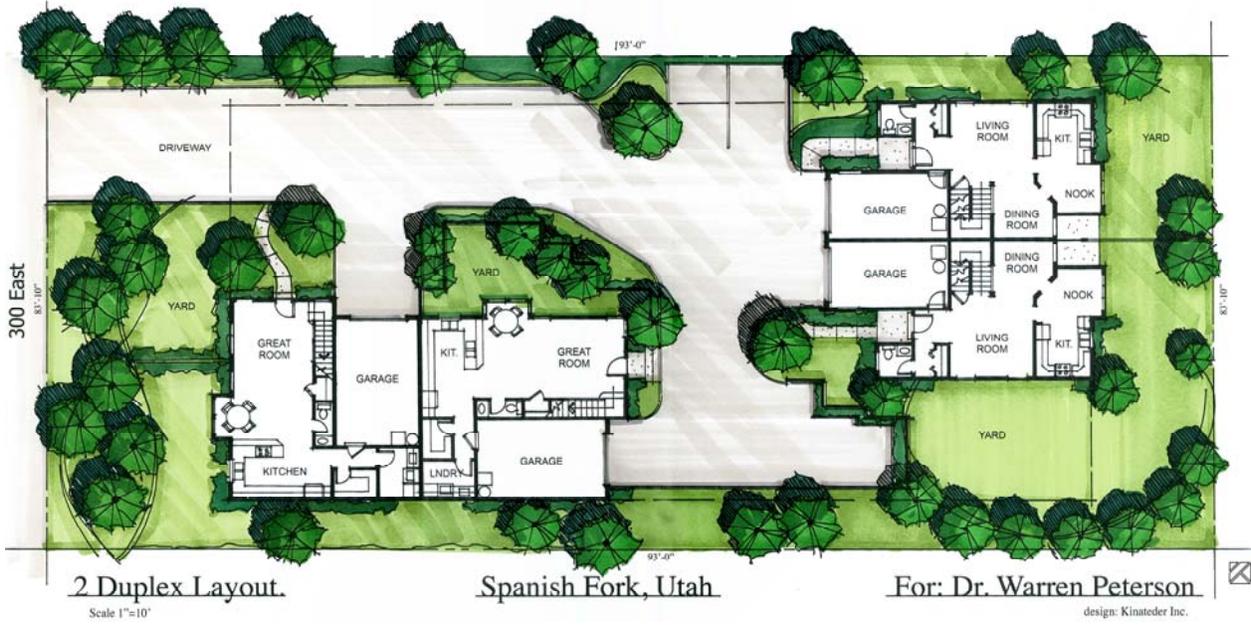
Findings

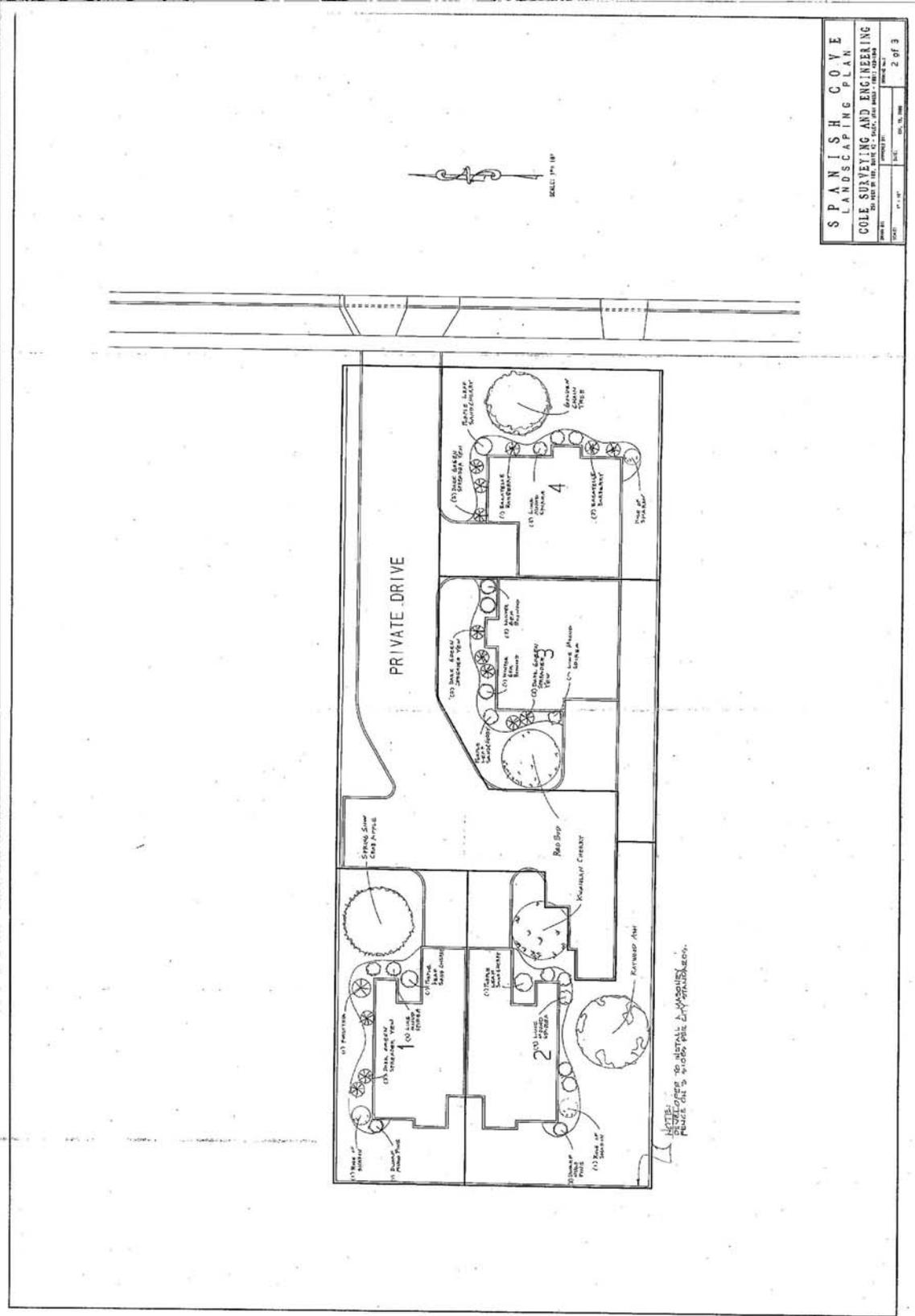
1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

Conditions

1. That the applicant submit a more detailed Landscaping Plan with the Final Plat submittal.
2. That the applicant meets the City construction and development standards.
3. That the applicant meets any Engineering and Electrical Department conditions with the Final Plat submittal.







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