



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 January 19, 2010.**

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. PUBLIC HEARING:

- a. [Proposed Amendment to Title 15, the proposed amendment would change the design and separation criteria for Assisted Living Facilities and Residential Facilities for Elderly Persons.](#)

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 – January 5, 2010.](#)
- b. * [Adoption of 2010 City Council Annual Meeting Schedule.](#)

6. NEW BUSINESS:

- a. I-15 CORE Project Presentation
- b. Utah Department of Veteran's Affairs Presentation
- c. [Orchard View Heights Preliminary Plat, located in the vicinity of 820 East 750 South. The proposed plat would create 5 residential lots.](#)
- d. [Proposed Amendment to Title 5, the proposed amendment would change the City's standards for temporary commercial signage.](#)
- e. * [Isaacson 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. \(Continued from 1-05-2010 Meeting\)](#)
- f. * [Budget Revision FY 2010 Revision 2 - General Fund Line Item Reallocation](#)

7. EXECUTIVE CLOSED SESSION:

- a. Potential Litigation
- b. Land Sale

ADJOURN:

I, Kimberly Robinson, certify that I am the duly appointed, qualified, and acting City Recorder of Spanish Fork City, Utah, and the forgoing City Council agenda was faxed or emailed to the Spanish Fork Press, Spanish Fork News, and Daily Herald. The agenda was also posted at the City Office bulletin board 40 South Main, on the states website, and on the city's website at www.spanishfork.org.

Kimberly Robinson, City Recorder

* 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.



REPORT TO THE CITY COUNCIL

ASSISTED LIVING FACILITY DESIGN AND SEPERATION TEXT AMENDMENT

Agenda Date: January 19, 2010

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: Spanish Fork City is proposing to modify the some of the criteria that dictate how Assisted Living Facilities and Residential Facilities for Elderly Persons are to be constructed.

Zoning: City-wide

General Plan: City-wide

Project Size: City-wide

Number of lots: Not applicable

Location: Not applicable

Background Discussion

Spanish Fork City is in the process of reviewing a proposal to locate an Assisted Living Facility in the R-1-8 zone. Assisted Living Facilities are conditional uses in said zone.

There is, however, a set of criteria in place for Assisted Living Facilities that essentially preclude the possibility of having this type of facility constructed anywhere in Spanish Fork. Title 15 maintains a section titled "Design and Separation" which applies to Facilities for Persons with a Disability, Residential Facilities for Elderly Persons, Residential Treatment Centers, Supervisory Care Facilities, and Assisted Living Facilities. The standards found in this section prevent the City from approving Assisted Living Facilities like the one currently proposed due to the size and design of the facility.

The following section of Title 15 is found on page 15-34:

- E. Design and Separation
 1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center, supervisory care facility, and assisted living facility must meet these requirements.
 2. Any new or remodeled facility shall comply with the following design standards:
 - a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
 - b. The facility shall be constructed in a manner as to blend in and not draw attention.
 - c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.
 - d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
 - e. The facility shall meet all zoning requirements of the zone in which it is proposed.
 - f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.
 3. No facility listed in subsection 1 may be located within 660 feet from another.

Staff believes that facilities such as the one proposed are needed and should be permitted in the City. Furthermore, staff believes this type of facility

is most conducive to residential areas. Staff acknowledges that the mass of the buildings associated with these facilities will often exceed that of surrounding homes. At the same time, staff understands that the levels of traffic, noise or other impacts associated with Assisted Living Facilities is typically negligible. All in all, staff believes the impact of schools and churches on a surrounding neighborhood could certainly exceed that of an Assisted Living Facility.

With that said, staff views Assisted Living Facilities differently than some of the other uses included in the design and separation section of the ordinance. With that in mind, staff proposes that the design and separation provisions remain intact and that the Assisted Living Facilities and Residential Facilities for Elderly Persons simply not be subjected to the listed criteria.

Staff does suggest that each of these uses remain Conditional Uses. As such, site-specific issues relative to a proposed facility's impact on surrounding properties can be mitigated.

The proposed text amendment reads as follows:

E. Design and Separation

1. All residential facilities for persons with a disability, ~~residential facility for elderly persons~~, residential treatment center, supervisory care facility, and ~~assisted living facility~~ must meet these requirements.
2. Any new or remodeled facility shall comply with the following design standards:
 - a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
 - b. The facility shall be constructed in a manner as to blend in and not draw attention.
 - c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.
 - d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
 - e. The facility shall meet all zoning requirements of the zone in which it is proposed.
 - f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.
3. No facility listed in subsection 1 may be located within 660 feet from another.

Planning Commission

The Planning Commission reviewed this request in their January 6, 2010 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Proposed Amendments to Title 15, Assisted Living Facility Design and Separation Requirements

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Mr. Anderson explained that the City has specific design requirements for certain buildings in Spanish Fork City. He explained that, while reviewing the proposed Spanish Fork Assisted Living Site Plan, it became apparent that such a facility could not be built based on the current standards. He said that he felt that such was not the original intent and asked that certain verbiage be struck from the code. He brought up a PowerPoint showing what was intended to be struck. He explained that buildings of this type are required to look like surrounding homes. While this works for small facilities, larger facilities such as the one proposed are needed in the City and could be accommodated in the community. He said that staff recommended that the change be approved. He explained that other sections than the one in question already regulate this type of development to a sufficient degree. He also pointed out that all non-residential zones do not allow such development.

Commissioner Robins asked, if someone wanted to build a smaller facility, what would they be able to do in a residential neighborhood if the language was struck?

Mr. Anderson explained that there is other language in the code that would regulate such development. He explained that it would remain a Conditional Use and that individual issues could be addressed as part of that approval.

Commissioner Evans asked how the existing facilities were built. He said that he lives less than a half mile from one and said it was one of the most unobtrusive neighbors he has. He said that this is exactly where you would want these facilities (in residential neighborhoods). He said he felt that the size of the facility may be an issue.

Mr. Anderson explained that the City's legal counsel advised that it would be most appropriate not to

take action on the following Conditional Use until the text amendment is reviewed by the City Council.

Commissioner Marshall said that he did not want to get the issues of the text amendment and the conditional use confused.

Chairman Christianson opened the meeting up for public comment. There was none.

Commissioner Evans **moved** that the commission recommend to the City Council **approval** of the text amendment. Commissioner Robins **seconded** and the motion **passed** all in favor.

Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.

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Tentative Minutes
Spanish Fork City Council Meeting
January 5, 2010

Elected Officials Present: Mayor G. Wayne Andersen, Councilman Steve Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson, Keir A. Scoubes

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Richard Heap, Public Works Director; Kent Clark, Finance Director; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum; John Bowcut, IS Director; Dave Anderson, Community Development Director; Kimberly Robinson, City Recorder.

Citizens Present: Joe Thomas, Lana Creer Harris, Rodger Hardy, Adam Wakeland, Jen Allen, Kayla Snell, Jessica Whitlock, Zane Hales, Cary Hanks

CALL TO ORDER, PLEDGE:

Mayor Thomas called the meeting to order and led in the pledge of allegiance at 6:00 p.m.

Councilman Andersen addressed Mayor Thomas and stated they have served together and addressed the issues but they never let disagreements be personal. He appreciates the things that have been accomplished. He then presented Mayor Thomas with a replica solar powered wind generator and Spanish Oaks Golf Pass, thanking him for his service to the community.

Mayor Thomas extended his thanks and is excited about the new Mayor coming in. He feels there are great things coming in the future and it has been a pleasure working with the Council.

Swearing In of Newly Elected Officials

City Recorder Kimberly Robinson administered the Oath of Office to Mayor Elect G. Wayne Andersen, and Council Elect Steve Leifson and Keir A. Scoubes.

Councilman Scoubes recognized his wife Robyn for her tremendous support. He appreciates his family and friends. He looks forward to being able to serve on the Council.

Councilman Leifson thanked his wife, son and mother; he noted that without their support he wouldn't be able to serve. He has enjoyed serving the last four years and looks forward to working with these great men representing this wonderful City.

Mayor Andersen really loves and appreciates his father and is grateful to be able to talk to his parents. He appreciates their support and love he also appreciates his father in law and mother in law. It is helpful to converse and talk to them about things, he thanked his sweetheart Melanie without her there is no way he could serve in his position; he expressed his love and appreciation for her. In the audience are his relatives, he appreciates his family and the great support system they are. He looks forward to serving the next four years.

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PUBLIC COMMENT:

Bjorn Pendleton, President of the Spanish Fork Arts Council. Mr. Pendleton announced the art education for adults program and stated it will start January 23rd with a six week workshop. He noted there is a link on the City website or you can register at the Parks and Recreation Office.

Ginger Christopher, Miss Spanish Fork Miss Spanish Fork, will be hosting a Royal Fine Arts Ball to promote the fine arts programs in the schools this month. The Ball is free admission but they are asking for donations for the arts at all the schools.

COUNCIL COMMENTS:

Councilman Nielson appreciates Mayor Thomas and the opportunity to work with him. He wishes him luck in the future. He congratulated Keir, Steve and Wayne and feels lucky to be able to work with this group.

Councilman Davis reported the Fiesta Days Committee has been working very hard. They are hoping to dedicate North Park during Fiesta Days. He is excited to be working with the Mayor and new Council this year.

Councilman Leifson has enjoyed working with the past Council and is looking forward to working with this Council. There are a number of good things happening in the city and he is glad to be a part of it. They invite all the citizens to be a part and get involved volunteering. He thanked all the city staff that took care of the Christmas lights and the Festival of Lights.

Councilman Dart said the last two years he has enjoyed working with the Council and congratulated Councilman Scoubes. He looks forward to working with the new group; and is proud to represent the citizens of Spanish Fork on the Council. He recognized Cary Hanks with Chamber of Commerce and noted this Friday is the Chambers annual awards banquet. He thanked his wife and family for the support they give him serving on the Council.

Councilman Scoubes is looking forward to working with the Council. He extended thanks to the citizens with the recent snow storms they were out helping others.

Mayor Andersen reassured the citizens of Spanish Fork the Council is a very strong group committed to the City of Spanish Fork. With a strong capable staff they have worked very hard to ensure the budgets are in line and that they are fiscally sound. He is grateful for the opportunity to work with citizens of this community and asked that they come out and volunteer.

PUBLIC HEARING:

96 Councilman Leifson made a **Motion** to open the Public Hearing. Councilman Dart
97 **Seconded** and the motion **Passed** all in favor at 6:23 p.m.

98
99 **Isaacson General Plan and Zoning Map Amendments, located in the vicinity of 885**
100 **North 200 East. The proposal would change the General Plan and Zoning Maps to**
101 **permit commercial uses at 885 North 200 East. (Continued from 12-15-09 Meeting)**
102

103 Mr. Anderson explained the public hearing for the proposal was continued from the last
104 meeting to allow the applicant to be present. He then explained the two options for the
105 proposed property.

106
107 Mayor Andersen asked if the zone was changed could they continue to live in the home
108 and conduct business.

109
110 Mr. Anderson explained if the zoning is changed to Residential Office they would still be
111 allowed to live there.

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113 Councilman Davis clarified if they change the zoning to Commercial Office they would still
114 be allowed to live there until they made a change and would have to conform.

115
116 Scott Isaacson

117 Mr. Isaacson stated they are currently operating a home occupation business; they would
118 like to make the zoning change so they could apply for a conditional use permit.

119
120 Councilman Davis asked if they have discussed this with the neighbors.

121
122 Mr. Isaacson stated they have spoken with the neighbors and their only concern was if the
123 property tax would go up. He stated they would like to continue to live and work in
124 Spanish Fork and to be able to expand their business and construct a sign.

125
126 Councilman Davis made a **Motion** to close the public hearing. Councilman Nielson
127 **Seconded** and the motion **Passed** all in favor at 6:44 p.m.

128
129 Councilman Davis stated until they look at the big picture they should not change
130 anything. He sees the area as commercial office for future use.

131
132 Councilman Nielson asked regarding the zoning for the area, and if this property would be
133 the only one zoned differently.

134
135 Mr. Anderson stated that until the neighbors request a change it would be different on the
136 zoning map than the surrounding areas.

137
138 Discussion was made regarding the site plan approval and what it would require in
139 relation to the zone change.

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141 Councilman Leifson stated there are still some questions, but feels they should let the
142 planning commission work through the issues.

143

144 Councilman Scoubes asked if the timing were different would that change the way they
145 would looked at this proposal.

146
147 Councilman Nielson stated the timing is not an issue for him; the use of space for office
148 and the parking issues are his concern.

149
150 Councilman Leifson said they are not sure what they want to do with the business. They
151 can come back to the Council when they know. He suggests drawing out the plan and
152 working with Dave Anderson to find out what is required of them. He stated they do not
153 want the applicant to have to pay to apply again.

154
155 Councilman Dart made a **Motion** to continue the discussion to the next Council Meeting.
156 Councilman Leifson **Seconded** and the motion **Passed** all in favor.

157
158 Councilman Nielson stated the concern over parking needs to be addressed.

159
160 **CONSENT ITEMS:**

- 161
162 a. **Minutes of Spanish Fork City Council Meeting – December 15, 2009**
163 b. **Resolution Parks & Recreation – Authorizing the Recreation Director or Their**
164 **Designee to Enter into Contracts for the Use of Recreation Facilities and**
165 **Buildings.**

166
167 Councilman Leifson made a **Motion** to approve the consent items. Councilman Nielson
168 **Seconded** and the motion **Passed** all in favor.

169
170 **NEW BUSINESS:**

171
172 **Appointment of City Treasurer and Recorder**

173
174 Mayor Andersen appointed Kimberly Robinson as City Recorder and Claire White as City
175 Treasurer.

176
177 Councilman Dart made a **Motion** to accept the appointments of Kimberly Robinson as
178 City Recorder and Claire White as City Treasurer. Councilman Nielson **Seconded** and the
179 motion **Passed** all in favor.

180
181 **Election of Mayor Pro Tem**

182
183 Councilman Dart made a **Motion** to appoint Steve Leifson as Mayor Pro Tem.
184 Councilman Davis **Seconded** and the motion **Passed** all in favor.

185
186 **Elected Official Committee Assignments**

187
188 Mayor Andersen would like to appoint the following Committee Representatives:

189
190 Councilman Leifson - Utah Municipal Power Agency, South Utah Valley Power Systems,
191 Personnel Committee.

192
193 Councilman Dart – Parks & Recreation Committee, Chamber of Commerce, Library

194 Board, Senior Citizens Board, Animal Service District.
195
196 Councilman Nielson – SUVMWA, Finance Committee, Miss Spanish Fork, Personnel
197 Committee, Waste Water Plant Advisory.
198
199 Councilman Davis – Airport Board, Fiesta Days Committee, Risk Management, Youth
200 Council.
201
202 Councilman Scoubes – Solid Waste, Arts Council, Finance Committee, Historical
203 Committee.
204
205 David Oyler - Utah County Special Service District.
206
207 Mayor Andersen – Council of Governments, Fairgrounds Committee, Fire/Ambulance
208 Retirement Board, Personnel Committee, Rodeo Committee, UMPA & SUVPS Alternate.
209
210 Councilman Leifson made a **Motion** to approve the appointments by the Mayor.
211 Councilman Scoubes **Seconded** and the motion **Passed** all in favor.
212

213 **Board Appointments**

214
215 Mayor Andersen would like to appoint Doug Ford and Matt Taylor to the Airport Board.
216 Also reappoint Doug Snell and Doug Ford to the Parks and Recreation Committee; and
217 Andy Skelton and Louise Nuzman as members of the Library Board.
218
219 Councilman Leifson made a **Motion** to approve the appointments.
220 Councilman Davis **Seconded** and the motion **Passed** all in favor.
221

222 **ADJOURN:**

223
224 Councilman Dart made a **Motion** to adjourn. Councilman Leifson **Seconded** and the
225 motion **Passed** all in favor by a roll call vote at 7:11 p.m.
226

227 **ADOPTED:**

228 _____
229 Kimberly Robinson, City Recorder



The City of Spanish Fork will hold their City Council Meetings on the following days. Each meeting begins at 6:00 p.m. on the First, and Third TUESDAY of each month. Address: 40 South Main Street, Spanish Fork.

2010

January 5, 19
February 2, 16
March 2, 16
April 6, 20
May 4, 18
June 1, 15
July 6, 20
August 3, 17
September 7, 21
October 5, 19
November 2, 16
December 7, 21

The public is invited to participate in all Spanish Fork City Council Meetings. If you need special accommodation to participate in the meeting please contact the City Recorder's Office 804-4530.



REPORT TO THE CITY COUNCIL ORCHARD VIEW HEIGHTS PRELIMINARY PLAT APPROVAL

Agenda Date: January 19, 2010

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: Allan Developments is requesting the approval of the Preliminary Plat for Orchard View Heights.

Zoning: R-1-9

General Plan: Residential 2.5 to 3.5 units per acre.

Project Size: 1.9 Acres

Number of lots: 5

Location: 750 South 820 East

Background Discussion

Allan Developments has proposed the Orchard View Heights Preliminary Plat, which contains 5 lots located in the R-1-9 zone at approximately 750 South 820 East.

The proposed development would connect 900 East with 820 East at 750 South.

Development Review Committee

The Development Review Committee reviewed this request in their December 9, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Orchard View Heights

Applicant: Allen Developments
General Plan: Residential 2.5 to 3.5 units per acre
Zoning: R-1-9
Location: 820 East 700 South

Mr. Anderson reviewed the proposed plan.

Mr. Thompson said the closest storm drain to the site is to the south. The City's requirement to connect to the existing storm drain would present a hardship on the development due to the long distance away from the project.

Discussion took place regarding the storm drain system options in this area and the storm drain master plan.

Mr. Oylar arrived at 10:34 a.m.

Discussion took place regarding the need for the developer to design a plan and build temporary storm retention.

Mr. Pierce asked if it was an option to use the north property not included in the plat for the retention pond.

Mr. Baker said that it would be okay as long as an offsite easement was in place.

Mr. Johnson said they need to match the existing road on 780 South.



Mr. Johnson asked about the option for a road dedication for the possible road on the north property.

Mr. Thompson is in favor of a road dedication with a contract in place that if the property to the north of Mr. Allen's adjacent property develops, it would require Mr. Allen to construct the road through his property.

Mr. Cooper discussed the issues with the power that would be addressed with a road dedication as well.

Discussion took place regarding the road dedication or a public utility easement through the adjacent property.

Mr. Oyler made a **motion to recommend** approval to the Planning Commission subject to the following conditions:

1. That a public utility easement be recorded for Mr. Allen's property to the north of the proposed development.
2. That the applicant provide a temporary storm drain retention area until the line can be extended by the City to the south.
3. That the applicant adjust the road to match existing street cross section on 780 South.
4. That the applicant follow the construction and development standards.

Mr. Thompson **seconded** and the motion **passed** unanimously.

Planning Commission

The Planning Commission reviewed this proposal in their January 6, 2010 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Orchard View Heights

Applicant: Allen Developments
General Plan: Residential 2.5 to 3.5 Units Per Acre
Zoning: R-1-9
Location: 750 South 820 East

Commissioner Evans asked if there was a way to move items up on the agenda. Mr. Anderson explained the logic behind how items are scheduled and said that people could be moved.

Mr. Anderson explained the proposal and recommended that it be approved.

Chairman Christianson asked about the storm drain system. Mr. Thompson explained that, eventually, the City will put in storm drain on the street, but until then the applicants need to plan for retention. Chairman Christianson said that he was concerned about transferring the storm drain burden to the property owner to the North. The property owner, Abraham Allan, explained that the tree farm in the front yard of the property to the North would be used for retention. Discussion was held regarding storm drain easements.

Commissioner Marshall asked about the stub on the north side of the property. Mr. Thompson explained how the property owners had agreed on how to develop the area.

Commissioner Marshall **moved** to recommend **approval** subject to the conditions listed in the staff report. Commissioner Robins **seconded** and the motion **passed** all in favor.

Budgetary Impact

As proposed, Spanish Fork City acknowledges the potential need for the City to install a storm drain line that would serve the subject property and others in the area. There is currently no plan to install such a line but it has been discussed in connection with this development and would likely cost something between \$30,000 and \$50,000.

Recommendation

Staff recommends that the proposed Preliminary Plat for Orchard View Heights be approved subject to the following conditions:

1. That a public utility easement be recorded for Mr. Allen's property to the north of the proposed development.
2. That the applicant provide a temporary storm drain retention area until the line can be extended by the City to the south.
3. That the applicant adjust the road to match existing street cross section on 780 South.
4. That the applicant follow the construction and development standards.





REPORT TO THE CITY COUNCIL PROPOSED AMENDMENT OF SIGN REGULATIONS

Agenda Date: January 19, 2010

Staff Contacts: Dave Anderson, Community Development Director

Request: Westfield Properties has requested that the City amend its sign ordinance to permit temporary signs with two 96 square foot faces and a maximum height of 24 feet.

Zoning: Commercial zones

General Plan: Not applicable

Project Size: Not Applicable

Number of lots: Not Applicable

Location: Not Applicable

Background

Westfield Properties approached City staff several months ago about the prospect of having the City amend its sign ordinance so as to permit larger temporary signs. A copy of their request accompanies this report.

At present, the applicant is requesting that the City amend the signage standards found on page 5-42 of Title 5. Specifically, it is proposed that the City change standards that currently permit vacant land advertising signs to be 8 feet tall with 32 square feet of sign copy. Instead, the applicant is proposing to permit vacant land advertising signs to be 24 feet tall and to have up to 96 square feet of copy area.

City staff has spent considerable time deliberating on this proposal. Of course, City staff is very anxious to see Westfield Properties succeed in its Spanish Fork project. However, staff is also very concerned about maintaining appropriate signage regulations and about administering those regulations equitably.

In recent years, Spanish Fork City has entertained other similar proposals to amend its signage regulations. Those proposals were denied. Also, Spanish Fork City has made a significant effort in recent years to ensure that the City's sign standards are being followed.

Given the City's past experiences with signage and some site specific concerns about the applicant's project and its proximity to residential uses, staff cannot support the proposed amendment.

Staff has conferred with several other cities relative to the size of temporary signs they permit. In short, staff found that while some cities permit signs like what is proposed, it is more common for cities to have standards that are similar to what Spanish Fork City currently maintains.

Again, City staff are very eager to see Westfield's project succeed. However, staff recommends that this proposed amendment be denied.

Recommendation

Staff recommends that the proposed amendment to the City's temporary sign regulations be denied.

4 November 2009

Spanish Fork City
40 S. Main St
Spanish Fork, UT 84660

Dear Spanish Fork City,

Tenedor, LLC requests that you consider a text amendment to Title 5 of your Municipal Code which governs the size of temporary signs. The purpose of the text amendment is to enhance the marketing of large-scale commercial projects within your City, which will, we believe, bring a greater degree of visibility and recognition to these kinds of projects and thereby facilitate the business of the development. We would also like to note that this requested amendment allows for sign sizes which are more consistent with other projects we have done in Utah County.

The text amendment we are proposing reads as follows:

5.36.050 Permitted Temporary Signs:

- 1.b.i. Vacant Land: Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet. Within a commercial project of fifteen (15) acres or more, each sign face shall have a maximum area of ninety-six (96) square feet with a maximum of two sign faces and a maximum height of twenty-four (24) feet.

Your consideration is greatly appreciated.

Respectfully,

Joe Johnson
Tenedor, LLC

NOW LEASING

NORTH PARK
SHOPPING CENTER

WPI



KRAIG ERICKSON
801-467-7000

DEVELOPED BY:
WOODBURY
CORPORATION
WPI ENTERPRISES

<https://getlimed.seework.com/dl/projects/2821352/file/30471059/Northpark2.jpg?redirected...> 6/5/2009



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.

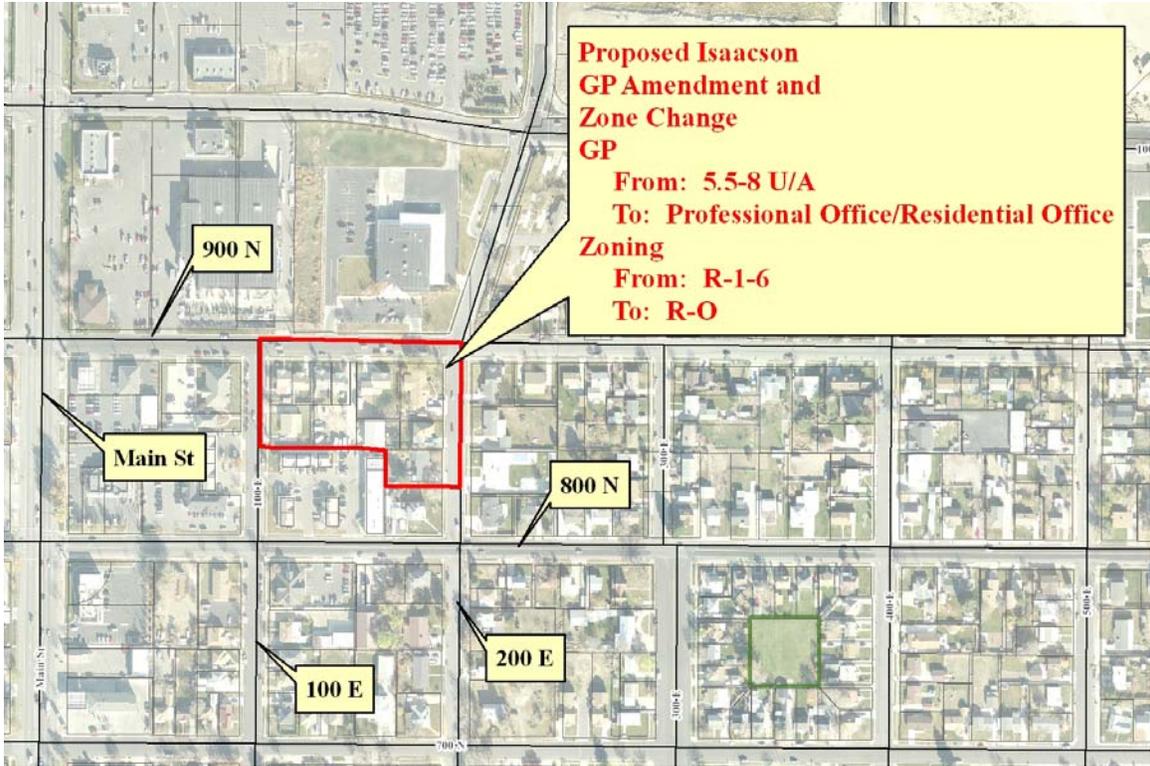
Commissioner Marshall **moved** to recommend to the City Council that they **postpone** taking action until the 2010 General Plan review was complete. Commissioner Evans **seconded** and the motion **passed** by a roll call vote. Commissioner Robins voted **nay** because he felt it was not right to delay 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.



GENERAL FUND EXPENDITURES	ACT FY07	ACT FY08	ACT FY09	FY2010Rev1	FY2010Rev2	DIFFER
GENERAL GOVERNMENT	\$ 244,124	\$ 313,148	\$ 395,164	\$ 333,647	\$ 332,897	\$ (750)
SENIOR CITIZEN	\$ 180,622	\$ 313,084	\$ 221,228	\$ 216,198	\$ 216,185	\$ (12)
INFORMATION SERVICES	\$ 206,107	\$ 231,361	\$ 260,086	\$ 269,547	\$ 269,240	\$ (307)
ADMINISTRATION	\$ 954,271	\$ 991,959	\$ 987,856	\$ 1,057,622	\$ 1,056,551	\$ (1,071)
LEGAL	\$ 316,782	\$ 341,261	\$ 393,579	\$ 395,784	\$ 395,415	\$ (369)
PLANNING & ZONING	\$ 138,670	\$ 180,157	\$ 173,087	\$ 150,653	\$ 148,232	\$ (2,421)
ENGINEERING	\$ 723,335	\$ 877,313	\$ 836,376	\$ 770,289	\$ 768,577	\$ (1,713)
BUILDING INSPECTION	\$ 399,090	\$ 405,277	\$ 383,705	\$ 303,787	\$ 325,784	\$ 21,997
POLICE	\$ 2,808,382	\$ 3,198,854	\$ 3,203,083	\$ 3,406,744	\$ 3,403,038	\$ (3,706)
FIRE	\$ 371,953	\$ 712,545	\$ 650,251	\$ 447,423	\$ 440,752	\$ (6,670)
AMBULANCE	\$ 342,749	\$ 408,068	\$ 388,766	\$ 429,118	\$ 429,020	\$ (98)
ANIMAL CONTROL	\$ 152,425	\$ 162,705	\$ 171,059	\$ 157,060	\$ 155,625	\$ (1,435)
EMERGENCY PREPAREDNESS	\$ 108,835	\$ 110,872	\$ 127,871	\$ 132,563	\$ 132,434	\$ (129)
STREETS	\$ 1,206,736	\$ 993,665	\$ 884,189	\$ 736,542	\$ 736,208	\$ (335)
GENERAL BUILDINGS & GROUNDS	\$ 626,391	\$ 861,384	\$ 695,762	\$ 625,076	\$ 624,658	\$ (418)
JUSTICE CENTER	\$ -	\$ -	\$ 73,307	\$ 143,992	\$ 143,918	\$ (74)
PARKS	\$ 3,700,913	\$ 1,449,709	\$ 1,514,797	\$ 1,461,860	\$ 1,461,245	\$ (615)
CEMETERY	\$ 246,637	\$ 261,338	\$ 259,060	\$ 252,453	\$ 252,201	\$ (252)
LIBRARY	\$ 452,706	\$ 497,392	\$ 532,594	\$ 585,169	\$ 584,555	\$ (615)
FAIRGROUNDS	\$ 266,367	\$ 438,702	\$ 324,746	\$ 249,310	\$ 249,173	\$ (137)
RECREATION	\$ 733,751	\$ 866,284	\$ 865,130	\$ 909,207	\$ 908,594	\$ (613)
SNACK SHACK	\$ 1,618	\$ 118,909	\$ 144,114	\$ 177,447	\$ 177,423	\$ (23)
ARTS COUNCIL	\$ 62,594	\$ 88,480	\$ 93,525	\$ 109,974	\$ 109,962	\$ (12)
SPECIAL EVENTS	\$ 322,368	\$ 438,174	\$ 524,957	\$ 514,896	\$ 514,675	\$ (221)
TOTAL EXPENDITURES	\$ 14,567,426	\$ 14,260,639	\$ 14,104,291	\$ 13,836,361	\$ 13,836,361	\$ (0)