

**Adopted Minutes  
Spanish Fork City Development Review Committee  
January 9, 2008**

The meeting was called to order at 10:05 a.m. by Richard Heap.

**Staff Members Present:** Richard Heap, City Engineer/Public Works Director; Dave Anderson, Planning Director; Junior Baker, City Attorney; Kelly Peterson, Electric Superintendent; Shelley Hendrickson, Planning Secretary; Marvin Banks, Public Utilities Director; Joe Jarvis, Fire Marshall; Dee Rosenbaum; Public Safety Director; Doug Shorts, Chief Building Inspector; Dave Munson, Planning Intern; Aaron Painter, GIS Administrator, Ryan Baum, Building Inspector.

**Citizens Present:** Ryan Bybee, North Springs Business Park.

**Minutes**

**December 19, 2007 & January 2, 2008**

Mr. Peterson **moved** to **approve** the minutes of December 19, 2007; with the noted corrections. Mr. Oyler **seconded** and the motion **passed** all in favor.

Mr. Oyler **moved** to **approve** the minutes of January 2, 2008; with the noted corrections. Mr. Peterson **seconded** and the motion **passed** all in favor.

**Variances**

**Tracy Peterson Homes**

Applicant: Tracy Peterson Homes  
General Plan: Residential 3.5 to 4.5 Units Per Acre  
Zoning: R-1-6  
Location: 475 West Center Street

Mr. Anderson explained this duplex lot exists in the northern portion of the SF Manor subdivision, and was constructed six feet from the property line. Duplexes and twin homes are allowed but the setbacks are ten feet. The applicant has submitted plans to subdivide the duplex into a twin home which raised the issue of the lack of a sufficient setback on one side of the property; therefore, making the change not possible without a setback variance.

Discussion was held regarding twin home and duplex setbacks being 10 feet from the property line and the City's oversight in approving a building permit that did not meet the setback standards.

***\*\*Discussion switched to North Springs Business Park Final Plat.***

## Final Plats

### **North Springs Business Park**

Applicant: Scenic Development

General Plan: Light Industrial

Zoning: Industrial 1

Location: 3450 North Main

Mr. Anderson explained the plat was approved with a private street stubbed out to the south. It is an industrial subdivision with a cul-de-sac. The applicant would like to slightly modify the street design to remove the cul-de-sac.

Discussion was held regarding the length of a cul-de-sac and whether or not an amendment needed to be made to the site plan for this type of a change.

Mr. Baker feels that, by law, the Preliminary Plat needs to be amended due to the road and lot configurations.

Discussion was held regarding the applicant abandoning the lots at a later date; not being able to start construction before the plat is recorded; if the plat is amended, whether or not the private street is vested; a time line to get the plat amended; whether or not construction can begin without the approved amendment; the lot and road configuration changes being significant enough to require an amendment; fire protection and the fire department liking hammerhead turnarounds better than cul-de-sacs and sidewalks.

Mr. Baker **moved** to **approve** the amendment of the North Springs Business Park Preliminary Plat Amendment for Scenic Development subject to the following condition:

### **Condition**

1. That the applicant meet the conditions of the original approval.

There was a question on the motion regarding whether or not discussion needed to take place with regard to private streets being gated. The conclusion was no.

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

***\*\*Returned to discussion on the variance for Tracy Peterson Homes.***

## Variances

### **Tracy Peterson Homes**

Applicant: Tracy Peterson Homes

General Plan: Residential 3.5 to 4.5 Units Per Acre

Zoning: R-1-6

Location: 475 West Center Street

Mr. Anderson explained to the applicant that they would need 4,000 square feet per side for the twin home.

Discussion was held regarding the process of the variance.

The applicant explained that they had planned on building a twin home before starting construction on the duplex and the duplex had been built to twin home standards.

Mr. Oyler **moved** to recommend to the City Council **approval** of granting the variance. Mr. Oyler **withdrew** his motion.

Mr. Baker **moved** to recommend **approval** of the variance located at 475 West Center Street for Tracy Peterson Homes to convert a duplex into a twin home with a side yard setback of six (6) feet rather than ten (10) feet based on the following findings:

### **Findings**

1. That the existing duplex, so far as we know, was built to twin home standards. It was approved by the City and it is already constructed. Therefore literal enforcement of the zoning ordinance would cause an unreasonable hardship to the applicant that is not necessary to carry out the general purposes of the zoning ordinance. It is zoned for a twin home.
2. That special circumstances are attached to this property and not attached to the others in that it is already built within approved location and the City apparently missed the setback requirement.
3. That granting variance is essential to the enjoyment of a substantial right that exists with other properties in the area and that it is built to twin home standards in an area zoned for twin homes with a setback that single family homes have currently. The variance does not substantially affect the general plan nor is it contrary to the public interest and it is zoned for a twin home. The setback variance is minor in its nature for an existing home.
4. That the current zoning ordinance is being followed and observed and is substantially justified by granting the variance.

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

### **DRC Business**

#### **Review and recommendation on proposed amendment to Master Planned Development requirements**

Discussion was held regarding the need to make some modifications.

## **Review and recommendation on proposed amendments to development submittal requirements**

Discussion was held regarding the need to make minor qualifications to the City's applications.

## **Review of new submittals**

Discussion was held regarding street width standard being asphalt to asphalt or curb to curb. Conclusion was curb to curb.

## **Adjourn**

Mr. Nielson **moved** to **adjourn**. Mr. Banks **seconded** and the motion **passed** all in favor at 10:49 a.m.

**Adopted: March 19, 2008**

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Shelley Hendrickson, Planning Secretary