

**Adopted Minutes  
Spanish Fork City Development Review Committee  
March 11, 2009**

The meeting was called to order at 10:05 a.m. by Dave Anderson.

**Staff Members Present:** Dave Oyler, City Manager; Dave Anderson, Planning Director; Junior Baker, City Attorney; Shelley Hendrickson, Planning Secretary; Shawn Beecher, GIS Administrator; Ryan Bagley, Utility Planner; Dave Munson, Planning Intern; Shawn Jorgensen, Public Works Inspector; Ryan Baum, Public Works Inspector; Joe Jarvis, Fire Marshall; Doug Shorts, Chief Building Inspector; Jered Johnson, City Surveyor; Marvin Banks, Public Utilities Superintendent; Chris Thompson, Engineer.

**Citizens Present:** Dustin Gordon, Keith Gordon, Chris Jackson, Brad Hall, James C. Biesinger, Vickie Jausi.

**MINUTES**

**February 25, 2009 & March 4, 2009**

Mr. Baker **moved** to **approve** the minutes of February 25, 2009 with the noted corrections. Mr. Anderson seconded and the motion **passed** all in favor.

Mr. Baker **moved** to **approve** the minutes of March 4, 2009. Mr. Thompson **seconded** and the motion **passed** all in favor.

**SITE PLAN**

**Muddy Boys**

Applicant: Muddy Boys  
General Plan: Commercial Office  
Zoning: Professional Office  
Location: 400 North Main Street

Mr. Anderson **moved** to **continue** the Muddy Boys Site Plan for one week. Mr. Baker **seconded** and the motion **passed** all in favor.

Discussion was held regarding an easement they had obtained and whether or not they were working with the Utah Department of Transportation.

**H & B Plumbing**

Applicant: H & B Plumbing Services  
General Plan: Light Industrial  
Zoning: Industrial 1  
Location: 1900 North 150 West

Mr. Johnson said he was related to the applicant and would abstain from the discussion.

Mr. Anderson explained the proposal and that he believed all of the issues that the Planning Department had were addressed.

Mr. Baker asked if the proposal had enough parking and if the landscape met City standards. Mr. Anderson said that they had.

Mr. Bagley explained that a power box would need to be moved and the power service on the adjacent existing building may need to be protected by bollards.

Discussion was held regarding the dead end street and a temporary turnaround, fencing on the shared access, abandoning the existing recorded turnaround and a new easement being recorded to use the parking lot as a turnaround.

Mr. Baker **moved** to **approve** the H & B Plumbing Site Plan for H & B Plumbing Service subject to the following conditions:

#### Conditions

1. That the applicant grant a new turnaround easement in the parking lot. In return the City will vacate the temporary easement that impacts the Southwest corner
2. That the electrical plans be approved by the Power Department.
3. That the applicant meet the City's construction and development standards.

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

### ZONE CHANGE

#### Jim Biesinger

Applicant: Jim Biesinger

General Plan: 5.5 to 8 units per acre existing, 5.5 to 8 units per acre/1 unit per 1 acre proposed

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

Location: 800 North 1300 East

*\*Shawn Jorgensen arrived 10:25 a.m.*

Mr. Anderson explained the zone change boundary and asked Mr. Biesinger to verify the boundary. Mr. Anderson explained the proposal was to change the R-1-6 to Rural Residential and that he supported the change.

Mr. Biesinger said he had tried to develop several times with a portion of his property but due to the wetlands and access with the state it made it not feasible to do anything. He explained his reason for the zone change to agriculture was there are some things you can do in an agricultural zone. He expressed interest in putting in wholesale greenhouses.

Discussion was held regarding permitted uses, greenhouses, acreage, zoning and a subdivision waiver.

Mr. Baker **moved** to recommend **approval** of changing the R-1-6 zone to Rural Residential (R-R) and the Modi property zoned to R-1-6. Mr. Banks **seconded** and the motion **passed** all in favor.

## CONDITIONAL USE

### **Promise of Women and Family**

Applicant: Utah County

General Plan: Light Industrial

Zoning: Industrial 1

Location: 800 North 1300 East

Mr. Anderson explained that when Vickie Jaussi approached the City for a business license the Planning Department determined the use to be an office type use; however, upon learning more about the use and their operation Mr. Baker said our code would call the use a Rehabilitation Treatment center which rather than being a permitted use in the Industrial 1 zone it was a Conditional Use and that the County was now going through the Conditional Use process so their operation conformed to the City ordinance.

Mr. Baker explained that what a conditional use meant was that the use was allowed in the zone with conditions imposed to mitigate adverse impacts that may not fit in with the rest of the neighborhood. In this case the Industrial area.

*\*Bart Morrell arrived at 10:36 a.m.*

Mr. Anderson explained the Development Review Committee's role in the conditional use process in order for the Planning Commission to approve the conditional use permit. He explained the committee would need to make five findings and read them from the City code.

Mr. Anderson **moved** to recommend that the Planning Commission **approve** a conditional use permit for a rehabilitation treatment facility for the Utah County Health Department subject to the following conditions being met:

### **Conditions**

1. That the applicant provide in writing that the requisite 15 parking stalls are made available for The Promise of Women and Children Facility.
2. That the operation of the facility be limited to indoor activities. The indoor activities involve having the fenced in playground removed.

Mr. Baker asked if the City would be okay with a grassed area for a playground if they were to locate such an area. Mr. Anderson said that he would be happy to revisit the idea of a playground but given the fact that it has been six months with no communication or effort made to pursue that he didn't feel it was a realistic option.

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

Mr. Shorts said that the way he understands a daycare you must have an outdoor facility. Mr. Anderson said we were not approving a daycare. Discussion was held regarding the facility being a daycare. Ms. Vicky Jaussi said they were not a daycare and that the mothers were there the entire time the children were there. It was determined that this was not a daycare facility.

*\*Mr. Thompson excused at 10:47 a.m.*

Mr. Baker amended the motion with the following findings:

## Findings

1. Upon meeting the proposed conditions this use is consistent with the General Plan and the purpose of the Industrial One zoning district
2. That the use is not materially or detrimental to the health, safety or general welfare of persons who are either working or residing in the area based upon the conditions.
3. That the proposed site is adequate in size for its intended use and, with those conditions does meet all of the setbacks, landscaping and buffers.
4. That the proposed site does have adequate access to public streets and with the conditions being met does have adequate parking.
5. No additional conditions are needed to off set any other detrimental affects.

Ms. Jaussi said that they have rooms for the children to play in and that it would be nice to have a place for them to play outside, but not necessary. She said the Mayor had visited the facility and thought things could be worked out.

Mr. Anderson and Mr. Oyler **approved** the **additions** of these findings to their motion, which findings were then unanimously approved.

Discussion was held regarding uses in an Industrial zone and concerns regarding neighboring uses. Mr. Jarvis said he had received a phone call from Ms. Jaussi regarding the door that exits out into the fenced in play area. That children were slipping out the door and they were wanting to install hardware on the door to prevent children from going out. Mr. Jarvis asked if the children were being supervised. Ms. Jaussi said that they were and her staff to child ratio was four to one. Mr. Jarvis asked if the hardware had been changed. Ms. Jaussi said that the hardware had not been installed because the Mayor had been out to their facility and said the issue could be worked out.

## ANNEXATION

### Christensen Annexation

Applicant: Jonathan Reid

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15 proposed

Location: 100 South 2550 East

Mr. Anderson said he had received an email from Jonathan Reid. Mr. Anderson explained that because the Christensen Annexation was accepted it created an opportunity for some other property owners to the west to apply for annexation. He explained that four annexation petitions were now on file and that action could not be taken on their petitions until the Christensen annexation was annexed. Due to Jonathan's comments in his email his perspective was such that due to no action there was no immediate need to annex the property within the next 30 days and that when they were ready to develop they could re-apply but it was in the best interest of all of the parties involved if annexation were denied.

Mr. Baker explained that the petition had been pending for a year and a half and needed to come to a conclusion one way or another and that there was an annexation agreement that they had been working on that the City had certain things that had to be done. According to the email from Jonathan Reid that was

received this morning he was still arguing some of the issues that the City insists on need to be there and that the committee just recommend to the City Council that they deny the annexation to bring it to a conclusion.

Discussion was held regarding whether or not the applicant could submit a plat that would meet the annexation agreement and get it approved along with the annexation agreement, infrastructure with power, sewer, water, commercial zoning, densities and dedications, general plan amendment, timeframe and connector's agreements,

Mr. Banks **moved** to recommend that the City Council **deny** Christensen Annexation. Mr. Baker **seconded** and the motion passed all in favor.

Mr. Oyler explained that if a new annexation petition were applied for that the annexation agreement still would need to be ironed out. That the annexation agreement would still apply to the new project.

### **ORDINANCE AMENDMENT**

#### **Chris Jackson**

Applicant: Chris Jackson

General Plan: City Wide

Zoning: City Wide

Location: City Wide

Mr. Baker asked Mr. Jackson who he was acquiring the produce from and where it was coming from. Mr. Jackson said they buy it from a guy in California. Mr. Baker said one concern is stationary businesses that also go to California they have overhead and would the City be creating an advantage for Mr. Jackson. Mr. Jackson said that it would be a huge expense to him to get a permanent building.

Mr. Oyler said the concept is for the local farmers to sell on the side of the street and one dilemma was itinerant merchants whether they are selling cheese, pine nuts etc that it be safe and without making this a major enforcement issue how do you simplify. Mr. Baker said stands sell all kinds of stuff and is a nice service but is in direct competition to stores that have overhead.

Mr. Baker **moved** to **continue** the Chris Jackson ordinance amendment; without date, for Dave Anderson, Shelley Hendrickson and himself to get together and draft an ordinance. Mr. Banks **seconded** and the motion **passed** all in favor.

### **OTHER BUSINESS**

#### **a. New Submittals**

Mr. Banks **moved** to **adjourn**. Mr. Anderson **seconded** and the motion **passed** all in favor at 11:30 a.m.

**Adopted:**

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Shelley Hendrickson, Planning Secretary  
Dave Munson, Planning Intern