

Adopted Minutes
Spanish Fork City Planning Commission Meeting
January 8, 1997

The meeting was called to order at 7:03 pm by Chair Doug Barber.

Commission Members Present: Chair Doug Barber, and Commission Members J. Wayne Ludlow, Brian L. Phillips, Clyde A. Swenson, Kevin Baadsgaard, and Matthew D. Barber. Commissioner Doug Christensen arrived at 7:10 pm. Commissioner David A. Ludlow arrived at 8:25 pm.

Staff Members Present: Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; and Gina Peterson, Deputy Recorder. City Manager David A. Oyler arrived at 7:15 pm.

Citizens Present: Linda Child, Crystal Prody, Rachael Beddoes, Jay Howard, Douglas N. Christensen, Carol N. Swenson, Brian Morrow, Rachael Swalberg, Ryan Juchau, Roy Miller, Scott Wilson, and Kevin Scholz.

Minutes

Mr. Phillips made a **motion** to approve the minutes of the December 3, 1996 meeting of the Spanish Fork City Planning Commission. The motion was **seconded** by Mr. Nelson, and it **passed** with a unanimous vote.

Introduction of New Commission Members

Chair Barber introduced Mr. Kevin Baadsgaard and Mr. Matthew D. Barber as the newly appointed Planning Commission members. Mr. Barber will replace Mr. Swenson as the Councilmember on the Commission. Mr. Swenson will be assuming another position in the City. Mr. Baadsgaard will replace Chair Barber.

Public Hearing - Conditional Use Permit - Beehive Homes (CU-96-01)

A **motion** was made by Mr. Phillips to open the public hearings at 7:05 pm. The **second** was made by Mr. Nelson, and the motion **passed** with a unanimous vote.

Mr. Comstock reviewed the Beehive Home request for a conditional use permit. Beehive Homes is a supervisory care facility in Spanish Fork for elderly individuals. Mr. Comstock stated the applicant proposes to increase the number of elderly residents from eight to eleven. He stated the Development Review Committee reviewed the request and felt it was consistent with findings required to grant a conditional use permit. The DRC recommends the Planning Commission's approval subject to the following conditions:

1. The supervisory care facility must maintain the appropriate Utah State licenses.
2. The facility must comply with applicable building codes, particularly regarding emergency exiting.

Mr. Swenson feels Beehive Homes is complying with necessary codes and is doing a good job. No comments were received from the public.

Mr. Nelson **motioned** to grant Beehive Homes a conditional use permit to operate with eleven residents subject to maintaining the appropriate Utah State licenses, and complying with applicable building codes, particularly regarding emergency exiting. Mr. Swenson **seconded**, and the motion **passed** with a unanimous vote.

***Note: Commissioner Doug Christensen arrived at 7:10 pm.*

Public Hearing - Conditional Use Permit - May Day Motors (CU-96-02)

Mr. Comstock reviewed the Mark Wilson Subdivision. Mr. Wilson requests a conditional use permit to allow a used automobile sales facility, including outdoor storage in conjunction with the use, in the Shopping Center (SC) zoning district. Mr. Comstock stated this item was reviewed by the Development Review Committee on January 2, 1996. After much discussion, the DRC recommended approval by the Planning Commission subject to certain conditions.

***Note: City Manager David A. Oyster arrived at 7:15 pm.*

Mr. Nelson compared the Expressway Square Shopping Center and the current landscaping issues at that shopping center. Mr. Comstock stated he does not anticipate these problems in this shopping center as the design review process will be completed separately. Mr. Heap stated this public hearing was to discuss approval of the conditional use permit. Mr. Comstock said, before proceeding much further, the developers wanted to know if a used automobile facility could work in this location. The Commission discussed possible anchor stores for the shopping center. Mr. Roy Miller stated in the past used car facilities were junky, but today they have to be good quality or the business will not last. Other items regarding the used automobile facility were discussed.

A **motion** was made by Mr. Phillips to grant the conditional use permit for a used automobile facility in Shopping Center zone at the Mark Wilson Subdivision subject to the following conditions as set by the Development Review Committee:

1. A design review plan must be approved for the entire shopping center
2. At least fifty percent (50%) of the project has to be built in the first phase. This fifty percent (50%) can include the MayDay Motors facility.
3. The automobile sales facility shall be in substantial conformance with the layout shown on the master site plan.
4. Preliminary and Final Plat approval must be granted before any new lots are created.

The **second** was made by Mr. Christensen, and the motion **passed** with a unanimous vote.

Mr. Christensen made a **motion** to close the public hearings. Mr. Nelson **seconded**, and the motion **passed** with a unanimous vote.

Fairway Meadows - Preliminary Plat

Mr. Heap reviewed the Fairway Meadows Preliminary Plat. He discussed concerns addressed by the Development Review Committee. Piping as opposed to fencing of the canal was discussed. The Commission expressed concerns with possible overflow and leakage of the canal. Mr. Phillips suggested including Lots 23 and 24 in the individual

review of Lots 25 through 30. Mr. Heap stated the fencing issue between the condos (Phase I) and single family homes will need to be resolved with the City attorney.

A **motion** was made by Mr. Nelson to approve the Fairway Meadow Preliminary Plat subject to the following conditions:

1. Working out an acceptable solution to piping of the east canal with Eastbench Irrigation. The property below the canal needs to be protected. Mitigation for potential future problems should be addressed.
2. Storm drainage piped to the river.
3. CC&R's reviewed and approved by the City attorney.
4. Lots 23-30 will require individual review. These lots could have a reduced setback to fifteen feet for a side entry garage.
5. The common area must go in with Phase I. Detailed landscaping and improvements plan for the common area must be received prior to final plat approval. Eliminate the two parking spaces in front of the common area.
6. Sidewalks on both sides of the street.
7. Relocation of power box in front of Lot 2 at the developer's expense.
8. Streets need to be dedicated as utility easements.
9. Fencing issue between the condos and single family homes need to be addressed with the City attorney.

The **second** was made by Mr. Christensen, and the motion **passed** with a unanimous vote.

Request for Waiver of Subdivision Requirements - Rachel Swalberg

Mr. Heap explained Kent and Rachel Swalberg were recently granted a lot size variance by the Board of Adjustment enabling them to split their lot of 11,644 square feet into two lots of 5,822 square feet each. He stated the Swalberg's would like permission to waive the subdivision process. The street has already been dedicated, and one lot contains an existing house, therefore, utilities are in place on the new lot. Mr. Heap explained the Development Review Committee recommended approval of the waiver, but by ordinance, the Planning Commission is the body that must grant the waiver.

Mr. Nelson made a **motion** to grant the division of Lot 1 of Whispering Breeze without being formally platted with the subdivision plat. Mr. Swenson **seconded**, and the motion **passed** with a unanimous vote.

Mr. Heap stated a policy will be drafted allowing the Development Review Committee to grant waivers of subdivision requirements in clear cut cases. This will allow a process, such as the Swalberg's, to move quickly.

Holiday Inn Access Request to UDOT on Highway 6

The Commission discussed the proposed right-in only access point for the Holiday Inn, located at U.S. 6 and Kirby Lane and reviewed a report on the subject from transportation consultants, Fehr & Peers Associates, Inc.

Mr. Phillips noted a possible conflict of interest in that previously he was UDOT's traffic engineer and is currently still employed with UDOT. Concerns were expressed with possible denial of the access by UDOT. Mr. Swenson feels UDOT should accommodate the request due to growth in the commercial area necessitating the change. The Commission discussed costs of the access and construction for the road. Mr. Oyler stated

if the Planning Commission is in favor of the access, they need to make a recommendation to the City Council.

Mr. Swenson made a **motion** to recommend the City Council pursue the Holiday Inn right-of-way, right-in only access request. Mr. Nelson **seconded** the motion, and it **passed** with a unanimous vote.

Mr. Phillips discussed possible questions UDOT may ask the City regarding the access.

Discussion of Nonconforming Uses

Mr. Comstock stated when a new ordinance is adopted, there are people that can be affected negatively. With the adoption of the new Zoning Ordinance, the City now has a number of nonconforming duplexes due to lot size. The Zoning Ordinance states if a non-conforming use were to burn down it could not be re-built. Mr. Comstock asked if the Commission would feel comfortable with an ordinance that would allow certain nonconforming uses to be rebuilt provided they meet setbacks, parking and all other ordinance requirements. Mr. Phillips stated the ordinance should only be allowed in residential areas. As a variance granted by the Board of Adjustment is the only option to rebuild a nonconforming use, the Commission expressed their interest in seeing a draft ordinance on the matter.

***Note: Commissioner David A. Ludlow arrived at 8:25 pm.*

Other Business

The Commission discussed future meeting schedules and determined to meet the first Wednesday of every month.

Adjournment

The meeting adjourned at 8:30 pm.