

**Adopted Minutes  
Spanish Fork City Planning Commission  
October 16, 1997**

The meeting was called to order at 7:07 pm by Chair David Ludlow.

Commission Members Present: Chair David Ludlow, Vice-Chair Doug Christensen, and Commissioners Kevin Baadsgaard, and Matthew D. Barber.

Staff Members Present: David A. Oyler, City Manager; Gregory A. Comstock, City Planner; S. Junior Baker, City Attorney; and Gina Peterson, Deputy Recorder.

Citizens Present: Karen Payne, Chamber of Commerce; Craig Johnson, Kris Johnson, Blake D. Barney, Mary Isaac, Frank Haymore, Brent Benson, and Jerald Chapple.

**Minutes**

Mr. Christensen **moved** to approve the minutes of the September 3, 1997, meeting of the Spanish Fork City Planning Commission as presented. Mr. Barber **seconded** the motion, and it **passed** with a unanimous vote.

**Review of Preliminary and Final Plans for the Swenson Economic Development Area**

**Resolution 97-14: Approving of the Swenson Economic Development Project Area Plan and Recommending it for Adoption by the Redevelopment Agency of Spanish Fork City**

Attorney Baker reviewed the proposed boundaries for the 388 acre Swenson Economic Development Area. He stated the City Council has been working on the creation of the economic development area for a number of months. A public hearing has been scheduled for the City Council meeting on October 21, 1997, to adopt the final plan and budget for the Swenson EDA. Mr. Baker reviewed the purpose and use for EDA's. He stated this location was selected as an EDA because of it's prime location for future industrial type growth. The City will use the economic development area designation to help get infrastructure improvements for the area.

Discussion and clarification took place. Chair Ludlow and Mr. Baadsgaard questioned the fairness of improving property to benefit the property owners without financial help from these property owners. They feel if the property owners and City benefit, both parties should contribute. Members of the Taxing Agency Committee were reviewed. Mr. Baker noted the Taxing Committee has veto power over the EDA budget.

The meeting was opened for further comment. Mr. Christensen stated he is aware the Planning Commission is an advisory board to the Council, but he feels the Swenson EDA project was presented in a very sudden manner to the Planning Commission. He

requested on future projects the Planning Commission be involved at an earlier stage. Other Commission members reiterated Mr. Christensen's comments. Mr. Baker stated the comments were well noted.

Mr. Baker reviewed Resolution 97-14 to be approved by the Planning Commission. He stated staff recommends the Planning Commission's approval of the resolution.

Mr. Christensen stated in order to compete with other cities, Spanish Fork City needs to have a area available for industries to locate. He made a **motion** to approve Resolution 97-14: Approving of the Swenson Economic Development Project Area Plan and Recommending it for Adoption by the Redevelopment Agency of Spanish Fork City. Mr. Christensen noted as part of his motion that the property owners be invited to participate, along with the City, in the cost of development. Mr. Baadsgaard **seconded** the motion, and it **passed** with a unanimous vote.

### **Discussion of Valley Asphalt - Conditional Use Permit**

On April 2, 1997, the Planning Commission granted a conditional use permit to Valley Asphalt, Inc. to modify their existing operation as follows: Replacing crushing equipment and modifying its hours of operation; adding a third asphalt storage silo; and building a truck wash facility in the I-2 zoning district. The approval was based upon various conditions set in that meeting and finalized in the May 7, 1997, meeting. Mr. Comstock conducted an inspection of Valley Asphalt property on October 9, 1997, and found the berming along Mill Road to be incomplete and not landscaped. Mr. Comstock also noted a landscape plan had not yet been submitted to him as was required. Attorney Baker stated the Commission has various options as follows: 1) They could do nothing, or 2) A hearing could be scheduled to consider the revocation of the conditional use permit granted to Valley Asphalt. If a hearing is scheduled, the Commission could give another deadline for completion of conditions; the permit could be revoked and the process would start over; or the permit could be rescinded and reinstated with additional conditions. Mr. Baker asked for the Commission's direction regarding this matter.

Mr. Baadsgaard stated noise coming from Valley Asphalt has increased since installation of the new rock crusher. Mr. Oyler reviewed recent noise level tests done at Valley Asphalt. The test, if taken behind the berm, showed the noise to be under the required level. In front of the berm on Valley property, the noise significantly increased. Mr. Baadsgaard feels the previous conditions were not given as much study as was necessary. He stated there is a field of engineers called "industrial hygenists" that could study the area and make recommendations regarding aesthetics and noise. Mr. Frank Haymore expressed concern that berming would not wrap around to the north and south of Mill Road. It was noted, per Mr. Comstock's specifications, berming will be required to wrap around the north and south of Mill road. Chair Ludlow suggested the Commission schedule a hearing for November 5, 1997 to determine what action to take. Mr. Barber questioned if the new operations at Valley Asphalt would even warrant seeking a conditional use permit to continue if the permit were revoked. Chair Ludlow explained that Valley changed operations just enough

to require a C.U.P.

After much discussion, it was the consensus of the Commission to hold a hearing and follow through on the conditions of the permit. Chair Ludlow requested staff give a formal notice to Valley Asphalt that the permit will be revisited at the next Planning Commission meeting.

**Public Hearing - Amendment to Zoning Ordinance by Adding “Supervisory Care Facility” as a Use Subject to a Conditional Use Permit in the I-1 Zoning District**

Mr. Baadsgaard made a **motion** to open the public hearing at 8:05 pm. The motion was **seconded** by Mr. Christensen, and it **passed** unanimously.

The City has received a request to modify the permissible uses in the I-1 zoning district to allow “supervisory care facilities” as a conditional use permit. A supervisory care facility is currently an allowed use in the C-O and C-2 districts, and is also permitted subject to obtaining a conditional use permit in the R-3 district. Ms. Courtney Johnson proposes to establish a boarding school and flight training academy for teenage boys. The school would be a 24 hour residential boarding facility accommodating boys who are either currently in the custody of the Utah Division of Family Services (DFS) , or troubled teenage boys from anywhere in the United States whose parents have transferred custody to the facility. Mr. Comstock explained Ms. Johnson would like to locate in the I-1 zone because of its close proximity to the airport as well as its distance from other residential areas in the City.

Chair Ludlow stated this specific case should be reviewed only after the real issue of whether or not the City should allow any type of residential use, supervisory care facility or other, in an industrial zone is determined. Mr. Comstock ask if the Commission felt a residential use could be allowed under certain conditions in the I-1 zone. The Commission reviewed the allowed uses in an industrial zone. Mr. Comstock noted the area where Ms. Johnson is looking to locate currently has a mix of office, retail and light industrial use. Ms. Johnson stated other property in the C-2 zone is not as conducive as the property in the I-1 zone. She feels a conditional use permit would protect the City because the City would set required conditions. Chair Ludlow explained the conditions set in a conditional use permit are to keep the use from being onerous to neighbors. He worried that eventually the neighbors would become a problem to the care facility. It was stated industrial and various commercial uses can become very noisy. Chair Ludlow explained his feeling that it is never wise to mix commercial/industrial and residential uses. Comparisons were made to the situation with unhappy residents who live near Valley Asphalt. A lengthy discussion took place on the issue.

Aside from the Ms. Johnson’s request, members of the Commission felt the term “supervisory care facility” should be better defined, as it was thought by some to only include elderly and handicap housing.

Mr. Barber feels a request such as Ms. Johnson’s should be allowed in the City, but not in an industrial zone. Ms. Johnson feels her situation is different in that she is requesting a

training facility. She stated her request should be looked at differently than residential vs. industrial use.

The meeting was opened for public comment of which none was received.

A **motion** was made by Mr. Barber to close the public hearing at 8:45 pm. The motion was **seconded** by Mr. Baadsgaard, and it **passed** with a unanimous vote.

Vice-Chair Christensen **moved** to recommend the City Council's denial of the request to allow supervisory care facilities in an I-1 zone as a permitted or conditional use, due to the feeling that residential and industrial uses do not mix. Mr. Baadsgaard **seconded** the motion and it **passed** with a unanimous vote.

Mr. Comstock stated Ms. Johnson's request would come before the City Council on November 4, 1997. He also noted a discussion regarding the definition of supervisory care facilities would be revisited at a future Planning Commission meeting.

#### **Johnson - Plat A - Preliminary Benson - Plat A - Preliminary**

Mr. Comstock stated new State Law requires additional steps to be followed when creating new lots in a previously platted subdivision. Both the Johnson Plat and Benson Plat property owners have been required to get signatures of all property owners within the Vineyard Subdivision approving of their requested lot splits. Mr. Comstock stated the Development Review Committee has recommended approval of these Preliminary Plats.

A **motion** was made by Mr. Barber to approve the Johnson Plat A Preliminary and the Benson Plat A Preliminary. The motion was **seconded** by Mr. Christensen, and it **passed** with a unanimous vote.

#### **Discussion of General Plan and Zoning Districts Along Main Street Between 400 North and 800 North**

Mr. Comstock explained the possible rezoning issue along north Main street is being addressed due to a project submitted by Mr. Rick Ainge. Mr. Ainge would like to build a fairly large office building on the corner of 600 North Main. The Development Review Committee felt the office building was inappropriate in the R-O zoning district due to its size, and the purpose of the R-O zone. The Commission was asked to consider their feelings on the future of Main Street, specifically if the area should become commercial or remain a residential area with some mixed retail/office use.

Mr. Blake Barney stated the City's previous Master Plan noted Main Street to be a commercial area. Mr. Barney stated he is upset because his property, which was previously zoned C-2, was changed to R-O with adoption of the City's new General Plan in November of 1996. He explained the zone change made his equipment rental business

nonconforming.

Mr. Comstock reviewed uses allowed in the R-O district. Mr. Christensen stated in the past, the Commission received feedback from the public which noted citizens like the residential feel of Main Street. Chair Ludlow agreed, adding one benefit people have addressed about Main Street is the greenery. Mr. Barber suggested a Main Street commercial zone which required more strict landscaping than other commercial zones. Mr. Oyler stated if Main Street becomes a commercial zone, protection for the back half of the Main Street blocks needs to be addressed.

Much discussion took place on the issue. Mr. Christensen stated he like the look and feel of north Main Street. Mr. Christensen also noted that while he was comfortable with the Residential Office zone along north Main Street, the Planning Commission did not intend to change the zone to make Blake Barney's business nonconforming. He feels this issue should be revisited.

Consensus from the Commission was to not initiate a zone change along north Main Street, and that it remain zoned R-O.

Mr. Barney suggested a formula be incorporated into the zoning ordinance which notes the height of an office building depends upon its distance from a residential area. Mr. Ludlow feels the Commission could address Mr. Barney's idea.

Mr. Oyler stated the Commission should review their feelings regarding the zoning along north Main Street with Mr. Ainge, so he understands their rationale. Mr. Comstock noted Mr. Ainge can still submit a zone change request for his lot.

### **Non-Agenda Item - Blake Barney Zone Change**

Mr. Barney explained he would like to run his business as a conforming business and requested the City initiate a zone change to revert his property back to the C-2 zone. Chair Ludlow asked if zoning the property C-2 would be a permanent fix to make Mr. Barney's business conforming. Mr. Barney replied his request would be permanent because if his business outgrew its current location, he would move. He stated he wants to keep the integrity of Main Street and do what is best for Spanish Fork City. Chair Ludlow asked if changing the zone in this area would constitute a "spot zone". Mr. Comstock answered in the negative.

Discussion took place regarding the possibility of having more restrictive landscape requirements in the C-2 zones along Main Street.

Mr. Barber made a **motion** to have the City initiate a zone change, on property owned by Mr. Blake Barney at 733 North Main, changing the property with a R-O zoning designation back to the C-2 zoning designation. (This would only include the property which was zoned C-2, before November 1996.) Mr. Christensen **seconded** the motion, and it **passed**

unanimously.

### **Draft of Trails Plan**

Mr. Comstock presented the draft trails plan to include trails along the Spanish Fork River, Mill Race Canal, and the High Line Canal. The High Line Canal trail will eventually be linked to other trails throughout the Wasatch Front. Mr. Comstock suggested a public hearing be scheduled at a future Planning Commission meeting to discuss amending the General Plan in regards to the Trails Plan. The consensus from the Planning Commission was to schedule the public hearing for the trails in December.

### **Other Business**

The Commission reviewed items to be placed on future agendas including the Blake Barney Zone Change, Valley Asphalt Conditional Use Permit, Trails, and Clarification of the definitions of Group Homes and Supervisory Care Facilities.

### **Adjournment**

A **motion** was made by Mr. Barber to adjourn the meeting of the Spanish Fork City Planning Commission at 10:25 pm. The **second** was made by Mr. Christensen, and the motion **passed** with a unanimous vote.