

**Adopted Minutes
Spanish Fork City Planning Commission
December 3, 1997**

The meeting was called to order at 7:00 pm by Chair David Ludlow.

Commissioners Present: Chair David Ludlow, Vice-Chair Doug Christensen, and Commissioners Kevin Baadsgaard, and Matthew D. Barber. Commissioner J. Wayne Nelson was excused.

Elected Officials Present: Mayor Marie W. Huff, and Mayor-Elect Dale R. Barney

Staff Members Present: Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; and Gina Peterson, Deputy Recorder.

Citizens Present: Blake D. Barney, Dave Olsen, Fred J. Clark, Lynn E. Jones, JoAnne D. Jones, Kim Mahaffey, Martin Long, Jack Dawson, Carma Dawson, Dennis Mitchell, Bill Thornton, Anne G. Brierley, Joseph Brierley, Beth K. Gee, Don Cook, Tom Uriona, Warren Johnson, Pauline Webber, W. Kelly Johnson, Russil W. Boyack, Jerry Christensen, Gloria Christensen, Kim H. Peterson, Ken Fakler, J. Phil Boyack, Kathryn J. Boyack, Jack D. Roberts, Mike Christensen, DeeAnn Christensen, Tom Scribner, and Cris Child.

Minutes

Mr. Christensen made a **motion** to adopt the minutes from the October 16, 1997, and November 5, 1997, meetings of the Spanish Fork City Planning Commission as presented. Mr. Barber **seconded** the motion and it **passed** with a unanimous vote.

Public Hearing - Amendment to Chapter 17.20.110 Light Industrial by Adding Sexually Oriented Businesses as a Use Subject to Conditions

Mr. Christensen **moved** to go into public hearing at 7:02 pm. Mr. Barber **seconded** the motion, and it **passed** with a unanimous vote.

Chair Ludlow reviewed items discussed during the previous Planning Commission meeting regarding Sexually Oriented Businesses. He asked Attorney Baker if sexually oriented businesses could be completely disallowed in the City. Attorney Baker answered, due to constitutional reasons the City would likely lose a Court case if sexually oriented businesses were completely disallowed. Attorney Baker noted the ordinance regulating conduct of S.O.B.'s is very restrictive. He stated the City wants to be prepared before a sexually oriented business locates in the City and recommended the Planning Commission approve the amendment to the zoning ordinance.

After general conversation regarding boundaries, the meeting was opened for additional public comment of which none was received.

It was determined by the Planning Commission to allow sexually oriented businesses as a use subject to conditions with the addition that the business cannot be open on Sundays and hours will be regulated from 8:00 am to 1:00 am.

Mr. Barber made a **motion** to recommend adoption by the City Council of the Ordinance amending the zoning ordinance by adding sexually oriented businesses as a use subject to conditions, with the amendments as stated. Mr. Christensen **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - General Plan Amendment to the Circulation Element of the Spanish Fork City General Plan to Provide a More Detailed Trails Section, Policies, and Map

Chair Ludlow explained the Commission has been discussing the addition of a trails plan for several months. He noted, since inception of the general plan, it was always determined a trails plan would be added.

Mr. Comstock detailed types of trails and where they would be located throughout the City. He explained trails would be designed to help people get to certain places such as schools, parks, and downtown. A major regional recreational trail will be addressed along the Bonneville Shoreline.

Mr. Dale Barney asked who would pay for trails to be constructed. Chair Ludlow stated the Commission envisions trails being paid by the developer, just like roads. It was noted an eight foot trail could be constructed for about the cost of a sidewalk.

Mr. Cris Child stated, as a developer, he sees the trails as an amenity to help sell building lots.

Mr. Tom Scribner noted after several discussions with staff he feels the trails plan does not contain all positives benefits because it cuts prime lots off the brow of the hill. He expressed concern in losing these scenic lots.

Mr. Kim Peterson commended the City for their foresight in mitigating situations like the one that recently occurred at Scenic Drive. He stated the City is making an amenity out of something that could have potentially been a hazard. Mr. Child noted the lots across the street from the trails will still have a fantastic view.

Mr. Christensen made a **motion** to recommend approval to the City Council of the amendment to the Circulation Element of the Spanish Fork City General Plan by adding the Trails Plan. Mr. Barber **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - IHC Health Services Zone Change

The City has received a request from IHC to rezone approximately 8.24 acres east of 600 East, south of 1000 North and west of US Highway 6 from R-2 to C-2. The Development Review Committee recommended the rezoning with the condition that property be developed as one integrated project with shared parking, driveways, and common architectural styling, landscaping, signage, and fencing. Mr. Tom Uriona, real estate manager for IHC, presented a drawing of the proposed facility. He noted IHC will probably not use the entire property. IHC anticipates starting construction, subject to the zone change, some time in 1998. Mr. Uriona stated the clinic would be a primary care facility with family practice and pediatrics, but it could potentially expand to instacare and possibly some outpatient surgery.

Discussion took place regarding the difference between a health clinic and a hospital. Chair Ludlow expressed concern about the clinic eventually slipping into hospital use. Mr. Uriona stated he does not anticipate any overnight stays at the clinic.

Mr. Joseph Brierley, a nearby resident, expressed concern with fill and storm water from the IHC property coming onto his property. He stated he preferred a fenced parking lot to abut his property rather than the actual clinic. Chair Ludlow noted a six foot fence will be required along with other standards ensuring storm water will be kept on IHC property.

Access issues were discussed. A citizen expressed the feeling the clinic would be a benefit to the community, but requested no multiple stories be constructed due to residential areas nearby.

A **motion** was made by Mr. Christensen to recommend approval of the zone change from R-2 to C-2 along with the recommendation from Development Review Committee that the property be developed as one integrated project, and that the clinic not be allowed a hospital overlay. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Woolstenhulme Zone Change

The City has received a request from LeGrand Woolstenhulme to rezone approximately 4.36 acres east of U.S. Highway 6 and south of 400 North from C-O to R-3. The zone change would allow the development of a residential townhouse project. The Development Review Committee recommended approval of the zone change as long as the property is developed as one project in accordance with the Master Planned Development requirements.

Mr. Christensen asked what liability the City would have regarding noise from the railroad track. He expressed concern with the excessive amount of noise in a residential area. Chair Ludlow also expressed concern for safety of residents, especially children walking to school. Mr. Comstock feels developer should be required to put sidewalk to the west side of Highway 6.

Mr. Kelly Johnson, a nearby property owner, stated the area is extremely noisy due to the train and freeway. He also feels four-plexes and six-plexes will devalue his property.

Chair Ludlow explained this property has been discussed many times and noise and safety are always a concern. Mr. Comstock noted the requirement to construct a six-foot masonry wall to buffer the arterial road. He stated as design of the project is discussed, the City will strongly recommend various things to mitigate noise.

Mr. Cris Child feels people are aware of the noise when they purchase a home, but they soon get used to the noise. Additional concerns were expressed by Mr. Johnson and Mr. Russil Boyack regarding noise and safety.

Mr. Heap stated one concern from City staff were access issues. The City does not want the entrance to the project close to the railroad tracks due to low visibility. Mr. Barber asked if a secondary access would be required. Mr. Heap stated an secondary access for emergency use only may be a possibility.

No additional comments from the public were received.

A **motion** was made by Mr. Barber to recommend approval of the Woolstenhulme zone change from C-O to R-3 with the conditions that 1) The property be developed as one project in accordance with the Master Planned Development requirements, and 2) At the time of development, a sidewalk will be constructed to the west right-of-way line on Highway 6. The motion **died** for lack of a second.

Mr. Christensen made a **motion** to deny the Woolstenhulme zone change due to potential future problems with the location of the property and concerns regarding a safe access to the property. Mr. Baadsgaard **seconded**, and a **tie vote** of 2:2 occurred. Commissioner Baadsgaard and Vice-Chair Christensen voted in favor of the motion, while Chair Ludlow and Commissioner Barber were opposed. ***NOTE: Based upon the tie vote, there is no recommendation from the Planning Commission to the City Council on this issue.*

Public Hearing - Kenneth Fakler General Plan Amendment and Zone Change

The City has received a request for a General Plan amendment from Professional Office to General Commercial and to rezone approximately 1.2 acres at the northwest corner of 700 North and 800 East from C-O to C-2. The property would be used for development of a new Fakler Tire store and possibly an additional automotive/retail use.

The Development Review Committee recommended approval of the changes with the condition that 1) access to the property only be from 800 East; and 2) that all areas to the south of any buildings be completely landscaped, including a berm, with no parking or driveways in this area.

Chair Ludlow expressed discomfort in putting conditions on zone changes. Mr. Heap feels conditions can be required at site plan approval. Mr. Comstock stated the conditions recommended by the DRC are suitable for the zone change. He explained it is a way of getting the desired zoning while assuring that intrusion on the neighbors will be minimized.

Mr. Ken Fakler presented his proposed Site Plan and stated the only condition he objects to is denial of access from 700 North. He requested a gated access that would be shut and locked except for delivery of supplies.

Mr. Blake Barney feels allowing an access from 700 North should not be a concern. Mr. Bill Thornton, adjacent property owner, does not feel the access should be limited and was in favor of the zone change.

A lengthy discussion ensued regarding access issues.

Chair Ludlow explained the concept of buffers. He noted the Planning Commission felt C-O was the best buffer between commercial and residential use, and therefore zoned the property as C-O. Mr. Fakler feels the buffer concerns can be addressed with berming and fencing.

Mr. Blake Barney feels an office cannot locate on the property due to the price being asked for the property. It was noted Fakler tire provides a lot of sales tax for the City.

Chair Ludlow **moved** to recommend denial of the zone change due to access issues and the property being intended for office use. Mr. Christensen **seconded** the motion, and a **tie vote** of 2:2 occurred. Chair Ludlow and Vice-Chair Christensen voted in favor of the motion, and Commissioners Barber and Baadsgaard voted against. ***NOTE: Based upon the tie vote, there is no recommendation from the Planning Commission to the City Council on this issue.*

Public Hearing - Blake and Melanie Barney General Plan Amendment and Zone Change

The Planning Commission initiated this request at its October 16, 1997, meeting following a discussion of the zoning along Main Street from 400 North to 800 North. The Commission believed that the general character of that area should remain as shown on the General Plan and as currently zoned, but that the Barney property should be considered for rezoning back to C-2 as it had been prior to November, 1996. This would allow the Barney's equipment rental business to again be a legal conforming use rather than the current non-conforming use in the R-O district.

Mr. Comstock stated it was not the City's intent to downzone existing uses that have been in existence for some time. The Development Review Committee recommended approval with no stipulations or conditions.

Ms. JoAnn Jones, nearby property owner asked for clarification of which property would be rezoned.

Mr. Don Cook, an adjacent property owner to the south stated Mr. Barney has been very respectful of his needs to make sure noise is not excessive and bothersome. He stated he is in favor of the zone change.

Mr. Jones expressed comments favorable to the zone change.

Mr. Kim Peterson asked if diesel operations are allowed in the C-2 zone. Mr. Comstock answered in the negative.

No additional comments were received.

A **motion** was made by Mr. Barber to recommend the Blake Barney General Plan amendment and zone change from R-O to C-2 on the property described. The motion was **seconded** by Mr. Baadsgaard, and it **passed** with a unanimous vote.

A **motion** was made by Mr. Christensen to exit the public hearing at 9:06 pm. The motion was **seconded** by Mr. Baadsgaard, and the motion **passed** unanimously.

South Ridge - Preliminary Plat

Approval of the South Ridge Preliminary Plat will create 90 lots from approximately 35 acres zoned R-1-12. A conceptual development plan containing 154 lots on approximately 75 acres has also been submitted to indicate possible development on the remaining areas that the applicant either owns or has an options to buy. Mr. Comstock noted a small area on the plat was not part of the original zone change to R-1-12. This area will need to be rezoned before the plat can be recorded.

The Development Review Committee has reviewed the plat several times, and after refinement of intersections and street alignments recommends approval of the preliminary plat subject to 1) the rezoning of the small area in the northeast; and 2) 1570 South must be developed to Canyon Road during the first phase of development.

Chair Ludlow stated with the new trails plan, lots would not be allowed along the brow of the hill. He feels a trail along the edge of hill would be amenity that could possibly allow higher density for the development. Mr. Dave Olsen stated the lots on the hill are the most precious because people enjoy the view and are willing to pay additional money for these lots. Mr. Tom Scribner feels the City's concerns regarding the brow of the hill are exaggerated.

After further discussion, Mr. Olsen agreed to an exchange of increased density (from 2.5 to 3.5) for lots along the brow of the hill. He stated the street plan could remain the same, and the lots could be tightened to allow for the increased density.

Mr. Baadsgaard made a **motion** to table a decision on the South Ridge Preliminary Plat until the January 7, 1998, Planning Commission meeting when the revised preliminary plat can be reviewed. Mr. Christensen **seconded** the motion, and it **passed** with a unanimous vote.

Adjournment

Mr. Christensen made a **motion** to adjourn the meeting of the Spanish Fork City Planning Commission at 9:40 pm. Mr. Barber **seconded** the motion, and it **passed** with a unanimous vote.