

**Adopted Minutes
Spanish Fork Planning Commission Meeting
October 6, 1999**

The meeting was called to order at 6:30 pm by Chair J. Wayne Nelson for a preliminary review of the agenda. At 7:00 pm regular agenda items commenced.

Commission Members Present: Chair J. Wayne Nelson and Commissioners Kevin Baadsgaard, Roy L. Johns, David E. Lewis, and Thora L. Shaw.

Staff Members Present: Emil Pierson, City Planner; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Bryan Mathews, Keith Swain, Kalene Mathews, Norma Monk, Calvin Monk, Dee Baxter, Shirley Baxter, Bryan Winkel, J. Ross Nielsen, Stephen R. Whittaker, Reed Coll, M. Byron Fisher, Tiffany Jex, Bradley Jex, Duane Davis, Matt Barber, and Doug Barber.

Minutes

Mr. Johns made a **motion** to approve the minutes of the September 1, 1999 and September 22, 1999 meetings of the Spanish Fork Planning Commission as presented. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Ridge Cove - Amended Preliminary Plat

Mr. Pierson reviewed the Ridge Cove Amended Preliminary Plat. Developer Mike Watson is requesting to amend the Preliminary Plat to construct an additional two townhouse units at 1000 East 500 North. This project received final plat approval by the Development Review Committee on September 29, 1999. Victor Bell, the owner of land locked property adjacent to the development was present at the Development Review Committee meeting. He requested something be done with his property. After considerable discussion staff recommended Mr. Watson include the parcel in his development. With the addition of this property and the two new units, density will be 9.52 units per acre. The general plan recommends 5 - 12 units per acre. Amenities provided for the plat include covered parking stalls, picnic tables, basketball court, and a tot lot.

Mr. Baadsgaard made a **motion** to approve the Ridge Cove Amended Preliminary Plat subject to the following conditions:

1. A hammerhead turnaround be approved by the City and constructed to allow for fire access;
2. The development meets all plans and profiles approved by the Engineering Department;
3. City Planner's approval on placement of the additional three parking stalls and additional two units;
4. Location for waste receptacles approved by the City Planner;

5. Landscaping plan which shows landscaping in the green space at the south of the development.

Ms. Shaw seconded, and the motion passed with a unanimous vote.

Public Hearing - J. Ross Nielsen Zone Change (R-R to C-1)

Mr. Johns made a **motion** to open the public hearings at 7:13 am. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

Mr. Nielsen is requesting a zone change from R-R, Rural Residential, to C-1, Neighborhood Commercial on 2.15 acres at 1700 East Canyon Road. This property is owned by the Cattle Association. A preliminary plat plan has not been submitted with the request. This request was previously reviewed by the Development Review Committee and Planning Commission with the petitioner requesting an R-1-8 zoning designation. Both bodies recommended denial based upon the general plan designation of Commercial. Since that time the petitioner has amended the request to commercial to match the general plan. The Development Review Committee has given favorable recommendation of the commercial request subject to conditions.

Mr. J. Ross Nielsen was present representing the Cattle Association.

Chair Nelson opened the meeting for public comment.

Mr. Reed Call owns property directly across the street and spoke in favor of the zone change.

Ms. Norma Monk lives on the east side of the proposed zone change. She asked what type of uses are included in a neighborhood commercial zone. Mr. Pierson listed uses including a small strip mall or convenience store. He stated the uses will be relatively small, and will include buffering from residential uses.

Ms. Shaw made a **motion** to recommend approval of the J. Ross Nielsen Zone Change from R-R, Rural Residential, to C-1, Neighborhood Commercial subject to the following conditions:

1. 1700 East be extended to Canyon Road during the first phase of development;
2. Access to the property on 1700 East is restricted to the first 150 feet north of Canyon Road;
3. Access from Canyon Road has to be 250 feet east from 1700 East;
4. The entire site will be development with a theme, with one pole sign allowed for the entire development. At least 25% of the front elevation will be solid surface with all other elevations being masonry products, excluding glass.

Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Voice Stream PCS II - Conditional Use Permit

Voice Stream PCS submitted an application for a conditional use permit to co-locate on a

wireless facility with U.S. West. The existing pole is located in the Spanish Fork City electrical substation located at the northwest corner of 2550 East Canyon Road. The pole is 80-feet high with U.S. West's antenna array on top of the pole. The petitioner will also be leasing 325 square feet from the City within the substation. Three stainless steel cabinets will be located in the leased area, and the property will be surrounded by a chain link fence. The City Council approved this lease agreement on September 7, 1999. Mr. Pierson reviewed recommended conditions of approval from the Development Review Committee.

The meeting was opened for public input. None was received.

Mr. Baadsgaard made a **motion** to approve the Voice Stream PCS Conditional Use Permit for co-location of an antennae and base transceiver station at 2550 East Canyon Road subject to the following conditions:

1. A lease agreement be entered into by the City and Voice Stream PCS;
2. Installation of a chain link fence around the transceiver building. No barb wire will be allowed;
3. The leased area will be graveled and maintained weed free;
4. The antennae will be as stealth as possible;
5. The transceiver building will meet all required setbacks;
6. All accessory buildings be stainless steel and meet all requirements for accessory structures in the R-R zoning designation.

The Commission makes the following findings in granting the conditional use permit.

1. The proposed use is consistent with the policies of the General Plan
2. The proposed use will not be materially detrimental to the health, safety, or general welfare of person residing or working within the area as there is already an existing tower in place.
3. The proposed site is adequate in size and shape to accommodate the intended use and all requirements for the zoning district will be met.
4. Adequate conditions have been placed upon the permit to ensure any anticipated detrimental effects can be minimized.

Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - H.E. Davis & Sons - Conditional Use Permit

H.E. Davis has submitted a conditional use application for a rock crusher in the I-3, Heavy Industrial Zone. The property, located at the mouth of the Spanish Fork Canyon on the Ensign-Bickford property currently has a Surface Mining Overlay designation.

A reclamation plan has been submitted for the site, as well as a letter from the Police Department regarding the traffic pattern of the property. Dust and noise on the property will be controlled.

The meeting was opened for public comment. None was received.

Ms. Shaw made a **motion** to grant the Conditional Use Permit for H.E. Davis & Sons to

allow a rock crusher in the I-3 zone on property at the mouth of the Spanish Fork Canyon subject to the following conditions:

1. Operation of the rock crusher will be held to the hours specified in the permit application. These hours are 6 am to 6 pm, Monday through Friday; and 6 am to 2 pm on Saturdays. No operation will take place on Sundays;
2. H.E. Davis must be in compliance with air quality standards and the City noise ordinance. If violation of either standard occurs, the Conditional Use Permit may be subject to revocation;
3. The permit will be subject to review after five (5) years;
4. Dust must be mitigated by watering the area surrounding the rock crusher;
5. The clump of oak brush located approximately 100 yards south of the entrance to SR 89 must be removed to improve the vision and mitigate traffic concerns of the Police Department.

The Commission makes the following findings in granting the conditional use permit.

1. The proposed use is consistent with the policies of the General Plan
2. The proposed use will not be materially detrimental to the health, safety, or general welfare of person residing or working within the area due to the proximity of residential neighbors and the established hours of operation.
3. The proposed site is adequate in size and shape to accommodate the intended use and all requirements for the zoning district will be met.
4. The proposed site has adequate access to public streets to carry traffic generated by the use. On-site circulation is adequate to permit driveways, parking and loading requirements in a manner which is safe and efficient as substantiated by the City's police department.
5. Adequate conditions have been placed upon the permit to ensure any anticipated detrimental effects can be minimized.

Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Mathews Assisted Living Center Zone Change (R-R to R-1-12) and Conditional Use Permit

Mr. Bryan Mathews has submitted an application for a zone change and conditional use permit to construct an assisted living center at 1425 South 1700 East. Mr. Mathews is requesting the zoning to be amended from Rural Residential (R-R), to Standard Urban Residential (R-1-9). This will allow the facility to be located in this zone as well as the property to the west to be a single family subdivision in the future. If granted, the facility will have approximately 32 residents with a minimum of six employees. Canyon Elementary School is located to the north of the property. They are aware of the intended use and are planning to develop an "Adopt a Grandparent" program. Mr. Pierson reviewed specifics regarding site plan and access to the property. Conditions from the Development Review Committee were noted, including the recommendation that the property be zoned R-1-12, instead of the requested R-1-9.

Mr. Lewis asked if the second access to 1700 East was needed. It was indicated the additional access was for fire protection purposes.

Chair Nelson opened the meeting for public input.

The Commission discussed the residents of the home. Mr. Mathews noted the facility will house people requiring 24-hour care.

Venus Ernst teaches 1st grade at Canyon Elementary and is excited about the caring programs the facility will provide.

Ms. Shirley Baxter resides south of the proposed living center. She expressed concern with the placement of the parking lot which will be directly north of their home. Ms. Baxter is concerned vehicle and parking lot lights will intrude on her property. She asked if the parking lot could go on the north side of the living center so it would be adjacent the ballfield at the elementary school. Developer Brian Mathews stated lighting could be put on a motion sensor as well as shaded. Mr. Steve Leifson owns property to the west. He stated there will be homes against the parking lot even if it is flipped to the north. Mr. Pierson noted distance from the parking lot to the Baxter residence is over 100 feet.

Mr. Bryan Winkle, a homeowner to the northeast, expressed support for the plan. He feels the parking should be moved north.

The parking lot issue was discussed at length. Mr. Mathews expressed concerns with increased costs to accommodate sewer problems that will occur if the parking lot is moved. He reported that fill would have to be brought in to raise the building 5 to 6 inches. Mr. Pierson felt the parking lot would be safer for the school children if it were to the south of the development.

Mr. Baadsgaard feels if the design is flipped, it will affect less people in the long run. He stated the area does not seem like it will have very high traffic. Mr. Keith Swain feels the current design is much better for school children that are coming and going.

Mr. Tim Ernst, a homeowner approximately 1 block southwest of the school indicated the sewer is fairly high in the area. He also expressed support for the project.

Mr. Lewis made a **motion** to approve the Zone Change for the Mathews Assisted Living Center from R-R, Rural Residential, to R-1-12, Low Urban Residential, as the zone change is consistent with the policies of the General Plan, and there will be no adverse impacts to adjacent properties due to their residential nature. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

Ms. Shaw made a **motion** to approve the Conditional Use Permit for the Matthews Assisted Living Center subject to the following conditions:

1. The Conditional Use approval is contingent on acceptance of the re-zoning of the property by the City Council
2. The property for Hearthstone Manor have a 6 foot white vinyl fence around the perimeter with a 3 rail white vinyl fence;

3. Addition of ten parking spaces at the south of the development for a total of 20 spaces.
4. Another access from 1700 East at the top of the “drop-off area” bulb.
5. Street dedication and improvements be carried out in accordance with plans, and approved by the Engineering Department;
6. Setbacks placed on the plat;
7. All sidewalks must be specified a minimum of four feet wide;
8. Front elevations to be consistent with what is shown in photos and design book;
9. Pedestrian lighting installed in the parking lot to be shielded from adjacent properties;
10. Proposed monument sign subject to City Planner’s approval. No wall signs will be allowed.

The following findings are made in granting the conditional use permit.

1. The proposed use is consistent with the policies of the General Plan as evidence by the proposed zone change.
2. The proposed use will not be materially detrimental to the health, safety, or general welfare of person residing or working within the area due to the proximity of residential neighbors and the established hours of operation due to the residential natures of the facility.
3. The proposed site is adequate in size and shape to accommodate the intended use and all requirements for the zoning district will be met.
4. The proposed site has adequate access to public streets to carry traffic generated by the use. On-site circulation is adequate to permit driveways, parking and loading requirements in a manner which is safe and efficient.
5. Adequate conditions have been placed upon the permit to ensure any anticipated detrimental effects can be minimized.

Mr. Johns **seconded**, and the motion **carried** with a **majority** vote of 3:2. Commissioners Johns, Nelson, and Shaw voted in favor of the motion. Commissioners Baadsgaard and Lewis were opposed due to the location of the parking lot.

Mr. Lewis questioned the need for 20 parking spaces if only 13 spaces are required by ordinance. Mr. Pierson indicated the Development Review Committee felt additional spaces may be needed for people visiting residents of the facility.

Public Hearing - Bryan Jex Zone Change (R-O to C-2)

Bryan Jex and Doug Barber are requesting to rezone approximately .43 acres from R-O, Residential Office, to C-2, General Commercial at the northeast corner of Center Street and 100 East. Mr. Jex has submitted this request in order to open a retail store at 31 North 100 East and to also match with the zoning and his lumber yard to the west. Concrete was recently poured in the front setback for parking. This eliminated the required landscaping in the R-O zone, and still does not meet the parking requirements.

Much discussion took place regarding the zone change. Chair Nelson commented even if the zone change took place, the proposed retail use would still be nonconforming. He

suggested Mr. Jex apply for a variance from the Board of Adjustment. Mr. Pierson noted State law does not allow variances to be granted if the hardship is self-imposed.

The meeting was opened for public comment.

Mr. M. Byron Fisher, an attorney representing Bryan Jex, addressed the Commission. He stated the interior of the home has been remodeled to provide a retail outlet for boutique items. Mr. Fisher stated Mr. Jex understands parking and landscaping requirements must be met and he is prepared to open business after conditions of the zone change have been completed.

Mr. Doug Barber, an adjacent business owner feels the changes have enhanced the neighborhood. He expressed concern that Mr. Jex is trying to provide off-street parking, but it is not allowed as it is.

Ms. Tiffany Jex, daughter of Bryan Jex noted there is not room to expand parking into the north part of the lumber yard due to lumber storage.

The Commission discussed the zone change and found it to be consistent with the policies of the General Plan because adjacent areas are zoned C-2, and uses in the area are commercial in nature. If the zone change is granted, an amendment to the General Plan map will need to be made.

Mr. Johns made a **motion** to recommend approval of the Bryan Jex Zone Change from R-O to C-2 subject to the properties meeting all zoning requirements and approval of the general plan amendment. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

It was noted the zone change does not include the two northerly parcels.

Public Hearing - General Plan Amendment with regard to the Phillips Annexation

The City Council approved the Phillips Annexation in September 1999. The zoning of the annexation was recommended as C-2 in certain areas, an I-3 in others. Since this property was not previously in the City, a General Plan Map amendment and Growth Boundary amendment needs to occur.

Chair Nelson opened the meeting for public input. None was received.

Mr. Johns made a **motion** to amend the Growth Boundary to include property from 3450 North following the City limits to SR 77 and to amend the General Plan map in relation to the Phillips Annexation with an industrial designation on property west of Main Street and south of 3450 North, and the remaining property north of 3450 North to have a commercial designation. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Mr. Johns made a **motion** to exit the public hearings at 9:20 pm. Mr. Baadsgaard **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Mr. Baadsgaard made a **motion** to adjourn the meeting of the Spanish Fork Planning Commission at 9:20 pm. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.