



**Planning Commission Agenda
March 4, 2009**

**Planning
Commissioners**

6:30 P.M. Agenda Meeting

Del Robins
Chairman

7:00 P.M. 1. Preliminary Activities

Sherman Huff
Vice Chairman

- a. Pledge of Allegiance
- b. Approval of Minutes: February 4, 2009

David Lewis

2. Public Hearings

David Stroud

- a. **Gateway Commerce Preliminary Plat**
Applicant: SF North Land LLC
General Plan: Light Industrial
Zoning: Industrial 1
Location: approximately 3400 North Main

Shane Marshall

Michael Christianson

- b. **Ronald Dallin Zone Change**
Applicant: Ronald Dallin
General Plan: General Commercial
Zoning: R-1-6 existing, Commercial 2 proposed
Location: 700 East 900 North

3. Other Discussion

- a. **Cameron Gunter**
- b. **Discussion on Planning Commission work program**

Planning Commissioners, if you are unable to attend a meeting please let us know ASAP. Thanks.

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

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Draft Minutes
Spanish Fork City Planning Commission Meeting
February 4, 2009

Commission Members Present: Del Robins, Michael Christianson, Dave Lewis, Sherman Huff, Dave Stroud, Sherman Huff.

Staff Present: Dave Anderson, Planning Director; Shelley Hendrickson, Planning Secretary; Chris Thompson, Design Engineer; Kirk Nord, Assistant City Attorney.

Citizens Present: Carl Johnston, Byron Betts, Gerald Hansen, Elvera Sargent, Sydney Sargent, Barbara Olsen, Byron Betts, Jan Betts, LaDean Jarvis, Scott Jarvis, Gary Jarvis, Rick Snow, Jennifer illegible, Gloria Christensen, Jerry D. Christensen, Louise Abbott, illegible Abbott, Mark Dallin, Kevin Payne.

CALL TO ORDER

Commissioner Robins called the meeting to order at 7:00 p.m.

PRELIMINARY ACTIVITIES

Pledge

Chairman Robins led the pledge of allegiance.

Adoption of Minutes: December 3, 2008

Commissioner Huff **moved** to **approve** the minutes of January 7, 2009.
Commissioner Christianson **seconded** and the motion **passed** all in favor.

Commissioner Marshall **moved** to **open** into public hearing. Commissioner Huff **seconded** and the motion **passed** all in favor at 7:03 p.m.

PUBLIC HEARINGS

Mark Dallin Zone Change

Applicant: Mark Dallin

42 General Plan: Residential
43 Zoning: R-1-6 existing, In-fill Overlay proposed
44 Location: 760 East 300 North

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46 Mr. Anderson explained that the proposed Zone Change is to approve the In-fill
47 Overlay Zone within the same R-1-6 district. He said that Mr. Dallin, the applicant,
48 constructed a duplex on the northwest corner of the property in 2008 with plans to
49 construct a second duplex adjacent to the first one; however, the City adopted a
50 moratorium regarding multi-family housing before Mr. Dallin received a building
51 permit on the second structure. The result of the moratorium was the adoption of the
52 In-fill Overlay zone. Mr. Anderson explained what he felt the In-fill Overlay Zone was
53 created to accomplish (higher quality of construction and design, projects designed
54 to integrate into the neighborhood, and to provide for opportunities for home
55 ownership).

56
57 Commissioner Christianson asked if the existing structure was two levels. Mr.
58 Anderson said they are all one level without basements. Mr. Dallin said the square
59 footage was 925 of living space with two bedrooms.

60
61 Mr. Dallin explained that the exterior of the structures would be rock and brick, have
62 nice curb appeal, an brick pillar entry, no parking in the main driveway, and 2-2.5
63 parking spaces per unit.

64
65 Chairman Robins invited public comment.

66
67 Carl Johnston
68 Mr. Johnston said he was in opposition and explained that he felt the proposal
69 created too many homes on a small area. He handed to the Commissioners a copy
70 of the In-fill Overlay zone and explained what he was opposing and why. He then
71 expressed that he felt the proposal was improperly noticed.

72
73 Commissioner Marshall explained that in looking at this ordinance they wanted to
74 improve the products that were being built and asked if it would be better to have the
75 duplex that is there duplicated or allow two and have it look better.

76
77 Mr. Johnston said he felt that the main issue was greed and would not like to see a
78 third unit built.

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80 Jan Betts
81 Ms. Betts said she was completely opposed and explained why. She said she would
82 like a single-family home and not more multi-family units.

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Connie Lowe

Ms. Lowe said she was opposed and that her biggest concern was parking. She handed the Commissioners pictures of parking problems. She said she would like a single-family dwelling and not multi-family.

Byron Betts

Mr. Betts asked if the units were all the same size. He is concerned about where the children will play and setbacks. He said he agreed with Mr. Johnston on everything else.

Elizabeth Dallin

Ms. Dallin said she did not feel that anyone would be climbing a six-foot vinyl fence. She expressed that she felt the apartments were beautiful; that the outside was as nice as any of the other structures in the area and that the people that would be living there would be widows or newlywed couples. She explained that she felt that the property owner could address the issues neighbors were addressing in the rental agreements.

Gary Freesbee

Mr. Freesbee said he was opposed to the project mainly because his property would be boxed in by apartments. He explained he had lived there for 10 years. He said he did like the covered porches and garages but felt the duplex at the back end of the property would have less visibility from the road and could be a problem.

Mr. Nord explained that there was nothing illegal about what was being discussed and as far as the noticing issue he was not sure what was to be noticed but that the wording was standard operating procedure.

Mr. Anderson explained the notice process and that he would double check what and whom was noticed.

Chairman Robins asked Mr. Anderson to explain why the R-1-6 and R-3 zones were targeted for the In-fill Overlay zone.

Mr. Anderson explained that historically the R-1-6 and R-3 zoning districts were the primary zones that multi-family housing was being built in and was evidence of the evolution of how the City has been zoned. He said City staff recognizes there are problems today from zoning decisions made in the past and were trying to address those issues today. He explained how the zoning ordinance works today.

124 Commissioner Marshall asked about density.
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126 Discussion was held regarding density and a person's right to build multi-family
127 dwellings by right versus seeking permission in the In-fill Overlay Zone.
128
129 Mr. Dallin said he was thankful for the neighbors that were here and said he planned
130 this out so that property values would not be affected. He feels that crime and
131 violence are everywhere and that there will always be change.
132
133 Mr. Johnston asked the Commission to verify whether the issues have actually been
134 changed in the ordinance.
135
136 Commissioner Christianson talked through the items that the In-fill Overlay Zone
137 Change required (garages, roof pitch, building materials, landscape etc). He said he
138 felt that the structures should be brick where visible from the street or other
139 properties, and that it would be nice for the Commission to have some kind of
140 checklist to go through to verify that all of the requirements of the In-fill Overlay Zone
141 were being met.
142
143 Commissioner Stroud asked if City staff had looked at the existing density on the
144 block and what currently exists.
145
146 Mr. Anderson explained the density by viewing aerial photos on the overhead.
147
148 Discussion was held regarding parking, ownership and rental agreements.
149
150 Commissioner Marshall express that he was feeling torn. He explained that the
151 Commission started the process with good ideas and motives working through the
152 text in several meeting and that now was the time to apply it and he was not sure he
153 was comfortable with it.
154
155 Commissioner Huff said he felt that home ownership should carry a lot of weight and
156 had reservations that the three criteria for an approval in the In-fill Overlay Zone
157 were not being met.
158
159 Chairman Robins said he agreed that Mr. Dallin's work was very nice but explained
160 he did not feel that duplexes were the right fit. He said he would like to see more
161 creative uses such as a single family home set on an angle with a curved driveway.
162
163 Commissioner Huff **moved** to recommend the Zone Change be **denied**.
164 Commissioner Marshall **seconded** and the motion **passed**. Commissioner

165 Christianson said he felt it was a better product and voted nay. Commissioner
166 Marshall explained that he felt the proposal met the first two requirements of the In-
167 Fill Overlay ordinance but not the third one (it providing home ownership.)

168

169 Mr. Dallin discussed with the Commission the possibility of making the units into
170 condominiums.

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173 **Ronald Dallin Zone Change**

174 Applicant: Ronald Dallin

175 General Plan: General Commercial

176 Zoning: R-1-6 existing, Commercial 2 proposed

177 Location: 760 East 900 North

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179 Mr. Anderson explained the proposal was currently zoned R-1-6 and the applicant
180 was requesting C-2 which he felt was the most appropriate zoning and was in line
181 with the adjacent parcels.

182

183 Chairman Robins welcomed public comment.

184

185 Jerry Christianson

186 Mr. Christianson explained he did not mind it being zoned commercial but what
187 bothered him was why the adjacent parcels were not included in the rezone.

188

189 Rick Snow

190 Mr. Snow explained where he lived and that he could not understand why it was
191 being rezoned and why the adjacent properties were not included in the rezone so
192 the homeowner's that were left didn't lose their property.

193

194 Mr. Anderson explained that the properties along 800 North were currently zoned
195 residential but General Planned to be commercial and from the City's perspective
196 would not have any concerns changing them to Commercial 2, but if people wanted
197 to continue to live there for any amount of time if the zone were changed it could limit
198 their specific opportunities.

199

200 Commissioner Stroud said it made sense to him to have the entire area rezoned.

201

202 Mr. Snow said he feels that there are health hazards regarding a few structures and
203 cannot understand why Mr. Dallin wanted to change the zoning.

204

205 Mr. Anderson explained what the process was if the Commission would like City staff
206 to include some other properties in the Zone Change.

207

208 Commissioner Christianson has reservations regarding all of the property owner's
209 not being present.

210

211 Mr. Snow asked what Mr. Dallin's intent was. Chairman Robins said he did not
212 know.

213

214 Chairman Robins **moved to table** the Ronald Dallin Zone Change and gave staff
215 direction to include the properties north of 800 North and east of 600 East to
216 Highway 6. Commissioner Stroud **seconded** and the motion **passed** all in favor.

217

218 Gary Jarvis

219 Mr. Jarvis asked if the City was going to take his parent's house. Chairman Robins
220 explained that they would not.

221

222 **Jason Campbell Zone Change**

223 Applicant: Jason Campbell

224 General Plan: General Commercial and Residential

225 Zoning: Industrial 2 existing, Commercial 2 and R-1-12 proposed

226 Location: approximately 1900 South Arrowhead Trail

227

228 Mr. Anderson explained the proposal and that the applicant had provided a concept
229 plan. He explained that the property was an old gravel pit and was currently being
230 used as a storage site.

231

232 Mr. Robert Mason

233 Mr. Mason said that he was in attendance to answer questions regarding a
234 conceptual idea. He explained that there would be a lot of mixed uses. Chairman
235 Robins asked where the higher density would be. Mr. Mason explained the
236 placement of the residential densities.

237

238 Mr. Leon Abbott

239 Mr. Abbott said he was for the proposal and would like to see homes put along the
240 front but does not want the hills cut down behind his home. He said he was happy
241 that it would no longer be a garbage dump. He is concerned about dust and when
242 the project will commence. He felt the project would increase the traffic on Cal Pac.

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244 Mr. Mason explained the traffic issues and topography and that construction would
245 be determined by the economy.

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Mr. John Warby asked about topography and roads. Mr. Mason explained the right-of-way.

Chairman Robins said his only concern was commercial next to residential.

Commissioner Christianson **moved to approve** the Jason Campbell Zone Change and the motion passed by a roll call vote. Commissioner Marshall abstained.

Flood Damage Prevention Ordinance

Applicant: Spanish Fork City

General Plan: City Wide

Zoning: City Wide

Location: City Wide

Mr. Anderson turned the time over to Chris Thompson. Mr. Thompson said that with the help of a federal grant the City conducted a floodplain study along the river with floodway lines and several new types of zones that have been adapted. He said he felt that this would be a great asset to the City to have this well-defined and be able to responsibly govern along the river. He said it was based on a FEMA template on how to govern development along the river. He explained base floor elevation relative to base flood elevation.

Commissioner Christianson asked if this was a map revision so that if the River Bottom residents wanted to get out of the floodplain they could do an additional map revision. Mr. Thompson said it would be an amendment but would have to go to FEMA with the permission of the City. Discussion was held regarding amendments, the floodway, and levies.

Commissioner Christianson asked about the thistle slide and the tunnel that was constructed. Mr. Thompson explained the 100-year flood did not overwhelm those. Chairman Robins asked if historical conditions were taken into consideration. Mr. Thompson assured him they were.

Commissioner Huff asked for clarification on a section of the ordinance. Mr. Thompson clarified his concern. Commissioner Huff expressed concern with the homes that were built by Intermountain Farmers.

Discussion was held regarding water over banks; not water migration below the surface.

287 Chairman Robins expressed concern with not being conservative enough on the
288 delineations. Mr. Thompson explained elevations.

289
290 Commissioner Huff **moved** to recommend **approval** of the flood damage prevention
291 ordinance. Chairman Robins **seconded** and the motion **passed** all in favor.

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293 Commissioner Christianson **moved** to **close** public hearing. Commissioner Stroud
294 **seconded** and the motion **passed** all in favor at 9:09 p.m.

295
296 Mr. Johnston expressed his concern with the noticing of changes and that most
297 people did not understand what was being proposed.

298
299 Commissioner Marshall feels that the problem is that most people do not care and
300 that it is only those who care that get involved.

301
302 Mr. Anderson agreed that there are likely opportunities to improve. He felt that the
303 City can best serve the community by providing notification that is somewhat broad
304 with an invitation for people to inspect all of the details by contacting the Planning
305 Department or by attending meetings. Commissioner Christianson asked about the
306 prospect of notices providing a biased description of a proposal. Discussion was
307 held regarding noticing.

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309 OTHER DISCUSSION

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311 Discussion on Planning Commission work program

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313 ADJOURNMENT

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315 Commissioner Huff **moved** to **adjourn**. Commissioner Christianson **seconded** and
316 the motion **passed** all in favor at 9:18 p.m.

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318 **Adopted:**

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Shelley Hendrickson, Planning Secretary



REPORT TO THE PLANNING COMMISSION GATEWAY COMMERCE PARK PRELIMINARY PLAT AMENDMENT

Agenda Date: March 4, 2009

Staff Contacts: Dave Anderson, Planning Director

Reviewed By: Development Review Committee

Request: The applicant, SF North Land LLC, is requesting to have the Gateway Commerce Park subdivision plat amended to allow for the creation of one additional lot.

Zoning: Industrial 1

General Plan: Light Industrial

Project Size: approximately 5 acres

Number of lots: 2

Location: Approximately 3400 North Main Street

Background Discussion

The Gateway Commerce Park subdivision was approved a number of years ago and is currently home to a number of businesses. Sometime over the course of the past two years, one of the lots in the subdivision was divided without having the subdivision approved by the City.

Approving this Plat, the Gateway Commerce Park Plat E, would create two legal lots and would allow for the development of the property identified as Lot 2 on this plat.

Development Review Committee

The Development Review Committee reviewed this plat in their February 25, 2009 meeting and recommended that it be approved. Draft Minutes from that meeting read as follows:

Gateway Commerce

Applicant: SF North Land LLC
General Plan: Light Industrial
Zoning: Industrial 1
Location: approximately 3400 North Main

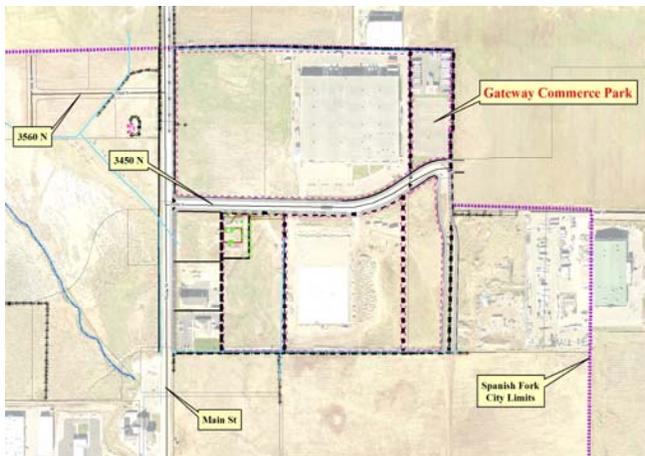
Mr. Anderson explained the background of the proposal.

Mr. Baker asked about the building that was included in the project and asked what the history was.

Mr. Gordy Jones explained that he owned the parcel and split it off on a metes and bounds description for loan purposes. He said he was in the process of selling the portion that is separate from the structure and realized that they needed to legally subdivide the parcel.

Discussion was held regarding utilities. Mr. Jones said he would finish the items that were left his punchlist but explained that he felt the street lights should be installed when the adjacent lot is developed.

Mr. Anderson expressed concern as to whether or not the improvements would get installed if the



buyer of the property chose not to submit a proposal and construct something in the immediate future.

Discussion was held regarding a deadline for the improvements (June 1, 2009), water service, whether or not pressurized irrigation needed to be stubbed in and a utility easement.

Marlo Smith explained she had spoken with Mr. Heap and felt that Mr. Heap wanted the power to be addressed and put in as soon as possible.

Discussion was held regarding the power and how to get utilities to the separate lots and whether or not power service should be installed as was approved in 2007.

Shawn Jorgenson asked about water retention and how the applicant would keep water from draining on adjacent parcels since there was not curb and gutter.

Discussion was held regarding amending the site plan.

Mr. Baker **moved** to recommend **approval** of the Gateway Commerce Preliminary Plat for SF North Land LLC located at approximately 3400 North Main subject to the following conditions:

Conditions

1. That the applicant meet all of the City's construction and development standards.
2. That the applicant submit an amended Site Plan that identifies the necessary improvements.
3. That the applicant make all improvements within 30 days except the landscaping; which will need to be done by June 1, 2009.
4. That all corrections identified on the City's redlines be complete before this Plat is presented to the City Council for approval.

Budgetary Impact:

There is no significant budgetary impact anticipated with the proposed Preliminary Plat.

Recommendation:

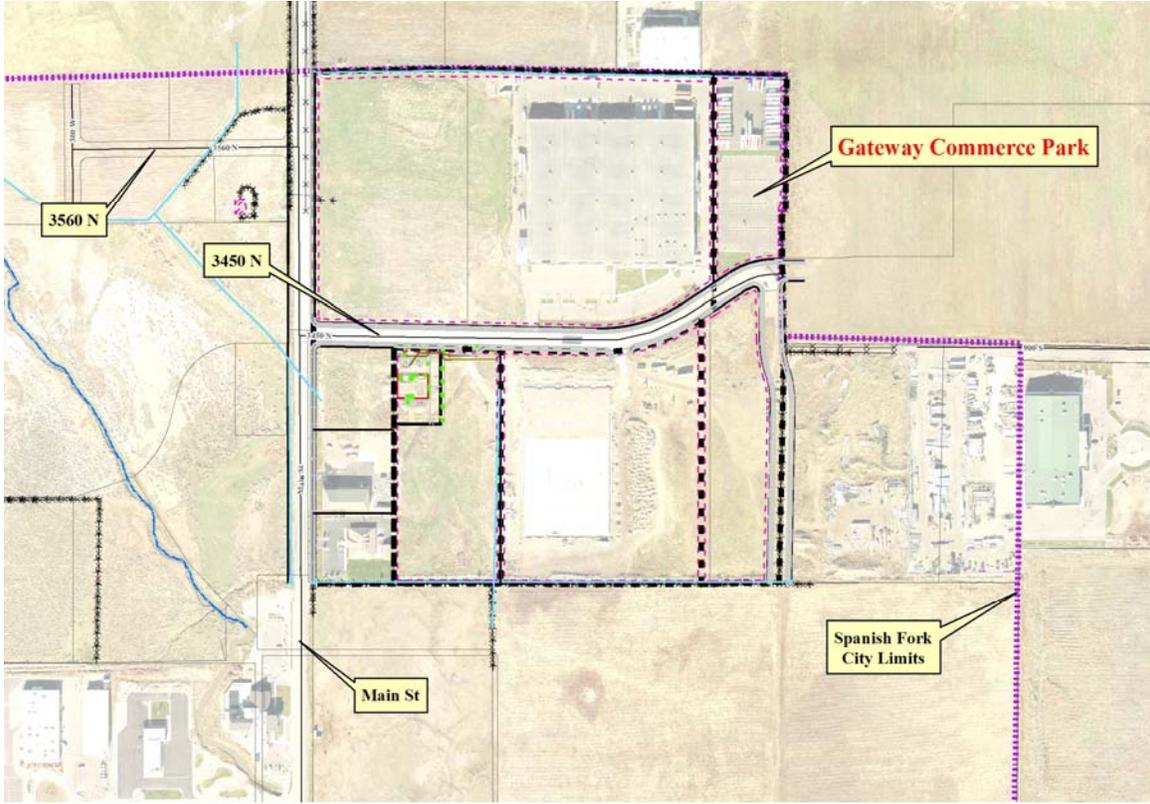
Staff recommends that the Gateway Commerce Park be approved based on the following findings and subject to the following conditions:

Finding

1. That the proposed subdivision meets zoning requirements.

Conditions

1. That the applicant meet all of the City's construction and development standards.
2. That the applicant submit an amended Site Plan that identifies the necessary improvements.
3. That the applicant make all improvements within 30 days except the landscaping; which will need to be done by June 1, 2009.
4. That all corrections identified on the City's redlines be complete before this Plat is presented to the City Council for approval.





REPORT TO THE PLANNING COMMISSION

RONALD DALLIN ZONE CHANGE

Agenda Date: March 4, 2009

Staff Contacts: Dave Anderson, Planning Director

Reviewed By: Development Review Committee

Request: The applicant, Ronald Dallin, is requesting that the zoning of a parcel be changed from R-1-6 to Commercial 2.

Zoning: R-1-6 existing, Commercial 2 requested

General Plan: General Commercial

Project Size: Approximately 4 Acres

Number of lots: N/A

Location: 800 North 700 East

Background Discussion

This request was continued from the Planning Commission's February 4 meeting. In that meeting, the Planning Commission instructed staff to expand the original request to include a number of properties located on the north side of 800 North.

The proposal has now been expanded to include all of the properties identified on the accompanying map.

Development Review Committee

The Development Review Committee reviewed this request in their February 25, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Ronald Dallin

Applicant: Ronald Dallin
 General Plan: General Commercial
 Zoning: R-1-6 existing, Commercial 2 requested
 Location: Approximately 700 East 800 North

Mr. Anderson explained that the DRC had recommended that Mr. Dallin's original proposal be approved and that the Planning Commission had expanded the area covered by the proposed Zone Change. Mr. Baker asked if there were any property owners opposed and Mr. Anderson answered that he believes so. Mr. Baker said that he did not think it would be a good idea to approve it unless all property owners agreed. He also said that it should only happen if the Zone Change would be contiguous.

Mr. Baker made a **motion** to recommend **approval** of just the Ron Dallin parcel unless the adjacent property owners to the existing C-2 zone along 800 North or 700 East also requested their property to be included. Mr. Anderson **seconded** and the motion **passed** all in favor.

Budgetary Impact

There is no immediate budgetary impact anticipated with the proposed Zone Change.



However, this change must be approved prior to the commercial development of this property. Having the property develop commercially would likely have a positive impact on the City's budget.

Recommendation

Staff recommends that the zoning of Mr. Dallin's parcel be changed to C-2 and that the zoning of the other included parcels be changed only if the owners of contiguous property expressly request to have their zoning changed.

