



**Planning Commission Agenda  
April 1, 2009**

**Planning  
Commissioners**

- 6:30 P.M. Agenda Meeting
- 7:00 P.M. 1. Preliminary Activities
- a. Pledge of Allegiance
  - b. Approval of Minutes: March 4, 2009
2. Public Hearings
- a. **Jim Biesinger Zone Change**  
Applicant: Jim Biesinger  
General Plan: 5.5 to 8 units per acre existing, 5.5 to 8 units per acre/1 unit per 1 acre proposed  
Zoning: R-1-6 and Rural Residential existing, R-1-6 and Rural Residential proposed  
Location: approximately 1200 East 800 North
  - b. **Promise of Women and Family Conditional Use Permit**  
Applicant: Utah County  
General Plan: Light Industrial  
Zoning: Industrial 1  
Location: 1169 East 1010 North
3. Staff Reports
- a. **Amherst Meadows Preliminary Plat reapproval**  
Applicant: Joel M. LaSalle  
General Plan: Light Industrial  
Zoning: Industrial 1  
Location: 1300 South 2300 East
4. Other Discussion
- a. **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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**Tentative Minutes**  
**Spanish Fork City Planning Commission**  
**March 4, 2009**

**Commission Members Present:** Del Robbins, David Stroud, Sherman Huff, and David Lewis. Mike Christianson and Shane Marshall were absent.

**Staff Present:** Dave Anderson, Planning Director; Chris Thompson, Assistant Public Works Director; Kirk Nord, Assistant City Attorney; and Marlo Smith, Engineering Secretary.

**Citizens Present:** Gloria Christensen, Jerry Christensen, Lee Riesre, Joseph Brierley, Anne Brierley, Cameron Gunter, Scott Jarvis, La Dean Jarvis, Andrew Deaver and Christina Deaver.

**CALL TO ORDER**

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

**PRELIMINARY ACTIVITIES**

**Pledge of Allegiance**

Commissioner Lewis led the pledge of allegiance.

**Approval of Minutes: February 4, 2009**

Commissioner Huff made a **motion** to approve the minutes of February 4, 2009. Commissioner Stroud **seconded** and the motion **passed** unanimously.

**PUBLIC HEARINGS**

**Gateway Commerce Preliminary Plat**

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

Commissioner Lewis made a **motion** to move into the public hearing portion of the meeting. Chairman Robbins **seconded** and the motion **passed** unanimously.

42 Mr. Anderson reviewed the background of the proposal. He said the applicants are  
43 applying to amend the Preliminary Plat to allow for a creation of two separate lots.  
44 The outstanding issues are found on page two of the staff report.

45  
46 Chairman Robbins invited public comment.

47  
48 There were no comments.

49  
50 Commissioner Huff made a **motion** to recommend approval of the Gateway  
51 Commerce Park Preliminary Plat subject to the following conditions:

- 52
- 53 1. That the applicant meets all of the City's construction and development  
54 standards.
  - 55 2. That the applicant submits an amended Site Plan that identifies the  
56 necessary improvements.
  - 57 3. That the applicant makes all improvements within 30 days except the  
58 landscaping; which will need to be done by June 1, 2009.
  - 59 4. That all corrections identified on the City's redlines be complete before  
60 this Plat is presented to the City Council for approval.

61  
62 Commissioner Lewis **seconded** and the motion **passed** unanimously. A roll call  
63 vote confirmed the unanimous vote.

64  
65 **Ronald Dallin Zone Change**  
66 Applicant: Ronald Dallin  
67 General Plan: General Commercial  
68 Zoning: R-1-6 existing, Commercial 2 proposed  
69 Location: 700 East 900 North

70  
71 Mr. Anderson discussed that after last month's Planning Commission meeting this  
72 item was continued with the direction to staff to expand the scope of the Zone  
73 Change by providing legal notice to the requisite property owners. The letters were  
74 sent to the neighbors included in the Zone Change area. Staff is recommending that  
75 the Zone Change only include the properties where the property owner has  
76 expressly requested to be included in the Zone Change.

77  
78 Chairman Robbins invited public comment.

79  
80 Christina Dever

81 Ms. Dever stated that she is wondering what the Zone Change will mean for their  
82 home. Will they no longer be able to reside in their home and would they have to  
83 sell to a business?

84

85 Mr. Anderson stated that changing the zoning to commercial will not impede any  
86 property owners with dwellings to continue to use those homes as they are being  
87 used now for as long as they want to. This would restrict certain changes to the  
88 homes or property. Mr. Anderson discussed that the footprint of the home could not  
89 be changed but remodeling the interior structure would still be allowed. He also  
90 stated that it could not be changed into a duplex or an apartment could not be  
91 added. The homes would be considered legal non-conforming in the C-2 zone.

92

93 Ms Dever asked what the owner of the adjacent property planned to do, such as  
94 develop soon or just change the zone for future.

95

96 Mr. Anderson said the area to the North that is already zoned C-2 has an approved  
97 site plan. Mr. Anderson said he is not aware of a concept plan or any immediate  
98 plans that Ron Dallin has for his property.

99

100 Ms. Dever stated she is okay with the rezone as long as she is allowed to choose  
101 when they want to move away.

102

103 Jerry Christensen

104 Mr. Christensen said he lives on 800 North in the middle of the block. His concern  
105 was if his property is not rezoned commercial he didn't feel the resale value of his  
106 property would be there if a commercial business was in his back yard.

107

108 Joseph Brierly

109 Mr. Brierly said he has considered the rezone and has no concerns.

110

111 Commissioner Stroud asked if the property owner next to Gold's Gym was in favor of  
112 the rezone.

113

114 Mr. Anderson concurred.

115

116 The Jarvis' were asked if they were in support of the rezone.

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118 Mr. Jarvis asked if the rezone would have any effect on the value of the property if  
119 they were to refinance.

120

121 Mr. Nord said from a legal standpoint it would not affect the title. But he wasn't sure  
122 of affecting the value negatively.

123

124 Mr. Jarvis said when the basement was done there is one room that wasn't dug out.  
125 He asked if this room could be dug out in the future.

126

127 The Commission agreed that this would be part of the existing footprint and would be  
128 allowed.

129

130 Chairman Robbins asked for any comments from the Commissioners.

131

132 Commissioner Huff asked if all the surrounding area was zoned commercial.

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134 Mr. Anderson concurred.

135

136 Commissioner Huff made a **motion** to recommend approval of the Ronal Dallin Zone  
137 Change to change the parcel zoning to C-2 and all included properties.

138 Commissioner Lewis **seconded** and the motion **passed** unanimously. A roll call  
139 vote confirmed the unanimous motion.

140

141 Commissioner Huff made a **motion** to move out of public hearing. Commissioner  
142 Stroud **seconded** and the motion **passed** unanimously.

143

#### 144 OTHER DISCUSSION

145

#### 146 **Cameron Gunter**

147

148 Mr. Anderson discussed that certain proposals for specific areas would work well but  
149 aren't allowed due to certain limits imposed by the City's zoning code. Mr. Gunter is  
150 here to describe a specific proposal and is interested in getting the Planning  
151 Commission's most candid thoughts on the concept.

152

#### 153 Cameron Gunter

154 Mr. Gunter discussed that he is with PEG Development. He discussed current and  
155 past projects they have done such as the new Zions Bank building in Provo.

156

157 Mr. Gunter presented a slideshow that reviewed the following:

158

- 159     ▪ Past projects constructed by PEG Development

- 160       ▪ Concept plan for properties acquired or under negotiation in Spanish Fork  
161       near Main Street and Volunteer Drive; that include mixed uses pertaining to  
162       multi-family residential and retail/office space.

163

164 Mr. Thompson stated that UDOT is working to obtain an easement across the City's  
165 property for a storm drain line. He recommends that Mr. Gunter look into this  
166 situation soon.

167

168 Mr. Gunter discussed that his proposal includes 150 apartments which would consist  
169 of 3-50 unit buildings and retail/office space closer to Main Street. Next to the  
170 apartments would include twin homes to blend into the current Spanish Trails  
171 development.

172

173 Mr. Gunter presented a proposed Commercial-Residential Overlay Zone.

174

175 Chairman Robbins asked if Mr. Gunter has had any discussion with UDOT as to  
176 traffic flow and access onto Main Street.

177

178 Mr. Gunter said at this time this is still a conceptual project and he has not spoke  
179 with UDOT.

180

181 Discussion took place regarding the irrigation canal and ditches in the area.

182

183 Discussion took place regarding the traffic congestion onto Main Street from  
184 Volunteer Drive.

185

186 Commissioner Lewis said that the proposal looks very nice and he would be in favor  
187 of what is being proposed if the traffic issue can be solved.

188

189 Mr. Thompson discussed that UDOT will be widening Main Street and adding a light  
190 at Volunteer Drive. This project should be starting soon.

191

192 Discussion took place as to what options for ordinance changes would be required.

193

194 Discussion took place on details of the project such as tenants and time frame of the  
195 project.

196

197 The Planning Commissioners discussed that this is a new concept for Spanish Fork.

198

199 Mr. Gunter asked if he had a recommendation to move forward with the project.

200

201 The Planning Commissioners concurred.

202

203 **Discussion on Planning Commission work program**

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205 Mr. Anderson said likely in April there will be a joint Planning Commission and City  
206 Council meeting to discuss the work program.

207

208 **ADJOURNMENT**

209

210 Commissioner Huff made a **motion** to adjourn the March 4, 2009 Spanish Fork City  
211 Planning Commission Meeting. Chairman Robbins **seconded** and the motion  
212 **passed** unanimously. The meeting adjourned at 8:04 p.m.

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214 Adopted:

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Marlo Smith, Engineering Secretary



# REPORT TO THE PLANNING COMMISSION

## JIM BIESINGER ZONE CHANGE

**Agenda Date:** April 1, 2009

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** The applicant, Jim Biesinger is requesting a Zone Change to change the zoning of two parcels. The properties are currently zoned R-1-6 and Rural Residential. The proposed change would result in a rearrangement of the existing zones rather than the introduction of a new zoning district.

**Zoning:** R-1-6 and Rural Residential existing, R-1-6 and Rural Residential proposed.

**General Plan:** Residential 5.5 to 8 units per acre.

**Project Size:** Approximately 8 acres.

**Number of lots:** N/A

**Location:** Approximately 800 North 1200 East.

### Background Discussion

The subject property is currently zoned R-1-6 and Rural Residential. In essence, the applicant has requested that the zoning be changed so as to adjust the boundary that defines the current zoning districts.

The proposed change would result in the majority of the property's zoning being changed from R-1-6 to Rural Residential. Staff understands that the applicant would like to have the zoning changed so as to accommodate additional agricultural uses on the subject property.

While the proposed change is somewhat out of the norm, staff sees no problem in granting the requested change.

### Development Review Committee

The Development Review Committee reviewed this request in their March 11, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

#### Jim Biesinger

Applicant: Jim Biesinger

General Plan: 5.5 to 8 units per acre existing, 5.5 to 8 units per acre/1 unit per 1 acre proposed

Zoning: R-1-6 existing, Rural Residential proposed

Location: 800 North 1200 East

*\*Shawn Jorgensen arrived 10:25 a.m.*

Mr. Anderson explained the Zone Change boundary and asked Mr. Biesinger to verify the boundary. Mr. Anderson explained that the proposal was to change the R-1-6 to Rural Residential and that he supported the change.

Mr. Biesinger said he had tried to develop a portion of his property several times but due to wetlands and access concerns it was not feasible to do anything. He explained his reason for the one change to agriculture. He expressed interest in putting in wholesale greenhouses.



Discussion was held regarding permitted uses, greenhouses, acreage, zoning and a subdivision waiver.

Mr. Baker moved to recommend approval of changing the R-1-6 zone to Rural Residential (R-R) and the Modi property zoned to R-1-6. Mr. Banks seconded and the motion passed all in favor.

### **Budgetary Impact**

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

### **Recommendation**

Staff recommends that the proposed Zone Change be approved.





# REPORT TO THE PLANNING COMMISSION PROMISE OF WOMEN AND FAMILY CONDITIONAL USE PERMIT

**Agenda Date:** April 1, 2009

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** Utah County is requesting the approval of a Conditional Use for a Rehabilitation Center in the Expressway Business Park.

**Zoning:** Industrial 1

**General Plan:** Light Industrial

**Project Size:** Approximately .25 acres.

**Number of lots:** N/A

**Location:** 1169 East 1010 North.

## Background Discussion

In 2008, Utah County opened the Promise of Women and Family facility in the Expressway Business Park. Initially, the City determined that the facility would be a Professional Office use. However, the City Attorney has determined that the facility is defined by the City as a Rehabilitation Treatment Center.

For purposes of this discussion the most significant distinction between these two uses is that Professional Office is a permitted use and Rehabilitation Treatment Center is a conditional use.

Staff understands that the facility offers daytime counseling and classes for women with young children.

The County is now requesting that a Conditional Use Permit be granted so as to have the facility conform to Spanish Fork City's zoning ordinance. Provided that two conditions are met, staff sees no problem in granting the Conditional Use Permit.

## Development Review Committee

The Development Review Committee reviewed this request in their March 11, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

### Promise of Women and Family

Applicant: Utah County  
 General Plan: Light Industrial  
 Zoning: Industrial 1  
 Location: 800 North 1300 East

Mr. Anderson explained that when Vickie Jaussi approached the City for a business license the Planning Department determined the use to be an office type use; however, upon learning more about the use and their operation, Mr. Baker said our code would call the use a Rehabilitation Treatment center which, rather than being a permitted use in the Industrial 1 zone, was a Conditional Use and that the County was now going through the Conditional Use process so their operation conformed to the City ordinance.



Mr. Baker explained that a conditional use meant that the use was allowed in the zone with conditions imposed to mitigate adverse impacts that may not fit in with the rest of the neighborhood. In this case, the industrial area.

*\*Bart Morrell arrived at 10:36 a.m.*

Mr. Anderson explained the Development Review Committee's role in the conditional use process in order for the Planning Commission to approve the Conditional Use Permit. He explained the committee would need to make five findings and read them from the City code.

Mr. Anderson **moved** to recommend that the Planning Commission **approve** a Conditional Use Permit for a Rehabilitation Treatment facility for the Utah County Health Department subject to the following conditions being met:

### Conditions

1. That the applicant provide in writing that the requisite 15 parking stalls are made available for The Promise of Women and Children Facility.
2. That the operation of the facility be limited to indoor activities. The indoor activities involve having the fenced in playground removed.

Mr. Baker asked if the City would be okay with a grassed area for a playground if they were to locate such an area. Mr. Anderson said that he would be happy to revisit the idea of a playground but given the fact that it has been six months with no communication or effort made to pursue that he didn't feel it was a realistic option.

Mr. Oyler **seconded** and the motion **passed** all in favor.

Mr. Shorts said that the way he understands a daycare you must have an outdoor facility. Mr. Anderson said we were not approving a daycare. Discussion was held regarding the facility being a daycare. Ms. Vicky Jaussi said they were not a daycare and that the mothers were there the entire time the children were there. It was determined that this was not a daycare facility.

*\*Mr. Thompson excused at 10:47 a.m.*

Mr. Baker amended the motion with the following findings:

### Findings

1. Upon meeting the proposed conditions this use is consistent with the General Plan and the purpose of the Industrial One zoning district
2. That the use is not materially or detrimental to the health, safety or general welfare of persons who are either working or residing in the area based upon the conditions.
3. That the proposed site is adequate in size for its intended use and, with those conditions does meet all of the setbacks, landscaping and buffers.
4. That the proposed site does have adequate access to public streets and with the conditions being met does have adequate parking.
5. No additional conditions are needed to offset any other detrimental affects.

Ms. Jaussi said that they have rooms for the children to play in and that it would be nice to have a place for them to play outside, but not necessary. She said the Mayor had visited the facility and thought things could be worked out.

Mr. Anderson and Mr. Oyler **approved** the **additions** of these findings to their motion, which findings were then unanimously approved.

Discussion was held regarding uses in an Industrial zone and concerns regarding neighboring uses. Mr. Jarvis said he had received a phone call from Ms. Jaussi regarding the door that exits out into the fenced play area that children were slipping out the door and they were wanting to install hardware on the door to prevent children from going out. Mr. Jarvis asked if the children were being supervised. Ms. Jaussi said that they were and her staff to child ratio was four to one. Mr. Jarvis asked if the hardware had been changed. Ms. Jaussi said that the hardware had not been installed because the Mayor had been out to their facility and said the issue could be worked out.

### Budgetary Impact

There is no immediate budgetary impact anticipated with the proposed Conditional Use Permit.

## **Recommendation**

Staff recommends that the proposed Conditional Use Permit be approved based on the following findings and conditions:

### Findings

1. That upon meeting the proposed conditions, this use is consistent with the General Plan and the purpose of the Industrial 1 zoning district
2. That the use is not materially or detrimental to the health, safety or general welfare of persons who are either working or residing in the area based upon the conditions.
3. That the proposed site is adequate in size for its intended use and, with those conditions does meet all of the setbacks, landscaping and buffers.
4. That the proposed site does have adequate access to public streets and with the conditions being met does have adequate parking.
5. That no additional conditions are needed to off set any other detrimental affects.

### Conditions

1. That the applicant provide in writing that the requisite 15 parking stalls are made available for The Promise of Women and Children Facility.
2. That the operation of the facility be limited to indoor activities and that the exterior fencing be removed immediately.





# REPORT TO THE PLANNING COMMISSION AMHERST MEADOWS PRELIMINARY PLAT APPROVAL

**Agenda Date:** April 1, 2009

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** Joel M. LaSalle is requesting the reapproval of the Preliminary Plat for Amherst Meadows.

**Zoning:** R-1-8

**General Plan:** Residential 2.5 to 3.5 units per acre.

**Project Size:** Approximately 10 acres.

**Number of lots:** N/A

**Location:** 1200 South 2300 East.

## Background Discussion

Amherst Meadows was originally approved in 2006. Due to the configuration of the development, when the first phase was constructed the improvements were essentially completed for both the first and second phases.

For whatever reason, no plat has yet been recorded for the second phase even though the required improvements have all been installed. Given the amount of time that has lapsed since the original approval, that approval has expired. Therefore, prior to having the second phase recorded, the applicant must have both the Preliminary and Final Plats reapproved.

There are no proposed changes to the design of the plat. All of the lots contained therein conform to the City's requirements for subdivisions in the R-1-8 zone.

## Development Review Committee

The Development Review Committee reviewed this request in their March 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

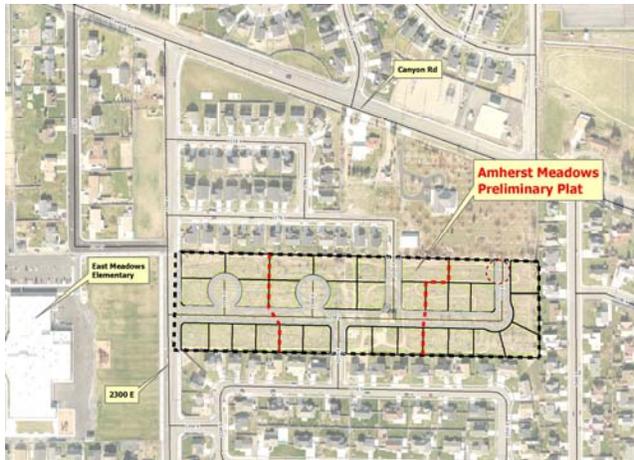
### Amherst Meadows

Applicant: Joel M. LaSalle  
 General Plan: 4.5 to 5.5 units per acre  
 Zoning: R-1-8  
 Location: 1300 South 2300 East

Mr. Anderson said he recently met with Mr. LaSalle who was trying to help the owner of the property get the project finished.

Mr. Baum explained there were two original owners and that they wanted to develop the back of the property first (Plat B) so they had to put in the utilities and road for Plat A in order to develop Plat B. Mr. Anderson said this proposal was a re-approval of the Preliminary Plat.

Discussion was held regarding the two plats and the number of lots.



Mr. Baker **moved** to recommend that the Planning Commission **approve** the Amherst Meadows Preliminary Plat for Joel M. LaSalle with the following finding and subject to the following condition:

### **Finding**

1. That this project is a reapproval.

### **Condition**

1. That the applicant meet all conditions of the original approval.

Mr. Anderson **seconded** and the motion **passed** all in favor.

### **Budgetary Impact**

There is no immediate budgetary impact anticipated with the reapproval of this plat.

### **Recommendation**

Staff recommends that the proposed Preliminary Plat be approved subject to the applicant meeting all of the conditions of the original approval.

Conditions of original May 16, 2006 approval:

1. That the project meet the construction and development standards.
2. That the plans show the ditch on the north side as piped.
3. That they get the redlines and phasing to the electric department so they can design the system.
4. That they provide a temporary turnaround on the lots at the end of the road to the Finley property.
5. That they construct a masonry wall on 2300 East.

