



**Planning Commission Agenda
June 3, 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: May 6, 2009

David Lewis

2. Public Hearings

David Stroud

a. **Peterson Zoning and General Plan Map Amendments**

Shane Marshall

Applicant: Warren Peterson
General Plan: Residential 5.5 to 8 units per acre existing,
Residential 9 to 12 units per acre proposed
Zoning: R-1-6 existing, R-3 proposed
Location: the General Plan Amendment includes the blocks
between 200 East and 300 East, 200 North and 400 North and
the block bounded by 200 East, 100 North, 300 East and Center
Street; the Zoning Map Amendment is for the property located at
245 North 300 East

Michael Christianson

b. **Promise of Women and Family Conditional Use Permit**

(continued from April 1, 2009)
Applicant: Utah County
General Plan: Light Industrial
Zoning: Industrial 1
Location: 1169 East 1010 North

c. **Proposed Amendments to Title 15, Permitted and
Conditional Uses** (continued from May 6, 2009)

Applicant: Spanish Fork City
General Plan: city wide
Zoning: city wide
Location: city wide

d. **Public Facilities Map Amendments** (continued from May 6,
2009)

Applicant: Spanish Fork City
General Plan: multiple existing, Public Facilities proposed
Zoning: multiple existing, Public Facilities proposed
Location: multiple

e. **Proposed Amendments to Title 15, In-fill Overlay**
(continued from May 6, 2009)

Applicant: Spanish Fork City
General Plan: city wide

3. 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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Draft Minutes
Spanish Fork City Planning Commission Meeting
May 6, 2009

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

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

Citizens Present: Kari Barber, Mark S. Greenwood, Warren A. Peterson, illegible name, illegible name, illegible name, Nolo Swenson, Tom Galovich, Mark Watkins, Adam Stone, Geoff Eppley, Dallas Davis, John Watkins.

CALL TO ORDER

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

PRELIMINARY ACTIVITIES

Pledge

Commissioner Marshall led the pledge of allegiance.

Adoption of Minutes: April 1, 2009

Commissioner Huff **moved** to **approve** the minutes of April 1, 2009. Commissioner Lewis **seconded** and the motion **passed** all in favor.

STAFF REPORTS

Applicant: Warren Peterson

General Plan: Residential 5.5 to 8 units per acre existing, Residential 9 to 12 units per acre proposed

Zoning: R-1-6 existing, R-3 proposed

Location: the General Plan Amendment includes the blocks between 200 East and 300 East, 200 North and 400 North and the block bounded by 200 East, 100 North,

42 300 East and Center Street; the Zoning Map Amendment is for the property located
43 at 245 North 300 East.

44
45 Mr. Anderson explained that the proposal was originally on the agenda as a Public
46 Hearing item but changed to a Staff Report agenda item. He said the reason for the
47 change was due to the volume of public interest involving the proposal. He
48 explained that a meeting was held prior to the Planning Commission's meeting
49 where citizens were given a chance to speak with the applicant, ask questions, and
50 air their concerns. Mr. Anderson explained that the proposal was to change the
51 General Plan and the Zoning of the property at 245 North 300 East. The impetus for
52 changing the General Plan was the proposed development. He said the City staff
53 did not want to make a practice of changing the General Plan to accommodate
54 projects but are trying to look at the bigger picture for now with regard to properties
55 on each side of 300 East. He said he felt that there was merit, given the
56 characteristics of 300 East, to make it the delineator between the General Plan
57 designation of 5.5-8 units per acre and 9-12 units per acre.

58
59 Commissioner Marshall asked how many acres were being affected by the General
60 Plan change. Mr. Anderson said approximately 10 acres.

61
62 Dr. Warren Peterson explained to the Commission what he was proposing to build
63 on the property and displayed renderings on the overhead projector.

64
65 Adam Stone said he felt the renderings did not fit the neighborhood and that a
66 community garden or other things might work better than a residential use.

67
68 John Watkins expressed concern with the R-3 zone.

69
70 Lynn Ottison expressed that she felt the public notice was vague and was not
71 explanatory enough. She said she had knocked on every door in the neighborhood
72 and talked to every homeowner and said they all had the same concern, which was
73 the density. She said she had obtained signatures against the proposal.

74
75 Commissioner Marshall expressed that he felt a General Plan request should be
76 looked at on its own merit separate from any other request.

77
78 Mr. Anderson explained that a project usually is the impetus for a General Plan
79 change and discussion was held regarding how to handle General Plan Amendment
80 changes and whether or not the City should initiate changes.

81

82 Commissioner Stroud **moved** to open into public hearing. Commissioner Lewis
83 seconded and the motion **passed** at 7:30 p.m.

84

85 **PUBLIC HEARING**

86

87 **Proposed Amendments to Title 15, Permitted and Conditional Uses**

88 Applicant: Spanish Fork City

89 General Plan: City wide

90 Zoning: City wide

91 Location: City wide

92

93 Mr. Anderson asked the Commission to continue this item until the Commission's
94 next meeting.

95

96 Commissioner Lewis **moved** to **continue** the Proposed Amendments to Title 15,
97 Permitted and Conditional Uses. Commissioner Marshall **seconded** and the motion
98 **passed** all in favor.

99

100

101 **Silver Sage Business Park Preliminary Plat Amendment**

102 Applicant: Kent Barber

103 General Plan: Light Industrial

104 Zoning: Light Industrial

105 Location: approximately 1700 North Chappel Drive

106

107 Mr. Anderson explained that the City Council approved a Final Plat for this project
108 one year ago. The applicant was proposing to scale back the development and the
109 proposed lots did meet the City requirements in the I-1 zone. He said staff did not
110 see any reason not to approve the amendment.

111

112 Chairman Robins opened for public comment.

113

114 Randy Giboney

115 Mr. Giboney explained that he was the owner of Western Botanicals and that his
116 business was located adjacent to the proposal and asked for more information on
117 what would be constructed.

118

119 Mr. Anderson explained that the first phase would involve two one-acre parcels
120 coming from Chappel Drive, provided that the plat was recorded. He said that the
121 applicant would need to go through a Site Plan review process and until a Site Plan
122 was submitted the City was not aware of what would be built there.

123

124 Mr. Giboney explained that his business was currently operating and that he had a
125 problem with the debris and mess on the Barber Welding site. He explained that the
126 area looked like the City dump. He explained the condition of the property (old cars,
127 pallets that are accumulating in piles, iron). He said so much debris had
128 accumulated that there was no longer any parking. He said there was a level of
129 maintenance not being taken care of and that it was an avenue for pests.

130

131 Mr. Anderson said the issues had been discussed with the applicant and he felt that
132 one of the effective ways to remedy the situation was with a development approval.
133 He agreed that there were things that needed to be fixed. Chairman Robins asked if
134 a development agreement could address nuisances. Mr. Anderson said yes and that
135 it could be a very effective tool.

136

137 Rob Harding

138 Mr. Harding said part of the reason for the expansion was so that they could have
139 room to store and clean up the site but that it was a different property owner that
140 owned the material to the east.

141

142 Discussion was held regarding a remedy for nuisances involving new development
143 and development agreements.

144

145 Chairman Robins closed public hearing comments.

146

147 Commissioner Marshall **moved** to recommend to the City Council **approval** of the
148 Silver Sage Business Park Preliminary Plat Amendment subject to the following
149 conditions:

150

- 151 1. That the Final Plat submittal provide the required 20-foot easement along
152 Chappel Drive.
- 153 2. That the applicant show any other City easements on the Final Plat.
- 154 3. That the Final Plat include all three lots.

155

156 Commissioner Huff **seconded** and the motion **passed** all in favor by a roll call vote.

157

158 Commissioner Stroud **moved** to leave public hearing and move to item 4.a on the
159 agenda. Commissioner Lewis **seconded** and the motion **passed** all in favor.

160

161 **Spanish Fork West Zoning Map Amendment**

162 Applicant: LDS Church

163 General Plan: Residential .5 to 1.5 units per acre

164 Zoning: Rural Residential existing, R-1-20 proposed

165 Location: approximately 1900 West 900 South

166

167 Mr. Anderson explained that the zoning needed to be changed in order to
168 accommodate a meeting house for the respective property owner, the LDS Church.
169 He said he felt the R-1-20 zoning could hypothetically raise the bar for any
170 developers in the area.

171

172 Discussion was held regarding what the residential zones were in the area.

173 Commissioner Marshall excused himself from the discussion.

174

175 Lana Creer-Harris expressed her concern with anything happening in the Leland
176 area. She said she would like the highest lot size available in order to maintain open
177 space and would like the Commission to stick with the R-1-20.

178

179 Reed Swenson said he agreed with Ms. Creer-Harris's comments and would like the
180 zone to be R-1-20.

181

182 Commissioner Lewis **moved** to recommend to the City Council **approval** of the
183 Spanish Fork West Stake Zoning Map Amendment changing the zone R-R to R-1-
184 20. Commissioner Stroud **seconded** and the motion **passed** all in favor by a roll call
185 vote. Commissioner Marshall abstained.

186

187 Commissioner Lewis **moved** to recommend to the City Council **approval** of the
188 Spanish Fork West Stake Preliminary Plat subject to the following conditions:

189

- 190 1. That the applicant provide a letter from the Utah Department of
191 Transportation identifying their approval of access onto 900 South.
- 192 2. That the applicant rectifies any discrepancies between the plat and the
193 approved Site Plan.
- 194 3. That the applicant address the Power Department's concerns prior to
195 recordation of the plat.

196

197 Commissioner Huff **seconded** and the motion **passed** all in favor by a roll call vote.
198 Commissioner Marshall abstained.

199

200 In-Fill Overlay

201 Applicant: Spanish Fork City

202 General Plan: City wide

203 Zoning: City wide

204 Location: City wide

205

206 * *Commissioner Christianson arrived at 7:59 p.m*

207

208 Mr. Anderson explained that the proposed changes were to no longer allow multi-
209 family units in the R-1-6 zoning district.

210

211 Discussion was held regarding lot size as part of the review process for an in-fill
212 overlay project and the density being regulated by the general plan.

213

214 Commissioner Christianson asked about the setback verbage change.

215

216 Chairman Robins opened for public comment. There was none.

217

218 Discussion was held regarding the R-1-6 zone being very large and the Commission
219 not feeling comfortable with the change. Mr. Anderson explained that residents had
220 told the City Council that they felt that the R-1-6 zone was to promote single-family
221 residence and not multi-family housing.

222

223 Commissioner Robins **moved to table** the In-Fill Overlay Zoning Text Amendment
224 along with the public hearing, for one month. Commissioner Christianson **seconded**
225 and the motion **passed** all in favor.

226

227 **Urban Village Zone**

228 Applicant: Spanish Fork City

229 General Plan: City wide

230 Zoning: City wide

231 Location: City wide

232

233 Mr. Anderson explained that the Urban Village Zone was the City's mixed use zoning
234 district allowing both residential and non-residential uses. He said he felt mixed use
235 developments were the most in vogue discussion amongst planners. He said the
236 City's Urban Village Zone had been on the books for 6-7 years and that the only
237 property the City had in this zoning designation was very green and not ripe for
238 development. He explained the changes (see attached).

239

240 Discussion was held regarding this zone being a walkable community and removing
241 the option for a drive-thru.

242

243 Cameron Gunter expressed his concern about a bank not being able to have a drive-
244 thru or a fast food restaurant not having a drive-thru (on a corner) if you do a

245 combination c-store. He said that he felt it should be kept as a conditional use and
246 to not completely remove drive thrus.

247

248 Discussion was held regarding 20 percent more residential, arterial frontage or
249 access, whether or not the Planning Commission would see a Site Plan, and
250 development agreements.

251

252 Commissioner Lewis **moved** to recommend to the City Council **approval** of the
253 Proposed Amendments to Title 15, Urban Village Zone striking out the word 'may' for
254 the word 'will' in H.3. Commissioner Marshall **seconded** and the motion **passed** all
255 in favor by a roll call vote.

256

257 **Master Planned Development**

258 Applicant: Spanish Fork City

259 General Plan: City wide

260 Zoning: City wide

261 Location: City wide

262

263 Mr. Anderson asked the Commission to examine some siding examples. He
264 explained the changes (see attachment).

265

266 Chairman Robins opened public comment. There was none.

267

268 Commissioner Christianson **moved** to recommend that the City Council **approve** the
269 Proposed Amendments to Title 15, Master Planned Development. Commissioner
270 Lewis **seconded** and the motion **passed** all in favor.

271

272 **Public Facilities Map Amendment**

273 Applicant: Spanish Fork City

274 General Plan: City wide

275 Zoning: City wide

276 Location: City wide

277

278 Mr. Anderson explained the proposed changes (See Attached).

279

280 Chairman Robins opened for public comment. There was none.

281

282 Discussion was held regarding Nebo School District properties and Charter school
283 properties being included in the change.

284

285 Commissioner Huff said it seemed unreal to him to change the ALA site to a
286 government-owned facility when it was privately owned.

287
288 Discussion was held regarding the ALA and changing the zone.

289
290 Commissioner Huff **moved** to **continue** the Public Facilities Map Amendments.
291 Commissioner Stroud **seconded** and the motion **passed** all in favor.

292
293 Commissioner Huff **moved** to close public hearing. Commissioner Lewis **seconded**
294 and the motion **passed** all in favor at 9:09 p.m.

295
296 **OTHER DISCUSSION**

297
298 **Discussion on Planning Commission work program.**

299
300 There was none.

301
302 **White Rail Master Planned Development concept plan presentation.**

303
304 Mr. Anderson explained that Mr. Steve Maddox had been working on a single family
305 detached development for several years but that it was a very cumbersome
306 development due to SR 51, the railroad tracks, the high pressure gas line and
307 Expressway Lane. He explained that the purpose of the discussion was to get direct
308 feedback.

309
310 Mr. Maddox explained what was originally proposed and what he was now proposing
311 which was single-family detached housing. He explained that he did not anticipate
312 this project selling out in a six month time frame. He said he would form an HOA to
313 control aesthetic issues in the development.

314
315 Discussion was held regarding Expressway Lane, who would be funding the road
316 and whether or not the group homes required a land buffer.

317
318 Discussion was held regarding the density and promoting home ownership.

319
320 **ADJOURNMENT**

321
322 Commissioner Robins **moved** to **adjourn**. Commissioner Lewis **seconded** and the
323 motion **passed** all in favor at 9:32 p.m.

324
325 **Adopted:**

326
327
328

Shelley Hendrickson, Planning Secretary

DRAFT



REPORT TO THE PLANNING COMMISSION PETERSON GENERAL PLAN AMENDMENT AND ZONE CHANGE

Agenda Date: June 3, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: The applicant, Warren Peterson, has requested that the zoning be changed for one parcel located at 245 North 300 East. Prior to approving the Zone Change, the General Plan must be amended, hence the proposed General Plan Amendment that encompasses three blocks on the west side of 300 East.

Zoning: R-1-6 existing, R-3 requested

General Plan: Residential 5.5 to 8 Units Per Acre existing, Residential 9 to 12 Units Per Acre proposed

Project Size: not applicable

Number of lots: not applicable

Location: The General Plan Amendment includes the blocks between 200 East and 300 East, 200 North and 400 North and the block bounded by 200 East, 100 North, 300 East and Center Street; the Zoning Map Amendment is for the property located at 245 North 300 East.



Background Discussion

A map accompanies this report which identifies the proposed changes.

The proposed changes involve making 300 East the boundary between the General Plan designation that allows for up to 8 units per acre and the designation that allows up to 12 units per acre.

The second part of the proposed change involves changing the zoning on 245 North 300 East from R-1-6 to R-3.

The applicant's ultimate goal is the development of two twinhomes at 245 North and 300 East. Should the proposed General Plan and Zoning Map Amendments be approved, Mr. Peterson would still be required to have the In-fill Overlay approved prior to being able to construct the two twinhomes.

The question before the Commission at this time is limited to General Plan and Zoning Map changes. With that said, staff is attaching various concepts that the applicant has prepared in order to help describe what he would ultimately like to do. It is staff's hope that these images will help the Commission and general public understand the nature of the planning vision for the residential blocks that flank the Main Street corridor.

Staff understands this proposal has generated considerable energy among the residents of the neighborhood. In a neighborhood meeting that was held several weeks ago, staff heard concerns about various impacts that people associate with the proposal to allow for additional density. These concerns include increased crime, dropping property values, increased traffic and general concerns about aesthetics.

From a comprehensive planning perspective, the proposed amendment could potentially have some effect on changing the character of the neighborhood.

If someone were to acquire every parcel of a City block and then receive approval for an In-fill Overlay project at the maximum density allowed in

this area's current General Plan designation, 30 units could be constructed within that project.

If someone were to acquire every parcel of a City block and then receive approval for an In-fill Overlay project at the maximum density allowed in the proposed General Plan designation, 44 units could be constructed within that project.

However, the regulations contained in the In-fill Overlay zone will limit a potential developer's ability to maximize the density that is permitted. This situation is exacerbated further given the fact that few, if any, properties in the area are vacant. All in all, the likelihood that someone could assemble enough property that would be configured such to make the maximum density achievable is, in staff's view, quite unlikely.

Development Review Committee

The Development Review Committee reviewed this request in their April 29, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Peterson Zoning and General Plan Map Amendments

Applicant: Warren Peterson

General Plan: Residential 5.5 to 8 units per acre existing

Zoning: R-1-6 existing, R-3 proposed

Location: The General Plan Amendment includes the blocks between 200 East and 300 East, 200 North and 400 North and the block bounded by 200 East, 100 North, 300 East and Center Street; the Zoning Map Amendment is for the property located at 245 North 300 East.

Mr. Anderson explained that the applicant would like to build two twin home units and in order to do so the property needed to be re-zoned to R-3. Mr. Anderson expressed that he felt Mr. Peterson had put together a very good project that would be good for others to follow. He explained that there were two aspects to the proposal, the first being the General Plan Amendment which would make 300 East the boundary between the General Plan designations and the second being a Zone Change of the property at 245 North 300 East to R-3. Mr. Anderson also said that before the applicant could proceed with the development he would have to go through the In-fill Overlay zone approval process.

Discussion was held regarding the General Plan and the history of the boundary, spot zoning, and isolating zoning not being a good policy to follow.

Mr. Baker **moved** to recommend that the Planning Commission **approve** the Zoning to R-3 and change the General Plan for the 3 blocks but deny the General Plan change in the area currently General Planned as Residential Office; either change the whole block or half of the block. Mr. Anderson **seconded** and the motion **passed** all in favor.

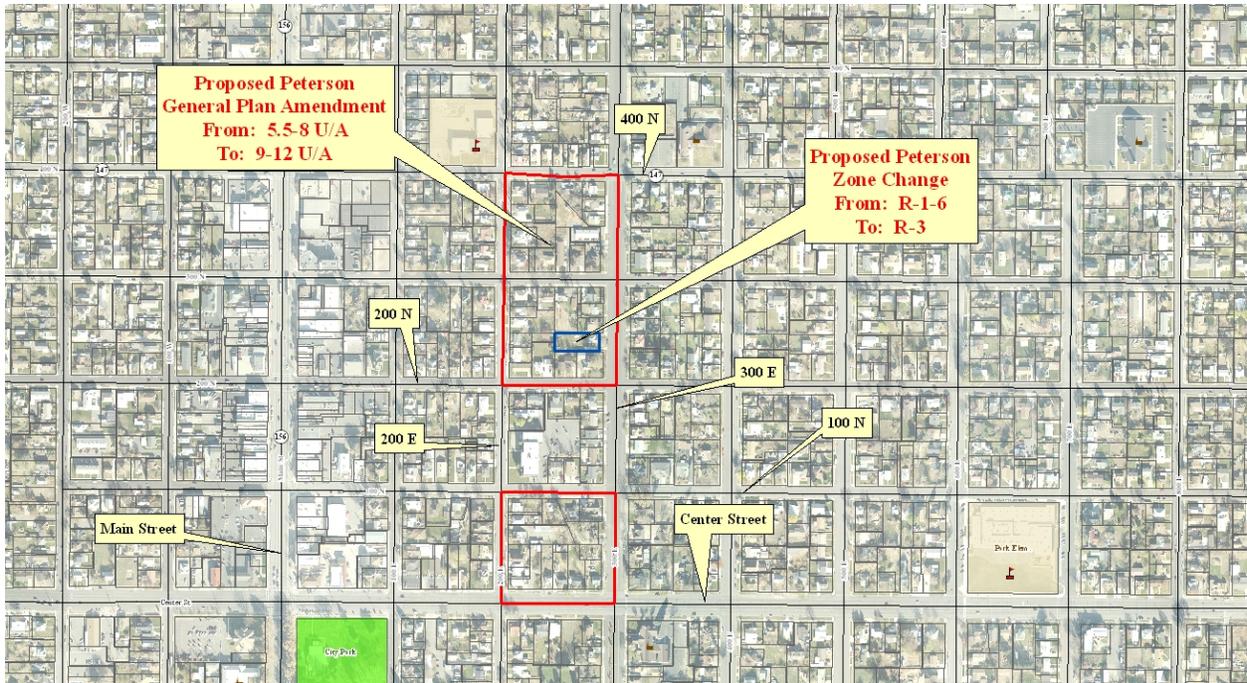
Budgetary Impact

There is no immediate budgetary impact anticipated with the proposed General Plan amendment.

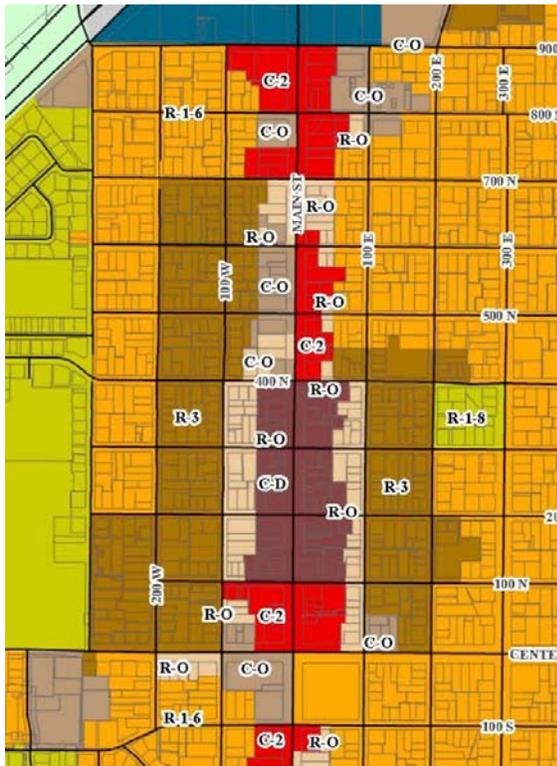
Recommendation

Staff recommends that the Planning Commission recommend that the Peterson General Plan and Zoning Map Amendment be approved based on the following findings:

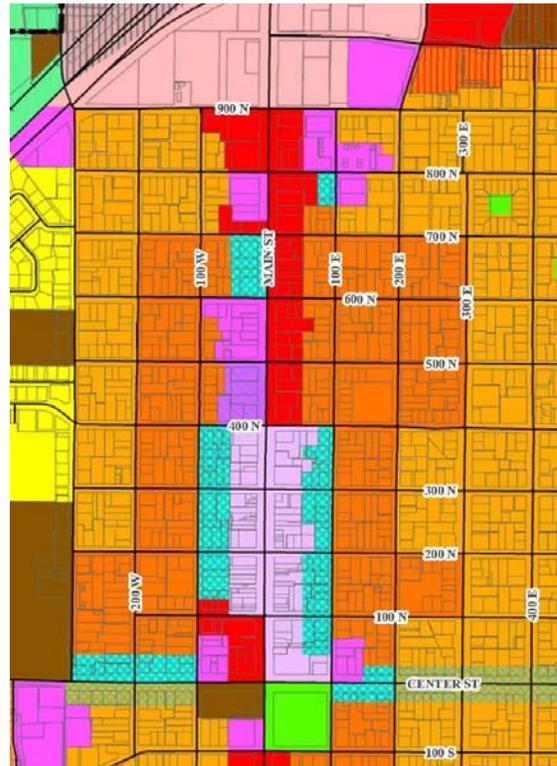
1. That the proposed General Plan amendment would establish an appropriate delineation for projects that are approved with R-1-6 and R-3 zoning provisions.
2. That the proposed R-3 zone is appropriate for the subject property given the general plan designation and the property's proximity to 300 East.



Current Zoning Map



Current General Plan Map







2 Duplex Layout.
Scale 1"=10'

Spanish Fork, Utah

For: Dr. Warren Peterson
design: Kinatader Inc.





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

Agenda Date: June 3, 2009

Staff Contacts: Dave Anderson, Community Development 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

This request was continued in your April 1, 2009 meeting. Since that time, one of the proposed conditions has been met in that the fence in a parking lot that enclosed a play area for children has been removed. Staff understands that all activities associated with the facility will now be limited to the interior of the units.

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.





MEMORANDUM

TO: Spanish Fork City Planning Commission
FROM: Dave Anderson, Community Development Director
DATE: May 28, 2009
RE: Proposed Text Changes to Title 15 and Public Facilities Zone Map Amendment

In your May 6, 2009 meeting, we requested that you continue the proposed changes to the permitted and conditional use portions of Title 15. Staff is requesting that you continue this item once again. We do anticipate having this item ready for action in your July meeting. In the meantime, staff welcomes any input the Commission has relative to what's been proposed.

Also in your May meeting, the proposed Map Amendment for the Public Facilities zone was continued. Staff understood that the proposal was continued so as to allow staff the opportunity to propose modified language for the purpose section of the ordinance. With that understanding, staff has prepared the following proposed addition to the Public Facilities portion of the ordinance:

15.3.16.160. Public Facilities (P-F).

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which contribute to the community's cultural or educational enrichment **such as public and charter schools**. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

Should the Commission wish to approve this modified text, these modifications can occur with the other changes that have been proposed to Title 15. It is now anticipated that those changes will be approved in July of this year. For the time being, staff believes there are two options available to the Commission relative to action on the Public Facilities Map Amendment. The Commission could continue the Map Amendment so as to have the text modified prior to the Map Amendment being approved. The Commission could also go ahead and recommend that the Map Amendment be approved with the understanding that the text will be modified as part of the larger Title 15 modifications.

In this case, staff does not have strong feelings about which option may be preferred.



REPORT TO THE PLANNING COMMISSION

PUBLIC FACILITIES ZONING MAP AMENDMENT

Agenda Date: June 3, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: Spanish Fork City is proposing to change the zoning of most of the City-owned properties in the City and the American Leadership Academy Site to the Public Facilities zone.

Zoning: multiple zones

General Plan: multiple designations

Project Size: not applicable

Number of lots: not applicable

Location: not applicable

Background Discussion

This item was continued in your May 6, 2009 meeting. A memorandum addressing this item and how its approval may be associated with the proposed text changes to Title 15.

In 2007, Spanish Fork City created the Public Facilities zone. The purpose of creating a zone for publicly owned properties was to allow for the provision of customary and even perhaps essential public services at a variety of locations throughout the City.

At this time, it is proposed that most of the properties owned by Spanish Fork City be changed from their existing zones to the Public Facilities zone.

In addition to properties that are owned by Spanish Fork, it is proposed that the zoning of the American Leadership Academy Site be changed to Public Facilities. Spanish Fork City staff has also approached the Nebo School District about the prospect of changing the zoning on the properties that they own in Spanish Fork. Future changes may also involve entities such as the United States Forest Service of the State of Utah.

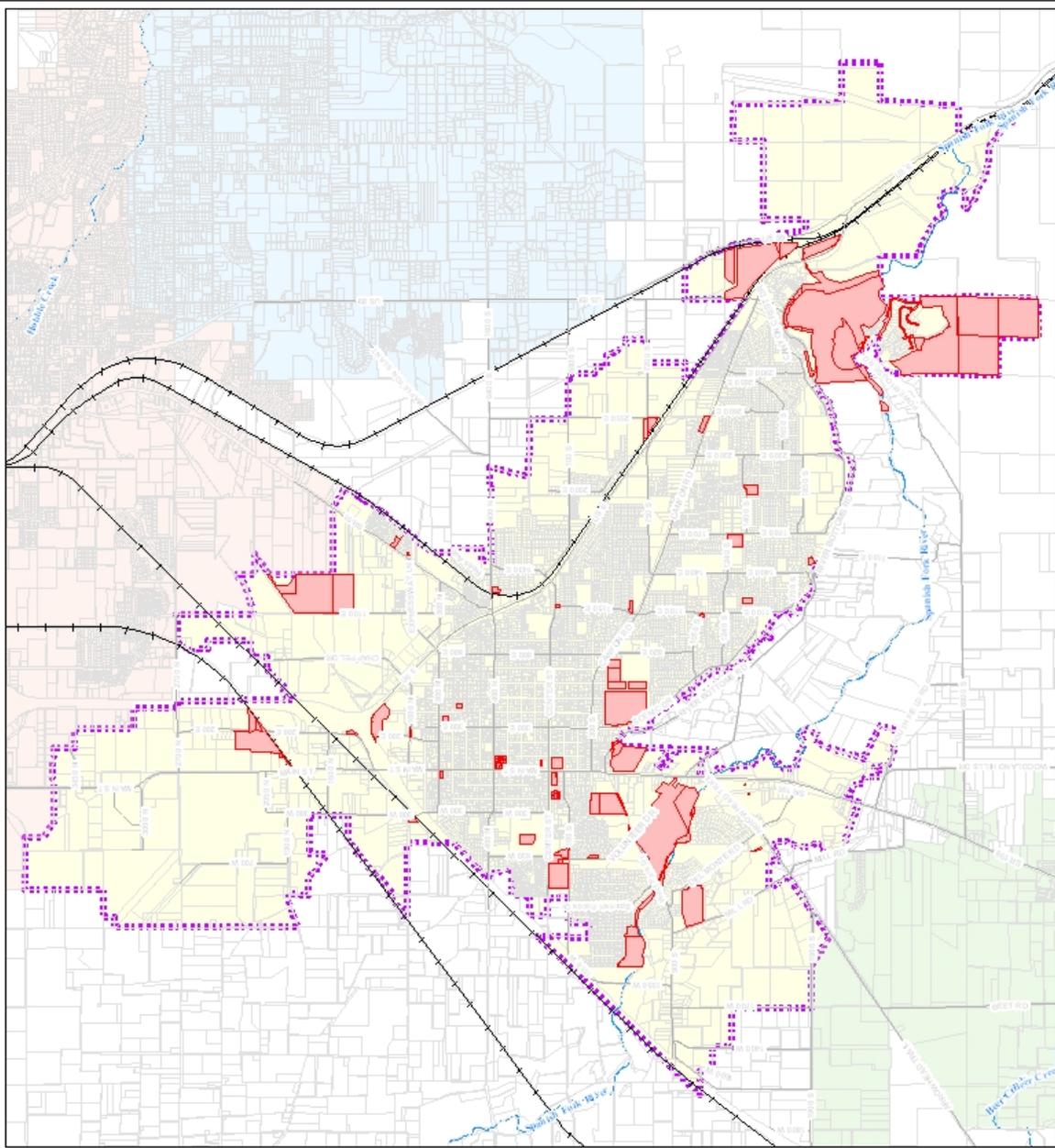
In essence, this proposal comes forward primarily as a means of maintaining an orderly, consistent zoning program in the City. At present, most municipal operations are allowed in each of the different zoning districts. While this program has effectively allowed the City or other agencies to conduct their necessary business, it is believed that the implementation of the Public Facilities zone will lead to the most functional way to permit the necessary activities while helping the residents of the City understand what is allowed at various locations throughout the City.

Budgetary Impact:

There is no anticipated budgetary impact with the proposed Zoning Map Amendment.

Recommendation:

1. Staff recommends that the proposed Zoning Map Amendment be approved.



City Owned Property To Be Zoned Public Facilities 2009

1" = 4,480 Ft

- Legend**
- City Owned Properties To Be Zoned Public Facilities - 2009
 - Major Roads
 - Subroad
 - Boundary of Fork
 - McKean
 - Phoen
 - State
 - Unincorporated
 - City Boundary



Geographic Information Systems
 Spanish Fork City GIS
 40 South Main St
 Spanish Fork, UT 84660
 GIS Phone Numbers:
 (801) 804-4571 (Administrator)
 (801) 804-4570 (Interns)

The above information is provided as a courtesy and is not intended to be used for any purpose other than that for which it was prepared. Spanish Fork City assumes no liability for direct or indirect, special, or consequential damages arising from the use or misuse of this map or any of the information contained herein. Errors may be reported to the Planning Commission, Spanish Fork, UT 84660.



REPORT TO THE PLANNING COMMISSION IN-FILL OVERLAY ZONING TEXT AMENDMENT

Agenda Date: June 3, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: Spanish Fork City is proposing to change the text of the In-fill Overlay zone.

Zoning: R-1-6 and R-3 zones

General Plan: not applicable

Project Size: not applicable

Number of lots: not applicable

Location: not applicable

Background Discussion

This item was continued from your May 6, 2009 meeting. Since that time, a summary of the proposed changes has been added to this report. No changes have been made to the proposed ordinance since your last meeting.

In late 2008, the City Council adopted the In-Fill Overlay zone. Since the City's adoption of that zone, there has been one application filed for its implementation. After reviewing that application, staff and officials have suggested modifications to the text of the In-fill Overlay zone.

Accompanying this correspondence is a proposed ordinance that identifies what the proposed changes are. In staff's view, the most significant change involves the elimination of the opportunity to develop multi-family dwellings of any type in the R-1-6 zone.

The following is a summary of the proposed changes:

- The most significant change involves the disallowance of twinhomes and duplexes in the R-1-6 zone. The changes would make the R-1-6 zone exclusively a single-family zone.
- Language that explicitly pertains to homeownership as a requirement would be removed so as to avoid confusion relative to the overall purpose of the In-fill Overlay zone.
- Some slight adjustments to setback requirements are proposed.
- It is proposed that minimum lot size requirements be eliminated. The General Plan designation will still govern the maximum number of units someone could propose to include in an In-fill Overlay project.
- Minimum project sizes have changed so that 8,000 square feet of land area is required to propose a project in the R-3 zone and 12,000 square feet of area are required to propose a project in the R-1-6 zone.
- The allowed impervious surface area of a project is proposed to be changed from 60% to 65%.

The Development Review Committee reviewed this proposal and recommended that it be approved on April 29, 2009.

Budgetary Impact:

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

Recommendation:

1. Staff recommends that the proposed Zoning Text Amendment be approved.

ORDINANCE NO. 04-09

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
RODNEY DART <i>Councilmember</i>		
RICHARD M. DAVIS <i>Councilmember</i>		
STEVE LEIFSON <i>Councilmember</i>		
JENS P. NIELSON <i>Councilmember</i>		

I MOVE this ordinance be adopted: Councilman _____
I SECOND the foregoing motion: Councilman _____

ORDINANCE 04-09

WHEREAS, Spanish Fork City has enacted a zoning ordinance setting forth a number of zones and the permitted uses within each zone; and

WHEREAS, City staff has researched and studied the issue of appropriate in-fill uses, as requested by the Council, and has made the recommendation to amend the in-fill ordinance which establishes standards for in-fill housing in the R-1-6 and R-3 zones; and

WHEREAS, public hearings were held before the Planning Commission on Wednesday, the 6th day of May, 2009, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 19th day of May, 2009, whereat additional public comment was received; and

WHEREAS, the Council finds that the proposed amendments to the in-fill zone is consistent with the language and intent of the City's Comprehensive General Plan; and

WHEREAS, the Council finds that the proposed amendments to the in-fill zone would allow high quality residential units that promote the general welfare and common good of the community;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §15.3.16.035 is hereby amended as follows:

15.3.16.035. In-Fill Overlay Zone (I-F).

This district is intended to provide flexibility in development standards for small residential parcels that are difficult to develop under standard residential requirements, allowing them to be developed with modified standards, while maintaining high quality construction and maintaining the general character of the underlying zone. This zone may only be applied as an overlay zone in the R-1-6 and R-3 zones. Prior to approving the I-F Zone, the City Council shall determine that the proposed development promotes the historic character of the neighborhood and conforms to the physical characteristics of the adjoining properties including architectural style and materials, and size, and provides new opportunities for home ownership.

A. Permitted Uses:

- Single family dwellings.
- Twin homes (R-3 zone only).
- Duplexes (R-3 zone only).
- Triplexes (R-3 zone only).
- Fourplexes (R-3 zone only).

(see §15.3.08.060):

B. Accessory Buildings and Uses (see §15.3.24.090).

C. Development Standards.

Development standards for projects in the I-F Zone shall be generated on a project-by-project basis. It is expected that the development standards will provide for project designs that will promote conformity to existing neighborhood characteristics while allowing for innovation and creativity. Development standards shall also include design elements that will provide appropriate screening and buffers between the project and the surrounding properties. As appropriate, project designs should incorporate amenities for the use of the project's residents. In each case, standards created for elements including but not limited to setbacks, lot size, building design, fencing and landscaping shall be presented to the Planning Commission for recommendation and the City Council for approval.

Notwithstanding the potential flexibility in development standards for the I-F Zone, the following standards must be maintained:

1. Building design shall incorporate architectural elements that reinforce architectural styles found in other structures in the neighborhood and/or along the street. Architectural considerations shall offer reasonable protection relative to the privacy of adjoining properties. Architectural elements utilized to promote the purpose of the zone may include the following:
 - A. Roof pitch.
 - B. Building materials.
 - C. Door and window placement and orientation.
 - D. Building colors.
 - E. Building ornamentation.
 - F. Building articulation.
 - G. Garage placement.
2. Setbacks shall be as follows for all primary buildings:
 - A. Front yard, 20 feet from public right-of-way or shared driveway to living space.
 - B. Corner side yard, 15 feet to living space.
 - C. Interior side yard, ~~10~~ 5 feet, provided 15 feet exists between residences.
 - D. Rear yard, ~~10~~ 15 feet.
 - E. Accessory buildings, 5 feet to property lines and other structures.
 - F. Garage doors, 20 feet from public right-of-way.
3. Density shall not exceed that which is identified on the Land Use Map of the Comprehensive General Plan.
4. Minimum project size is ~~6,000~~ 8,000 square feet in the R-3 zone and 12,000 square feet in the R-1-6 zone. Minimum lot sizes and/or area requirements shall be as follows:
 - ~~A. Single family residences, 4,000 square feet;~~
 - ~~B. Duplexes, 8,000 square feet;~~
 - ~~C. Twinhomes, 8,000 square feet;~~

- ~~D. Triplexes, 14,000 square feet;~~
 - ~~E. Other multi-family units, 18,000 square feet per four units.~~
 - 5. Minimum street frontage for a development is 80 feet except for duplexes where the minimum frontage requirement is 60 feet.
 - 6. Maximum impervious surface in the I-F zone shall be ~~60%~~ 65% of the project area.
 - 7. Minimum parking shall include one garage per dwelling unit and 1.5 additional spaces per unit within the development.
 - 8. Minimum finished living space shall be provided as follows:
 - A. Single family residence, 1,000 square feet;
 - B. Duplex, 900 square feet, each side;
 - C. Triplex, 900 square feet, each unit;
 - D. Other multi-family units, 900 square feet, each unit.
 - 9. Curb, gutter, and sidewalk shall be provided in accordance with the City's Development Standards.
- D. Site Plan/Design Review (see §15.4.08.010 et seq.).**
- E. Landscaping, Buffering, Walls (see §15.4.16.130).**
- Detailed landscape plans shall be submitted with each application for I-F Zone approval. ~~Landscaping plans shall be generally consistent with surrounding properties.~~ Projects shall be landscaped in a manner that is generally consistent with the approved plans surrounding properties. Landscape Plans shall identify the following:
- A. Planting Plan, including all ground cover.
 - B. Plant schedule.
 - C. Irrigation Plan.
 - D. Details for any proposed structures or features.
 - E. Walls.
- F. Signs. (see §5.36.010 et seq.)**
- G. Parking (see §15.4.16.120).**

II.

This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this ____ day of _____, 2009.

JOE L THOMAS, Mayor

ATTEST:

KIM ROBINSON, City Recorder