



**Planning Commission Agenda
September 2, 2009**

**Planning
Commissioners**

6:30 P.M. Agenda Meeting

Del Robins
Chairman

7:00 P.M. 1. Preliminary Activities

Michael Christianson

- a. Pledge of Allegiance
- b. Approval of Minutes: July 1, 2009

David Stroud

2. Public Hearings

Shane Marshall

- a. **Proposed Amendments to Title 15, Notice Requirements (continued from July 1, 2009)**

Rick Evans

Applicant: Spanish Fork City

General Plan: City-wide

Tyler Cope

Zoning: City-wide

Location: City-wide

- b. **Proposed Amendments to Title 15, Urban Village Commercial Zone**

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

3. Staff Reports

- c. **Proposed Bella Vista Master Planned Development**

Applicant: Steve Maddox

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-3, R-1-6 and Rural Residential

Location: approximately 900 North State Road 51

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.

1 Draft Minutes
2 Spanish Fork City Planning Commission Meeting
3 July 1, 2009
4
5

6 **Commission Members Present:** Chairman Del Robins, Shane Marshall, Michael
7 Christianson, Rick Evans, Tyler Cope.
8

9 **Staff Present:** Dave Anderson, Community Development Director; Shelley
10 Hendrickson, Planning Secretary; Richard Heap, Public Works Director; Kirk Nord,
11 Assistant City Attorney.
12

13 **Citizens Present:** Chris Poulsen, Elliott Smith, Claire White, Dan White, Jessie
14 White, Gilbert Jensen.
15

16
17 **CALL TO ORDER**

18
19 Chairman Robins called the meeting to order at 7:01 p.m.
20
21

22 **PRELIMINARY ACTIVITIES**

23
24 **Pledge**

25
26 Commissioner Evans led the Pledge of Allegiance.
27

28 Chairman Robins introduced Rick Evans and Tyler Cope to the Planning
29 Commission.
30

31 **Adoption of Minutes: June 3, 2009**

32
33 Commissioner Christianson **moved** to **approve** the minutes of June 3, 2009.
34 Commissioner Robins **seconded** and the motion **passed** all in favor.
35

36 Commissioner Christianson **moved** to open into public hearing. Commissioner
37 Evans **seconded** and the motion passed all in favor at 7:03 p.m.
38

39
40 **PUBLIC HEARING**
41

42 **Friar's Pointe Preliminary Plat**

43 Applicant: Jonathan Taylor

44 General Plan: General Commercial

45 Zoning: Commercial 2

46 Location: the southeast corner of 200 East and 1000 North

47

48 Mr. Anderson explained that the proposal involved property on the corner of 200
49 East and 1000 North just east of the post office. He identified an error in the staff
50 report and said that the property was actually two acres in size. He said that at
51 present, the property was one parcel and that the applicant wanted to divide the
52 parcel into three. He explained that the City's requirements are such that the City
53 does not dictate size or width from a zoning perspective.

54

55 Commissioner Christianson asked about landscaping.

56

57 Mr. Anderson explained that landscaping would be addressed in the Site Plan
58 application process.

59

60 Commissioner Christianson asked about the property boundary and right-of-way.

61

62 Discussion was held regarding the property boundary, the masonry wall requirement
63 when a commercial development abutts a residential zone and whether or not a
64 landscape buffer would be required.

65

66 Chairman Robins invited public comment.

67

68 Claire White

69 Ms. White asked about fencing. Mr. Anderson explained the fencing and setback
70 requirements.

71

72 Ms. White asked what would be constructed in between the building and the fence.

73 Mr. Anderson said it could be many different things. Ms. White said that if there is a
74 driveway there for truck delivery, she would not like that.

75

76 Gilbert Jensen

77 Mr. Jensen said he was representing Jessie White. He said he thought that the City
78 was interested in taking the entire area from 200 East to 295 East on 900 North and
79 making it commercial. He he felt that if the commercial development is constructed
80 without the inclusion of the properties along 900 North that it would decrease the
81 value of the property and reduce the commercial opportunity. He also expressed his
82 opinion that streets have always made for better buffers than residential homes.

83
84 Discussion was held regarding the opportunity for commercial development and the
85 process to change zoning on parcels.

86
87 Barry Carlson
88 Mr. Carlson said that he felt that his property won't be worth much if a big fence is
89 installed behind his home.

90
91 Ms. Carlson said she could not understand why the other two homes along 900
92 North could not be zoned commercial. She said she felt that it would be
93 advantageous to the developer to own the entire block.

94
95 Mr. Jensen stated that he felt he was misled by the City regarding the Zone Change
96 and commercial development.

97
98 Commissioner Evans explained that he felt if the five property owners along 900
99 North wanted to combine their properties into a commercial parcel they could.

100
101 Elliott Smith
102 Mr. Smith introduced himself and said that he and the applicant on the project were
103 business partners. He said that the comments that had been made were valid and
104 well founded. He explained that he had conducted an analysis for including more
105 properties than what was proposed, but due to changes in the market it was not
106 financially feasible. He said that they had users for the pads that front 1000 North
107 but not for the third pad because there just was not a market for sites that are off of
108 the main road. He said they would be more than happy to not construct a six-foot
109 masonry wall.

110
111 Mr. Anderson explained what fencing and landscape requirements would be applied
112 according to the subdivision of the property.

113
114 Mr. Smith said that, as time goes on, if they could find a user that needed two acres
115 they would approach homeowners along 900 North, but looking at current market
116 calculations the residents along 900 North would not be able to replace the asset
117 that they currently have with what a developer would be willing to pay them at this
118 time.

119
120 Mr. Jensen said he felt that this was where the City could step up and look into
121 making the people who live there happy.

122

123 Ms. White asked Mr. Smith what would go behind the structures that would be
124 constructed. Mr. Smith said he did not know.

125

126 Dan White

127 Mr. White asked if the developer would be interested in purchasing the properties to
128 the North. Mr. Smith said that if the economy were better they would be more open
129 to looking into it.

130

131 Commissioner Christianson **moved** to **approve** the Friar's Pointe Preliminary Plat
132 based on the following finding and subject to the following condition:

133

134 **Finding**

135

136 1. That the proposed subdivision meets the requirements for the Commercial 2
137 zone.

138

139 **Condition**

140

141 1. That the applicant address the redlines provided by the City's Engineering
142 and Power Departments prior to submitting a Final Plat application or
143 receiving Site Plan approval.

144

145 Commissioner Cope **seconded** and the motion **passed** by a unanimous roll call
146 vote.

147

148 **Pidcock Zone Change**

149 Applicant: Jerry Pidcock

150 General Plan: Residential 2.5 to 3.5 units per acre

151 Zoning: R-1-6 requested, R-1-9 existing

152 Location: 1156 East Canyon Road

153

154 Mr. Anderson explained that the proposal involves a legal non-conforming structure
155 and that the applicant's desire was to demolish the current structure and replace it
156 with another single-family residence. He explained that if an act of God occurred
157 that resulted in the structure coming down the applicant would be able to keep the
158 non-conforming use, but that if the applicant demolished the structure they would
159 lose their entitlement to re-build. The subject property is zoned R-1-9 and the
160 proposal is to change the zoning to R-1-6. He said that, from his perspective, given
161 the history and situation of the property (being adjacent to R-1-6), approving the
162 change seems logical.

163

164 Jerry Pidcock
165 Mr. Pidcock said that the home was 85 years old, was built in three separate phases
166 and that the family decided they needed to tear down the structure.

167
168 Chairman Robins invited public comment.

169
170 Chris Poulsen
171 Mr. Poulsen said that technically the state owns six feet of the property and the lot is
172 actually much smaller. He felt the square footage of the lot was less than the
173 needed 6,000 square feet. He said that the home that will be built will not have a
174 garage.

175
176 Chairman Robins explained what he remembered discussing when Mr. Poulsen's
177 home was constructed. He said the concerns were traffic and that special
178 consideration was placed for the three homes that were constructed. He said he felt
179 it was a good thing to clean up the property. Mr. Poulsen said the applicant
180 voluntarily tore the house down. Mr. Anderson said that this is not a use which
181 UDOT will be able to exact property, as was the case previous for the adjacent
182 property.

183
184 Commissioner Christianson said that he felt the lot should have entitlements for re-
185 building even if the structure was torn down. Mr. Anderson explained that was not
186 the case.

187
188 Commissioner Evans asked Mr. Poulsen to explain to him, if a home was on the
189 parcel before he built his home, why he would have a problem with a new one being
190 constructed. Mr. Poulsen did not answer the question.

191
192 Discussion was held regarding UDOT, right-of-way and lot size.

193
194 Mr. Pidcock said he had been in discussion with Mr. Poulsen several times and that
195 the property had been surveyed three times. Mr. Pidcock said that he tried to
196 negotiate with Mr. Poulsen but was unsuccessful.

197
198 Chairman Robins said that he saw the home two to three days ago and, looking at
199 the parcel with the home being torn down, that it was an upgrade to the
200 neighborhood.

201
202 Commissioner Christianson asked if there was a way that, if a structure is
203 demolished, someone is vested to build another single-family residence. Mr.
204 Anderson said he would look into it.

205

206 Commissioner Evans said that Mr. Poulsen was saying that the Commission
207 somehow was not following the rules, but the fact that the structure was demolished
208 before having the property re-zoned was a footnote to the discussion.

209

210 Mr. Anderson said that, in his opinion, there was not any advantage for the City if the
211 lot was to remain vacant.

212

213 Mr. Poulsen said he talked to Mr. Anderson and was told that the lot could not be
214 built on and expressed his dissatisfaction with Mr. Anderson and the job he was
215 doing.

216

217 Commissioner Evans **moved** to **approve** the Pidcock Zone Change based on the
218 following findings:

219

220 Findings

221

222 1. That the proposed change will permit the construction of a new single-family
223 dwelling on the subject property.

224 2. That the adjacent properties to the East are zoned R-1-6.

225

226 Commissioner Cope **seconded** and the motion **passed** by a unanimous roll call
227 vote.

228

229 Proposed Amendments to Title 15, Permitted and Conditional Uses

230 Applicant: Spanish Fork City

231 General Plan: City-wide

232 Zoning: City-wide

233 Location: City-wide

234

235 Mr. Anderson explained the proposed amendments and what the modifications to
236 the language were.

237

238 Commissioner Christianson said that he was concerned with the Child Care Centers
239 and taking them out of residential zones and putting them into the Commercial zones
240 because he felt they were appropriate for residential areas and that many people
241 conducted daycare from their home. Mr. Anderson explained the Home Occupation
242 ordinance and that daycares were allowed as Home Occupations.

243

244 Commissioner Evans asked for explanations as to why foster homes have been
245 removed, yet we provide for elderly and residential treatment, and what is the

246 rational behind permitting one but not the other; why in the agricultural and the
247 residential zones public schools were removed; and why wireless communications
248 were changed from by right to a Conditional Use.

249

250 Chairman Robins invited public comment.

251

252 Paul Bartholomew

253 Mr. Bartholomew asked if his wife's daycare business of 25 years would still be
254 permitted. Mr. Anderson said it would become a legal non-conforming.

255

256 Commissioner Evans asked for explanations regarding residential office and
257 museums in the C-2 zone and automotive versus lube stations. Mr. Anderson
258 explained that he felt an automotive service station was more prone to outside
259 storage and having vehicles stored over night and that a lube center would not have
260 outside storage. Commissioner Evans asked about the Shopping Center zone and
261 conditions applying to certain uses. Mr. Anderson explained that he was trying to
262 avoid cases such as in Provo, where sites exist that were not car lots but have been
263 adapted to that use, and they do not fit in and function with the surrounding area.

264

265 Chairman Robins said this effort was started because someone proposed a use in
266 an area that the City did not see fit.

267

268 Commissioner Cope asked for a definition of Entertainment uses. Mr. Anderson said
269 that there was not one but that it needed to be defined and that he would draft
270 language to address those uses.

271

272 Commissioner Cope asked about farmer's markets and the Urban Village zone. Mr.
273 Anderson said that the City did not want to define a farmer's market as a use.

274 Commissioner Cope asked for an explanation of what the difference was between
275 uses subject to conditions and a Conditional Use Permit. Mr. Anderson explained
276 the difference.

277

278 Commissioner Christianson **moved** to **approve** the proposed amendments to Title
279 15, Permitted and Conditional uses with the additional language that was discussed
280 involving entertainment. Commissioner Evans **seconded** and the motion **passed** by
281 an unanimous roll call vote.

282

283 **Proposed Amendments to Title 15, Notice Requirements**

284 Applicant: Spanish Fork City

285 General Plan: City-wide

286 Zoning: City-wide

287 Location: City-wide

288

289 Mr. Anderson explained that public hearings have been held for Preliminary Plats
290 that involve something other than single-family dwellings and that the proposed
291 ordinance would simply remove the requirement to hold any public hearings as part
292 of the review process of any Preliminary Plat.

293

294 Chairman Robins invited public comment. There was none.

295

296 Commissioner Christianson said he liked the amendment.

297

298 Chairman Robins said he did not like it because the system is hard to understand
299 and every chance we get to let the citizens know is a chance for citizens to get
300 informed. He said he felt it was a disservice to take away notifications.

301

302 Commissioner Evans said he was given a handbook as part of being asked to serve
303 as a Planning Commissioner and that, as the Commission considers these types of
304 things, they have narrow latitude. He said he showed up to public hearings believing
305 that what he said could make a difference when, according to the law, it couldn't,
306 because when someone follows the law for a Preliminary Plat, regardless of what is
307 said in the meeting, the Planning Commission has to approve it by law. He said that
308 he feels that it invites people to go away mad, but that a particular developer have
309 made many concessions along the way because of the citizen concerns that were
310 voiced at a public hearing, and he altered density and traffic patterns even though he
311 did not, by law, have to do it. He said he felt public hearings encourage dialogue.

312

313 Discussion was held regarding the public hearing process for Master Planned
314 Developments and Preliminary Plats.

315

316 Commissioner Cope felt that, if the Preliminary Plat must be approved, and where
317 people will come give their input and go home feeling their input did not matter, he
318 was fine with the idea of not requiring a public hearing.

319

320 Commissioner Evans **moved** to **continue** the proposed amendments to Title 15,
321 Notice Requirements, to the Commission's next meeting. Commissioner
322 Christianson **seconded** and the motion **passed** by a 3 to 1 roll call vote.

323

324 Commissioner Evans **moved** to **close** public hearings. Commissioner Christianson
325 seconded and the motion passed all in favor at 9:22 p.m.

326

327

328 **OTHER DISCUSSION**

329

330 **Discussion on Planning Commission work program**

331

332 Mr. Anderson handed the Commissioners a schedule of their service dates,
333 explained the way the program is set up, and that Tyler Cope could serve beyond six
334 years. He said that the City issued close to 30 Building Permits for new dwellings in
335 June and was pleased to be on the active side of things. He explained the work
336 program items.

337

338

339 **ADJOURNMENT**

340

341 Commissioner Evans **moved to adjourn**. Commissioner Christianson **seconded**
342 and the motion **passed** all in favor at 9:33 p.m.

343

344 **Adopted:**

345

346

347

Shelley Hendrickson, Planning Secretary

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Planning Commission
FROM: Dave Anderson, Community Development Director
DATE: August 27, 2009
RE: Proposal to Rescind Public Hearing Requirement

Accompanying this correspondence is a draft copy of the Title 15 Amendment that was continued in your July 1, 2009 meeting. There have been no changes since this proposal was presented on July 1.

attachment: proposed ordinance

ORDINANCE NO.

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
ROD 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: _____
I SECOND the foregoing motion: _____

ORDINANCE No. _____

**AN ORDINANCE AMENDING THE NOTICE REQUIREMENTS FOR COMMERCIAL,
INDUSTRIAL, AND MULTIFAMILY RESIDENTIAL PLATS**

WHEREAS, Spanish Fork City has adopted a land use ordinance in accordance with State Law; and

WHEREAS, in order to comply with State Law, the Spanish Fork Land Use Ordinance mandates notices and public hearings for preliminary plats for industrial, commercial, and multifamily residential projects; and

WHEREAS, State Law also mandates that preliminary plat applications which are in conformance with the City standards must be approved, which makes the necessity of public hearings meaningless; and

WHEREAS, the 2009 Utah State Legislature repealed the requirement to hold public hearing for commercial, industrial, and multifamily residential plats; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday the 1st day of July 2009, where public comment was received; and

WHEREAS, public hearing was held before the Spanish Fork City Council on Tuesday the 21st day of July 2009, where additional public comment was received; and

WHEREAS, in order to protect the health, safety, welfare of the residents of the City, and in compliance with Utah State law, it is advisable to repeal the requirements of public hearings for preliminary plats for commercial, industrial, and multifamily residential projects;

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

I.

Spanish Fork Municipal Code §15.1.04.040(C) is hereby repealed.

II.

Spanish Fork Municipal Code §15.1.04.040(B) is hereby amended to read as follows:

15.1.04.040 Notices.

- B. Conditional use permits and specific property zone changes shall be posted on the subject property and mailed to all property owners located within 300 feet of the subject property.

III.

This ordinance shall become 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:

KIMBERLY ROBINSON, City Recorder

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Planning Commission
FROM: Dave Anderson, Community Development Director
DATE: August 31, 2009
RE: Proposal to Restore Urban Village Commercial Zone Language

Accompanying this correspondence is a proposed ordinance that pertains to the Urban Village Commercial Zone.

The City Council recently adopted an ordinance that modified the several sections of Title 15, mainly the lists of permitted and conditional uses. That ordinance inadvertently contained language that failed to account for a separate ordinance amendment that was approved a month or two earlier. The ordinance that is attached to this memorandum restores the language to Title 15 so as to match the two most recently approved ordinance amendments.

attachment: proposed ordinance

ORDINANCE NO. -09

ROLL CALL

VOTING	YES	NO
MAYOR JOE L. THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
ROD 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 -09

AN ORDINANCE RE-ENACTING CERTAIN STANDARDS
IN THE URBAN VILLAGE COMMERCIAL ZONE

WHEREAS, Spanish Fork City has adopted a land use title in the municipal code, known as Title 15, which includes zoning and development chapters; and

WHEREAS, the Spanish Fork land use ordinance contains a zone called the C-UV Urban Village Commercial Zone, which allows for compatible residential and commercial uses in the same zone; and

WHEREAS, on the 16th day of June, 2009 some of the standards and requirements of the C-UV zone were adopted by the Spanish Fork City Council in Ordinance 10-09; and

WHEREAS, a major overhaul of the permitted uses allowed in the various zones found in Title 15 was adopted by the Spanish Fork City Council on the 4th day of August, 2009 in Ordinance 12-09; and

WHEREAS, certain of the new standards in the C-UV zone adopted in June were inadvertently omitted when the August revisions to Title 15 were made; and

WHEREAS, the Planning Commission held a public hearing on Wednesday the 2nd day of September, 2009 where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 15th day of September, 2009 where public comment was received;

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

I.

Spanish Fork City Municipal Code §15.3.16.100 is hereby amended by adding subparagraphs D through L as follows:

15.3.16.100. C-UV Urban Village Commercial

This district is intended to provide controlled and compatible settings for a wide range of commercial and residential uses in the same area, uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center. Developments in this district will be designed towards pedestrians in mind; designs will have the character of an urban village; with high quality materials being used. All site plans and subdivisions will be reviewed by the Planning Commission.

A. Permitted uses [Unchanged].

B. Uses Subject to Conditions (as described in §15.3.24.010) [Unchanged].

C. Uses Subject to Conditional Use Permit (see §15.3.08.060) [Unchanged].

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

E. Site Plan/Design Review/Performance Standards (see §15.4.08.010 et seq.):

These standards are intended to foster the creation of an urban environment that accommodates growth and is compatible with the existing homes and uses in the area:

1. Outdoor Sales, Display and Storage.

a) The outdoor permanent sales or display of merchandise shall not encroach into

areas of required parking, sidewalks, or landscaping.

2. Lighting. On-site lighting, including parking lot lighting and illuminated signs, shall be located, directed or designed in a manner to prevent glare on adjacent properties and be designed for pedestrians. All lighting should have the same design elements throughout the development.

3. Location of Service Areas. All loading docks and other service activities shall be located away from view of any public street. Exceptions to this requirement may be approved through the site plan process. If such activities are permitted adjacent to a public street, a visual screening design approved by the Planning Department shall be required.

4. Urban Design. Designs for this area should envision a “village character” relating to the heritage of the early residents of the community. Safe and efficient pedestrian circulation is a priority

a) Architectural Character and Materials.

i. A differentiated base will provide human scale through change, contrast, and intricacy in facade form. Scaling elements such as insets and projects serve to break up flat or monotonous facades along with color and a change in materials.

ii. The climate in Spanish Fork City is such that in the summer months shade is preferred, and in the winter months protection from the snow and wind is necessary. By providing the pedestrian with a sidewalk that is enjoyable to use year round, a pedestrian oriented development is encouraged. Therefore, the following will be encouraged

I. Arcades.

II. Awnings and/or marquees.

b) Entrance and Visual Access

i. The intent in this district is to encourage pedestrian activity between the public street/sidewalk and buildings. Sidewalks shall provide continuous, uninterrupted interest to the pedestrian by providing visual interest and/or amenities. The environment will benefit with increased pedestrian activity, this activity will only occur if opportunities are provided that make walking to a destination a preferred and an enjoyable pursuit. The use of blank building facade walls is discouraged. Therefore, all buildings in this district are subject to the following standards:

I. Minimum First Floor Glass. The first floor elevation of a commercial building facing a street shall not have less than forty (40%) percent glass surfaces. All first floor glass shall be a nonreflective. Display windows that are three dimensional and are at least two feet deep are permitted and may be counted toward the 40% glass requirement.

II. Provide at least one (1) operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either street, if the facades for both streets meet the forty (40%) percent glass requirement.

III The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be forty (40) feet.

IV. All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right-of-way, shall be screened from public view.

c) Public Amenities and Public Art.

i) Amenities and works of art enhance quality of life as well as visual interest. Public amenities and art encourage pedestrian activity and contribute to the “village” experience. A cohesive, unified lighting and amenity policy will help give the district its own distinctive identity. Therefore, all projects will be required to have public amenities and art that are subject to the following standards:

I. Sidewalks and street lamps installed in the public right of way shall be of the type specified in the city’s construction and development standards. All parking lot lights will be required to match the city’s standards.

II. Park benches will be required within the development.

III. Public art (which may include artists’ work integrated into the design of the building, and landscaping, sculpture, painting, murals, glass, mixed media or work by artisans), that is accessible or directly viewable to the general public shall be included in all projects. The plan to incorporate public art shall be reviewed and approved by the Spanish Fork Arts Council.

IV. All projects will be required to have a minimum of 20% open space and developments with residential units will be required to have 35% open space.

5. Conditional Use Approval.

A modification to the urban design/performance provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures.

F. Definitions.

For the purpose of this section, the following terms shall have the following meanings.

“Facade” means the front of a building, or any other “face” of a building on a street or courtyard given special architectural treatment.

G. Landscaping, Buffering, Walls (see §15.4.16.130).

Same as the S-C zone requirements.

H. Signs (see §5.36.101 et seq.).

All individual developments (not a planned center) must follow the requirements of the C-O zone.

I. Parking Standards (see §15.4.16.120).

1. Restrictions on Parking Lots. The following regulations shall apply to parking facilities.

(a). All parking lots adjacent to a public street will be required to have a twenty-five (25) foot landscape setback and a minimum three (3) foot berm, with trees spaced every thirty (30) feet.

J. Solid Waste Receptacle Areas (see §15.4.16.140).

K. Building Height.

Same as the S-C zones requirements.

1. Height Exceptions: spires, towers, or decorative non-inhabitable elements shall have a maximum height of sixty (60) feet measured from the street grade.

L. Development Standards.

1. Projects are allowed a density of 5 to 12 residential units per acre.

2. Projects will be required to have public art integrated and 35% open space area.
3. Projects with a residential component will be required to have at least 30% of the project's total building square footage dedicated to commercial or office uses. The City will require that this ratio be maintained with each phase of the development.
4. Residential units will be required to meet the High Density Residential (R-3) setbacks.
5. Residential units must be designed in a manner to blend with the urban village and not be a separate element of the area.

II.

This Ordinance shall take effect 20 days after passage and publication.

DATED this 15th day of September, 2009.

JOE L THOMAS, Mayor

ATTEST:

KIMBERLY ROBINSON, City Recorder



REPORT TO THE PLANNING COMMISSION

BELLA VISTA

Agenda Date: September 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: Steve Maddox is requesting that the Planning Commission make a recommendation on the design of the proposed Bella Vista development.

Zoning: R-3, R-1-6, and Rural Residential

General Plan: Residential 5.5 to 8 units per acre.

Project Size: Approximately 26 acres.

Number of lots: Not applicable.

Location: Approximately 900 North State Road 51.

Background Discussion

Mr. Steve Maddox has, in recent years, made a few different presentations to the Planning Commission relative to properties that are located between State Road 51 and the railroad tracks at approximately 900 North.

Accompanying this report is a binder that describes Mr. Maddox's most recent presentation.

The specific purpose of the discussion with the Planning Commission at this time is to get the Commission's recommendation on lot size. The Master Planned Development section of the Zoning Ordinance permits the City Council to waive the minimum lot size requirement for Master Planned Developments. Mr. Maddox is requesting that the minimum lot size for this development be 4,000 square feet.

Should the City Council grant a waiver of the minimum lot size requirement, staff anticipates that Mr. Maddox would proceed and present Zone Change and Preliminary Plat applications for the Bella Vista development.

Development Review Committee

The Development Review Committee reviewed this proposal in their August 26, 2009 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Mr. Anderson explained that he felt a Zoning Text Amendment needed to be straightened out before a public hearing is held before the Planning Commission for the Zone Change and Preliminary Plat. He said that on the agenda today there was an amendment to change the text on the master planned development portion of the zoning ordinance that outlines minimum lot size. He explained that the motivation behind the change to the code was that single-family detached homes, if designed

appropriately, could be more desirable to the City than multi-family homes.

Discussion was held regarding whether or not the City Council would grant a waiver to decrease the minimum lot size to 4,000 square feet with 40-foot frontages, and what makes this proposal a superior design. Mr. Maddox explained why he felt his proposal was superior (3-acre park, willingness to work diligently with the utility department to ensure that the utilities fit, landscape and fencing package, common maintenance, and the use of stone, stucco and concrete mason-rite siding on the exteriors of the homes)

Discussion was held regarding parking, how to make the utilities fit, landscaping and a concept plan for the park.

Mr. Baker **moved to recommend** to the Planning Commission **approval** of a waiver for 40-foot frontages and 4,000 square foot lots based on the fact that this is a superior design due to the following findings:

Findings

1. That the project consists of single-family detached homes as opposed to attached units.
2. That utilities and driveways will be designed in an integrated fashion.
3. That the developer will be installing landscaping.
4. That the HOA will maintain landscaping, fencing, all common areas and front yards.
5. That a three-acre park meeting the City's standard amenities will be installed.
6. That there will be mason on the exterior of the homes.
7. That there will be planter strips on both sides of road.

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