



**Planning Commission Agenda
December 2, 2009**

**Planning
Commissioners**

- 5:30 P.M. Agenda Meeting
- 6:00 P.M. 1. Preliminary Activities
- a. Pledge of Allegiance
 - b. Approval of Minutes: November 4, 2009
2. Public Hearings
- a. **Proposed Amendments to Title 15, Site Plan Development Requirements**
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide
 - b. **Proposed Amendments to Title 15, American Leadership Academy Text Amendment**
Applicant: American Leadership Academy
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-15
Location: City-wide
 - c. **American Leadership Academy Zone Change**
Applicant: American Leadership Academy
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-30 existing, R-1-15 requested
Location: 1100 South Mill Road
 - d. **Peterson Spanish Cove Zone Change**
Applicant: Warren Peterson
General Plan: Residential 9 to 12 units per acre
Zoning: R-3 existing, In-Fill Overlay requested
Location: 245 North 300 East
 - e. **Jensen Zone Change and General Plan Amendment**
Applicant: Grant Jensen
General Plan: Residential 9 to 12 units per acre existing, General Commercial requested
Zoning: R-1-6 existing, Commercial 2 requested
Location: 55 East 700 North
 - f. **Isaacson Zone Change and General Plan Amendment**
Applicant: Scott Isaacson

General Plan: Residential 5.5 to 8 units per acre existing,
Residential Office requested
Zoning: R-1-6 existing, Residential Office requested
Location: 885 North 200 East

g. **Spanish Fork Assisted Living Conditional Use Approval
(will request to be continued)**

Applicant: Rockworth Companies
General Plan: General Commercial
Zoning: R-1-8
Location: 1450 East 100 South

h. **Jones/Hughes Conditional Use**

Applicant: J.P. Hughes
General Plan: Residential 9 to 12 units per acre
Zoning: R-1-6
Location: 64 East 100 South

3. Staff Reports

a. **Maple Mountain Amended**

Applicant: Dave Simpson
General Plan: Residential 2.5 to 3.5 units per acre
Zoning: R-1-12
Location: 100 North 1500 East

b. **Pine View**

Applicant: Kay Heaps
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-15
Location: 2700 East 750 South

c. **Peterson Spanish Cove Preliminary Plat**

Applicant: Warren Peterson
General Plan: Residential 9 to 12 units per acre
Zoning: R-3 existing, Infill Overlay requested
Location: 245 North 300 East

d. **Spanish Fork Assisted Living Preliminary Plat (will
request to be continued)**

Applicant: Rockworth Companies
General Plan: General Commercial
Zoning: R-1-8
Location: 1450 East 100 South

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 **November 4, 2009**
4
5

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

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

12 **Citizens Present:** Mara Grover, Robert Grover, John Coxson, Adam Ricks, Isaac
13 Pendleton, Jacob Savage, Nate Hanson, Bjorn Pendleton, Steve Maddox.
14

15
16 **CALL TO ORDER**
17

18 Chairman Christianson called the meeting to order at 6:00 p.m.
19
20

21 **PRELIMINARY ACTIVITIES**
22

23 **Pledge**
24

25 Commissioner Marshall led the Pledge of Allegiance.
26

27 **Adoption of Minutes: October 7, 2009**
28

29 Commissioner Robins **moved** to **approve** the minutes of October 7, 2009, with
30 the noted corrections. Commissioner Marshall **seconded** and the motion
31 **passed** all in favor.
32

33 Commissioner Robins **moved** to **open** into public hearing. Commissioner
34 Marshall **seconded** and the motion **passed** all in favor at 6:03 p.m.
35
36

37 **PUBLIC HEARING**
38

39 **Bella Vista Zone Change**

40 Applicant: Steve Maddox

41 General Plan: Residential 5.5 to 8 units per acre

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

43 Location: approximately 900 North State Road 51
44

45 Mr. Anderson said he would be discussing both the Zone Change and the
46 Preliminary Plat in tandem. He explained the current zoning of the property was
47 R-3, R-1-6 and Rural Residential and the General Plan designation was 5.5-8
48 units per acre. He said that the applicant was requesting R-1-6 zoning, and that
49 this proposed density was at the low end of what the General Plan allowed and
50 that due to the unique characteristics of the property (the presence of a
51 substantial gas line, railroad tracks and highway) City staff felt comfortable
52 approving the R-1-6 zoning. Mr. Anderson explained the proposed Preliminary
53 Plat was a Master Planned Development. The proposed Master Planned
54 Development would be exclusively single-family detached homes and that there
55 would be 100 building lots in all but one lot which already exists with a
56 residential treatment center. Mr. Anderson explained that some of the lots
57 would be as little as 4,000 square feet with other lots being much larger than
58 that. He said that under the Master Planned Development section of the
59 Municipal Code that a waiver could be granted for the smaller lot size and that
60 the City Council would need to approve the waiver in order for this development
61 to be approved. Mr. Anderson said he felt that in canvassing Utah County, you
62 would not find many developments of this type, but in other states single family
63 detached homes on smaller lots are very common. He said he felt that the key
64 to success for this type of development was the quality of construction and
65 provisions to ensure that proper maintenance of landscaping and fencing. He
66 said City staff's greatest concerns were related to maintenance and felt the
67 applicant had addressed the concerns head on. He said the exterior product of
68 the homes would be all masonry and that the applicant was proffering a three
69 acre parcel of land to be dedicated to the City for a park. He said that the
70 applicant would be required to construct the park to the City's park standards
71 and that the applicant had met with the City's Parks and Recreation Department.
72 He explained the phasing plan of the development and how it would affect the
73 construction of the park.

74
75 Commissioner Marshall asked how enforceable CC & R's were and if the City was
76 involved in CC & R's. Mr. Anderson explained how CC & R's work, that they were
77 a civil issue and that the City did not get involved in the enforcement of CC &
78 R's.

79
80 Chairman Christianson asked what the City was agreeing to pay for the park.
81 Mr. Anderson said that the applicant was going to pay for 100 percent of the
82 construction of the park. He said that City staff understood that there was not a
83 final design for the park that was acceptable to the City but that there would
84 need to be a final design before a Final Plat is approved.

85
86 Chairman Christianson asked about the three detention basins and asked if the
87 maintenance of the basins would be the City's responsibility or common space
88 that would be the responsibility of the Homeowner's Association (HOA). Mr.
89 Anderson said it was his understanding that it would be both. The HOA would

90 maintain the turf but the City would maintain the storm drain portion of the
91 retention basin.

92

93 Chairman Christianson asked what the City's setbacks were between the lot that
94 already existed that the residential treatment center was located on and the
95 proposed lot that would abut it. Mr. Maddox said that it was his understanding
96 that the lots met the City's setback requirements but that if for some reason they
97 did not he would rectify the issue.

98

99 Chairman Christianson invited the applicant to speak.

100

101 Steve Maddox

102 Mr. Maddox said he would address the park portion of the development and
103 explained that he had met with the City Parks and Recreation Department. Mr.
104 Maddox explained what they had agreed upon. He said they were still in the
105 stages of designing a fence because he wanted a more open feel but was met
106 with opposition from City staff who felt that people want privacy and did not
107 want an entourage of fencing. He then explained how he felt about CC&R's are
108 that the keys to CC & R's were setting the bar high at the beginning, education
109 and enforcement.

110

111 Commissioner Robins asked Mr. Maddox if, in his experience, maintaining CC&R's
112 had to be pushed to the legal limit. Mr. Maddox said he had not had to go that
113 far. He said that education was key.

114

115 Discussion was held regarding HOA's, how they work and enforcement of CC&R's
116 .

117

118 Commissioner Robins asked about wetlands. Mr. Maddox said he will leave it in
119 its natural vegetation.

120

121 Mr. Maddox explained the gas line easement.

122

123 Chairman Christianson asked about Residential Treatment Center and whether it
124 is legal conforming or non-conforming use. Mr. Anderson said that the
125 treatment center was already zoned R-1-6 and was a non-conforming use and
126 the vested status would not change.

127

128 Commissioner Evans asked Mr. Maddox if he was comfortable with agreeing to
129 construct a park to the City's standards without a final design. Mr. Maddox said
130 that he was because he had met with the Parks Department. He said the price
131 point was the playground equipment but felt he was in a comfort zone. Mr.
132 Maddox asked if he could construct the park along with the third phase of the
133 development and not be allowed to pull a building permit on the fourth phase

134 until the park was finished instead of constructing the park before building
135 permits are issued on the third phase.

136

137 Mr. Anderson said that the City would like a clear trigger for when the park
138 would be constructed and that was the reason for the condition that the park be
139 constructed along with the public utilities.

140

141 Discussion was held regarding the phasing plan, the park and whether or not the
142 applicant could take more time to construct it.

143

144 Commissioner Marshall asked about road width and when the City uses the
145 different widths. Mr. Anderson explained the streets in the project that would
146 qualify for certain widths.

147

148 Chairman Christianson invited public comment.

149

150 Avante Custio

151 Ms. Custio expressed concern with the lot size. She said she feels it is too small.
152 She also expressed concern with maintenance and wetlands.

153

154 Commissioner Robins explained the history on the project.

155

156 Mr. Maddox said he had met on site with the Army Corps of Engineers and that
157 they had discovered four illegal wells that have since been capped and the
158 ground is now dry. He then explained that he had the ability to maintain the
159 project through an HOA and, if it was done correctly and enforced, he said it
160 would look better than the traditional subdivision.

161

162 Robert Gowan

163 Mr. Gowan requested to see the park plans. He expressed concern with the
164 north edge and the drop in topography. He asked how it would be addressed.
165 Chairman Christianson explained that a survey would be done to know what level
166 of fill would need to be addressed. Mr. Maddox said that a six-foot vinyl fence
167 would be installed on the north end of the project.

168

169 Commissioner Robins **moved** to recommend to the City Council **approval** of the
170 R-1-6 Zone Change based on the following finding:

171

172 **Finding**

173

174 1. That the proposed zoning is consistent with the General Plan.

175

176 Commissioner Marshall **seconded** and the motion **passed** all in favor by a roll
177 call vote.

178

179 Commissioner Marshall **moved** to **close** public hearing. Commissioner Evans
180 **seconded** and the motion **passed** all in favor at 7:01 p.m.

181

182 **STAFF REPORTS**

183

184 **Bella Vista Preliminary Plat**

185 Applicant: Steve Maddox

186 General Plan: Residential 5.5 to 8 units per acre

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

188 Location: approximately 900 North State Road 51

189

190 Commissioner Robins **moved** to recommend to the City Council **approval** of the
191 Bella Vista Preliminary Plat based on the following finding and subject to the
192 following conditions:

193

194 **Finding**

195

- 196 1. That the proposed Preliminary Plat conforms to the City's requirements for
197 Master Planned Developments in the R-1-6 zone.

198

199 **Conditions**

200

- 201 1. That a design of the park be completed as part of the Final Plat review
202 process on the project's first phase.
203 2. That the applicant dedicate the park land with the first phase.
204 3. That the applicant bond for a proportionate share of the park construction
205 with the second and third phases.
206 4. That the park be constructed as part of the third phase.
207 5. That all of the landscaping that is visible from a public right-of-way be
208 installed at the time of development or at the time homes are
209 constructed.

210

211 Commissioner Evans **seconded** and the motion **passed** all in favor by a roll call
212 vote.

213

214 **OTHER DISCUSSION**

215

216 **Discussion on Planning Commission work program**

217

218 Commissioner Robins asked if it was worth pursuing HOA's, if any exist within
219 the City and what can be done. Discussion was held regarding HOA's and
220 fencing.

221

222

223

224 **ADJOURNMENT**

225

226 Commissioner Evans **moved** to **adjourn**. Commissioner Robins **seconded** and
227 the motion **passed** all in favor at 7:23 p.m.

228

229 **Adopted:**

230

Shelley Hendrickson, Planning Secretary

231

232

DRAFT



REPORT TO THE PLANNING COMMISSION

SITE PLAN DEVELOPMENT REQUIREMENTS TEXT AMENDMENT

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee, Planning Commission

Request: Spanish Fork City is proposing to modify the requirements for outdoor storage areas.

Zoning: City-wide

General Plan: City-wide

Project Size: City-wide

Number of lots: Not applicable

Location: Not applicable

Background Discussion

For the past several months, Spanish Fork City has been working to address various concerns related to the appearance of properties in the areas of the City that have industrial zoning. Areas that are utilized for the outdoor storage of debris, equipment, vehicles, inventory or other materials are of particular concern.

The City is now attempting to be proactive in its effort to limit situations which may have a certain propensity to become eyesores or otherwise a nuisance for the area. It is hoped that the proposed changes will have a two-fold effect.

First, it is anticipated that the proposed requirements will provide physical screening and landscaping that will have the effect of beautifying sites that have outdoor storage. It is also anticipated that the requirement to asphalt storage areas of a certain size will eliminate problems with nuisance weeds.

Second, it is expected that more stringent development requirements will cause developers to attempt to limit the areas they assign as outdoor storage. Rather than having a 5-acre site that becomes a bone-yard for inoperable vehicles or otherwise a junk yard, it is hoped that sites will be developed with no more outdoor storage than what is necessary for the operation of the associated business.

In order to address the City's concerns it is proposed that a specific definition for Outdoor Storage Areas be adopted along with design and construction criteria that stipulate how they are to be developed. It is also proposed that Outdoor Display Areas be defined so as to provide the City with the means to differentiate between those areas and Outdoor Storage Areas.

Accompanying this report is proposed text that provides definitions, additions to the lists of permitted uses, additions to the lists of uses subject to conditions and a set of conditions that would be applicable to Outdoor Storage Areas. Proposed additions are noted in red boldfaced print.

Development Review Committee

The Development Review Committee discussed this proposal in their September 23, 2009 and November 11, 2009 meetings. Minutes for the November 11, 2009 meeting read as follows:

Zoning Text Amendment

Applicant: Spanish Fork City

General Plan: city-wide

Zoning: city-wide

Location: city-wide

Mr. Anderson explained that there were nuisance problems with storage areas within the City. He said there was a need to define what an outdoor storage area was and how they would need to be improved at construction.

Discussion was held regarding how to word the storage area definitions, the purpose of the language (to make sure that outdoor storage is properly screened), conditions of the outdoor storage area, the acreage of the City shops and whether or not the City would meet this ordinance, and a zone that the City could use as a place to store concrete and other material.

***Mr. Thompson and Mr. Oyler arrived at 10:38 a.m.*

Mr. Oyler **moved** to **approve** the zoning text amendment to outdoor storage as discussed. Mr. Peterson **seconded** and the motion **passed** all in favor.

Budgetary Impact

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

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.

- PROPOSED ADDITION TO DEFINITIONS -

Outdoor storage area: an area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment used in connection with a business located on the same site.

Outdoor display area: an area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

- PROPOSED ADDITION TO LIST OF PERMITTED AND CONDITIONAL USES -

C-2 General Commercial

This district is intended to provide for a wide range of commercial uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Child care centers.
3. Churches.
4. Private clubs.
5. Entertainment uses.
6. Financial institutions.
7. Hotels and motels.
8. Medical and dental laboratories.
9. Office supply, copying, printing businesses.
10. Offices.
11. Personal service businesses.
12. Public utility facilities required for local service.
13. Restaurants.
14. Retail uses.
15. Repair services for small appliances, bicycles, jewelry, and similar items.
16. Instructional Studios.
17. Lube Centers.
18. Tire Centers.
19. Convenience Stores.
20. Car wash (full service)
21. Municipal facilities required for local service.

22. Outdoor display area.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such:

1. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

B. Uses Subject to Conditions

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Outdoor commercial recreation facilities.
2. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
3. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached, or new stealth facilities which are camouflaged into its surroundings.

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

1. Caretaker's residence.

E. Development Standards (see Table 2).

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

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

H. Signs (see §5.36.010 et seq.).

I. Parking (see §15.4.16.120).

S-C Shopping Center

This district is intended to provide retail uses, service oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be five (5) to fifteen (15) acres in size and provide neighborhood or community level destination shopping while incorporating a design which enhances pedestrian orientation within the center.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Retail uses.
2. Personal service businesses.
3. Offices.
4. Restaurants.
5. Entertainment uses.
6. Office supply, copying, and printing businesses.
7. Child care centers.
8. Art galleries and studios.
9. Instructional Studios.
10. Lube Center.
11. Tire Center.
12. Convenience Store.
13. Car wash (full service).
14. Municipal facilities required for local service.

15. Outdoor display area.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such business:

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. New automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
2. Hotels and motels.

3. Outdoor commercial recreation facilities.

4. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.

5. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached, or new stealth facilities which are camouflaged into its surroundings.

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

E. Development Standards (see Table 2).15.3.16.120 I-1

Light Industrial

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water, or noise pollution will not be allowed. Residential uses are not allowed.

A. Permitted Uses:

1. The indoor manufacturing, assembly and storage of finished products.
2. Wholesale trade businesses

- except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
 4. Contractor warehouse and storage yards.
 5. Trucking and warehousing.
 6. Research, development, and testing services.
 7. Automotive service, paint and body work, other consumer goods repair.
 8. Trade or business schools.
 9. Office supply, copying, printing businesses.
 10. Offices.
 11. Restaurants.
 12. Financial institutions.
 13. Retail businesses.
 14. Telecommunication towers not taller than sixty (60) feet.
 15. Agriculture, including the production of food and fiber crops, and tree farms, grazing and animal husbandry of livestock.
 16. Instructional Studios.
 17. Veterinary offices for large animals and/or outside boarding of any animals.
 18. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities and repair services associated with such facilities.
 19. Car wash (self or full service).
 20. Automotive repair.
 21. Lube Centers.
 22. Tire Care Centers.
 23. Municipal facilities required for local service.
 - 24. Outdoor display area.**
- B. Uses Subject to Conditions:
1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
 2. Sexually oriented businesses as defined in Chapter 5.28 of the Spanish Fork Municipal Code
- 3. Outdoor storage areas (see §15.3.24.090(E)).**
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
1. Outdoor commercial recreation facilities.
 2. Drive-in theaters.
 3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
 4. Telecommunication towers

- taller than sixty (60) feet.
5. Jails, county and city.
 6. Residential Treatment Centers (not owner occupied).
 7. Rehabilitation treatment facilities.
 8. Shelter care facilities.
 9. Publically owned and operated recycling centers.
 10. Publically owned and operated compost facilities.

I-2 Medium Industrial

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit moderate amounts of air, water, or noise pollution may be considered as conditional uses. Residential uses are not allowed.

A. Permitted Uses:

1. Manufacturing and assembly of finished products except animal fats and oils, ammunition, and those manufacturing uses listed as conditional uses.
2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
4. Contractor warehouse and storage yards.
5. Trucking and warehousing.
6. Research, development, and testing services.
7. Automotive repair.
8. Lube Centers.
9. Tire Care Centers.
10. Municipal facilities required for local service.
11. Trade or business schools.
12. Office supply, copying, printing businesses.
13. Offices.
14. Restaurants.
15. Financial institutions.
16. Retail businesses.
17. Telecommunication towers not taller sixty (60) feet.
18. Car wash (self or full service)
19. Impound yard.

20. Outdoor display area.

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
 - 2. Outdoor storage areas (see §15.3.24.090(E)).**
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
1. Manufacture of concrete

products.

2. Drive-in theaters.
3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
4. Telecommunication towers taller than sixty (60) feet.
5. Self-storage warehouses and/or recreational vehicle storage.
6. Transfer facilities.

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. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

A. Permitted Uses:

1. Child care centers.
2. Offices.
3. Public safety facilities.
4. Court buildings and related facilities.
6. Government owned nurseries and tree farms.
7. Municipal facilities required for local service.
8. Golf courses and related facilities.
9. Public parks and recreational facilities.
10. Libraries.
11. Public art galleries.
12. Transit centers and related facilities.
13. Government maintenance shops and related facilities.
14. Campgrounds.
15. Government storage buildings.
16. Government storage yards.
18. Museums.
19. Theaters.
20. Publicly owned zoos.
21. Temporary office and construction trailers.
22. Cemeteries.
24. Publicly owned stadiums and arenas.
25. Gun clubs and firing ranges.
26. Parking structures.
27. Automotive repair.
28. Lube Centers.
29. Car wash (self or full service).
30. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and

related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses Subject to Conditions:

1. Outdoor storage areas (see §15.3.24.090(E)).

C. Uses Subject to Conditional Use Permit

(see §15.3.08.060):

1. Hospitals.
2. Restaurants.
3. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached, or new stealth facilities which are camouflaged into its surroundings.

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

E. Development Standards.

1. The maximum height of any building or structure shall be limited to 65 feet.
2. Setbacks shall be as follows for all main buildings:

A. Front Yard, 20 feet,

B. Corner side yard, 20 feet,

C. Interior Side Yard, 10 feet,

D. Rear yard, 20 feet.

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

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

H. Signs.

1. Signage shall be permitted in accordance with section §15.36.010. Substitute or additional signage shall be permitted if it is deemed essential to providing a government service.

I. Parking (see §15.4.16.120).

- PROPOSED ADDITION TO CONSTRUCTION REQUIREMENTS -

Chapter 24 Uses Subject to Conditions/
Supplementary Regulations

- 15.3.24.010 Treatment Facilities
- 15.3.24.020 Billboards
- 15.3.24.030 Master Planned Development (PUD)
- 15.3.24.040 Manufactured Homes
- 15.3.24.050 Seasonal Sales and Special Events
- 15.3.24.060 Subdivision Model Home
- 15.3.24.070 Temporary Office or Construction Trailers
- 15.3.24.080 Sexually Oriented Businesses
- 15.3.24.090 Supplementary Regulations

15.3.24.010 Treatment Facilities

A. Residential Facility for Persons with a Disability

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the city.
 - b. be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
 - i. persons placed in a level 2 facility shall be deemed non-violent or nonthreatening and shall be permitted with no further requirements.
 - ii. individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., MSW, and based upon professional evaluations such as, but not limited to, the ICAP, MMPI, DSM, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property or any other person at the time of placement.

- Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.
6. The facility shall comply with all health and safety codes applicable to that type of building and use.
 7. The operator of any facility shall be required to provide supervision in accordance with the rules and regulations of the State of Utah Department of Social Services or Department of Health, which care shall be on a twenty-four (24) hour basis if so required by the aforementioned rules and regulations.
 8. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents.
 9. No facility licensed for the housing of more than eight (8) disabled persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following facilities:
 - a. another residential facility for persons with a disability licensed for the housing of more than eight (8) persons,
 - b. a residential facility for the elderly with more than eight (8) elderly persons in residence, or
 - c. any of the following facilities: shelter care facility, assisted living center, and residential treatment center.
 10. The use permitted by this section is nontransferable and shall be terminated if:
 - a. the facility is devoted to a use other than a residential facility for persons with a disability, or
 - b. the license or certification issued has been terminated or revoked, or
 3. the facility fails to comply with these conditions.

B. Residential Facility for Elderly Persons

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the city and
 - b. certify in a sworn affidavit to the city that no person will reside or remain in the

facility whose tenancy would likely:

- i. constitute a direct threat to the health or safety of other individuals, or
- ii. result in substantial physical damage to the property of others.

6. The facility shall comply with all health and safety codes applicable to that type of building and use.

7. No facility licensed for the housing of more than eight (8) elderly persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. another residential facility for elderly persons licensed for the housing of more than eight (8) persons,
- b. a residential facility for the disabled with more than eight (8) persons in residence, or
- c. any of the following facilities: shelter care facility, assisted living facility and residential treatment center.

8. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than a residential facility for elderly persons, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

C. Assisted Living Facility

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.

2. The facility must comply with the development standards of the zoning district.

3. Lot Size

a. Twenty(20) beds or less - 1,000 square feet per bed ratio (10 beds = 10,000 square foot).

b. More than twenty (20) beds - one (1) acre minimum plus 1,000 square feet per bed over the 20.

4. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.

5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents for facilities larger than 15 beds.

6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.

7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

- a. provide a copy of such license or certification to the city and
- b. certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:

i. constitute a direct threat to the health or

safety of other individuals, or

ii. result in substantial physical damage to the property of others.

8. The assisted living facility shall comply with all health and safety codes applicable to that type of building and use.

9. No assisted living facility licensed for the housing of more than eight (8) persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. another assisted living facility for more than eight (8) persons,
- b. a residential facility for the disabled with more than eight (8) persons in residence, or
- c. any of the following facilities: shelter care facility and residential treatment center.

10. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than an assisted living facility, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

D. Residential Treatment Center

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.

2. The facility must comply with the development standards of the zoning district.

3. The facility must be located on at least a two (2) acre parcel or larger.

a. Twenty (20) beds or more - two (2) acre parcel minimum plus 1,000 square feet per bed over the 20 to a maximum of forty (40) beds.

4. The building character and landscaping shall be of the same general character of those of other residences/structures and landscaping in the area of the facility.

5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents or met the requirement of the zoning district.

6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility or result in substantial physical damage to the property.

7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

- a. provide a copy of such license or certification to the city and the facility shall be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
 - i. Persons placed in a level 2 facility shall be deemed non-violent or nonthreatening and shall be permitted

with no further requirements.

ii. Individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., M.S.W., and based upon professional evaluations such as the ICAP, MMPI, DSM, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property of any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.

8 The facility shall comply with all health and safety codes applicable to that type of building and use.

9. Must meet the Design and Separation requirements in paragraph E of this section if located in a residential zone.

10. Any residential treatment facility located in a residential zone must be supervised 24 hours a day 7 days a week which shall include, but not necessarily be limited to, house parents who are on site 24 hours a day, and video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.

11. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than a residential treatment center, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

12. Any residential treatment facility shall be 660 feet from any public or private school or church measured from the shortest point from structure to structure.

13. The conditions will be reviewed annually by the Development Review Committee (DRC) to assure conformance.

E. Design and Separation

1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center, supervisory care facility, and assisted living facility must meet these requirements.

2. Any new or remodeled facility shall comply with the following design standards:

- a. The design, exterior materials and colors of the facility shall match the principal

structures in the neighborhood (area).

b. The facility shall be constructed in a manner as to blend in and not draw attention.

c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.

d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.

e. The facility shall meet all zoning requirements of the zone in which it is proposed.

f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.

3. No facility listed in subsection 1 may be located within 660 feet from another.

F. Outdoor storage areas

The following conditions must be met:

1. The storage area must be paved with asphalt or concrete. In situations where the outdoor storage area encompasses more than 5 acres, the DRC may approve the use of gravel or some other material if it is demonstrated that adequate measures can be taken to ensure dust control and the prevention of nuisance weeds. Where a paving material other than asphalt or concrete is permitted, adequate improvements shall be required to prevent the tracking of material from the site onto public streets.

2. The outdoor storage area must be screened from surrounding properties with a six-foot tall masonry wall. Where the outdoor storage area abuts a public street, a ten-foot wide landscaped planter shall be installed between the masonry wall and the sidewalk or right-of-way. Landscaping shall be installed and maintained in accordance to the requirements found in section 15.4.16.130.

3. Lighting shall be provided in outdoor storage areas. A photometric lighting plan shall be submitted with the Site Plan application. The lighting plan shall demonstrate the capacity of the proposed lighting to uniformly illuminate the storage area without creating undue spillover onto surrounding properties.

4. Material kept in an outdoor storage area cannot be stacked or piled to a height that exceeds the Fire Code requirements, or twelve feet, whichever is more restrictive.

5. Material kept in an outdoor storage area must meet Fire Code set back requirements from all property lines.



REPORT TO THE PLANNING COMMISSION ALA ZONING TEXT AMENDMENT AND ZONE CHANGE APPROVAL

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: The American Leadership Academy is requesting the approval of a zoning text amendment, as well as a zone change.

Zoning: R-1-30 existing, R-1-15 requested

General Plan: Residential 1 units per 5+ acres or 1.5 to 2.5 units per acre

Project Size: Approximately 19.9 acres

Number of lots: N/A

Location: 1100 South Mill Road

Background Discussion

A structure was built in 2006 at the American Leadership Academy site that did not meet the setback requirements of the existing R-1-30 zone. Over the past few years, representatives from ALA have pursued a number of different solutions to rectify this situation. This most recent attempt involves changing the zoning of the property in question to R-1-15 and requesting an amendment to the text of that zone to allow for the setbacks to be identical to those of the R-1-12 zone.

If the proposed Zone Change and Zoning Text amendments are approved, the existing structure would conform to the City's zoning standards and would be eligible for Building Permits. The proposed Zone Change does conform to the General Plan designation for the subject property. Staff has no concerns about modifying the setback requirements for the R-1-15 zone.

Development Review Committee

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

American Leadership Academy Zone Change and Text Amendment

Applicant: American Leadership Academy
 General Plan: Residential 1.5 to 2.5 units per acre
 Zoning: R-1-30 existing, R-1-15 requested
 Location: 1050 South Mill Road

Mr. Anderson explained that there was a non-conforming building at the American Leadership Academy and explained the way that the ordinance could be changed in order to bring the non-conforming structure into conformance.

Mr. Anderson **moved** to **approve** the American Leadership Academy Zone Change changing the zone of the athletic portion of the ALA site to R-1-15. Mr. Baker **seconded** and the motion **passed** all in favor.

Mr. Anderson **moved** to **approve** the American Leadership Academy Text Amendment to amend



the text of Title 15 so as to make the setback requirements of the R-1-15 zone to be the same as the R-1-12 zone. Mr. Baker **seconded** and the motion **passed** all in favor.

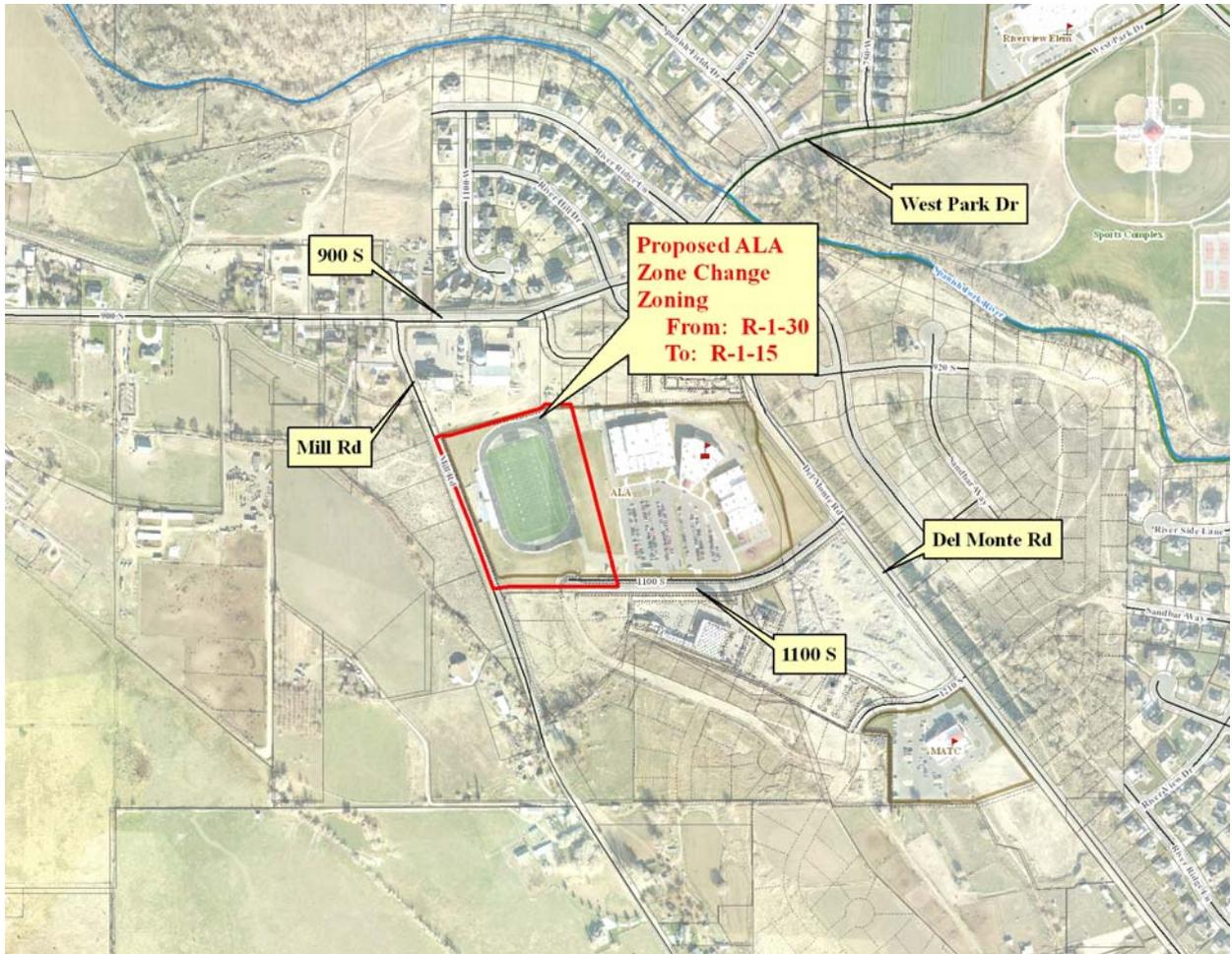
Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of the Zoning Text Amendment or Zone Change.

Recommendation

Staff recommends that the proposed Zoning Text Amendment and Zone Change be approved based on the following findings:

1. That the proposed Zone Change is consistent to the General Plan designation for the property.
2. That changing the setback requirements for the R-1-15 zone will not create any significant or noteworthy change in how properties in the R-1-15 zone are developed.





REPORT TO THE PLANNING COMMISSION PETERSON SPANISH COVE ZONE CHANGE AND PRELIMINARY PLAT

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: The applicant, Warren Peterson, has requested that the In-Fill Overlay Zone be approved for a parcel located at 245 North 300 East. The applicant is also requesting that a Preliminary Plat be approved. This plat involves two twin home structures, four dwelling units in all.

Zoning: R-3 existing, In-Fill Overlay requested

General Plan: Residential 9 to 12 Units Per Acre

Project Size: 0.4 acres

Number of lots: 4

Location: 245 North 300 East

Background Discussion

The proposed change involves a request to approve the In-Fill Overlay and Preliminary Plat for a parcel located at 245 North 300 East.

In July of this year, the City Council approved a General Plan Amendment and Zone Change for the subject property. At that time, it was contemplated that, if the changes were approved, the applicant, Warren Peterson, would proceed to apply for In-Fill Overlay and Preliminary Plat approval.

The project that is now proposed is consistent with what the City reviewed earlier this year. One noticeable modification has been made to the proposed lot layout as the driveway from 300 East is now located on the north, rather than south, side of the subject property. The proposed architecture is identical to what was reviewed this past year.

Accompanying this report are images that were provided by the applicant when the project was reviewed earlier this year. Again, the driveway has been reversed to the other side of the property. Aside from that change, the project should be constructed as represented in these images.

As proposed, the Preliminary Plat conforms to the requirements for In-Fill Overlay developments. Staff does suggest that the applicant be required to submit a more detailed landscaping plan and to address redline comments provided by the City's Engineering and Electric Departments.

Development Review Committee

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

Peterson Spanish Cove Preliminary Plat

Applicant: Warren Peterson

General Plan: Residential 9 to 12 units per acre

Zoning: R-3 existing, In-Fill Overlay requested

Location: 245 North 300 East



Mr. Anderson explained the proposal and that the applicant had held a neighborhood meeting. He said that the underlying zone (R-3) would not be changing and that the In-Fill Overlay zone, if approved, would be applied as an overlay zone.

Mr. Baker asked if the driveway was going to be asphalt or if there would be some landscaping. Mr. Johnson said that it was going to be concrete. Mr. Dansie said he thought it would be asphalt.

Mr. Baker asked if the Committee felt that this was a superior design and to include in the motion how the project met the superior design standard.

Mr. Anderson **moved** to recommend to the City Council **approval** of the Peterson Spanish Cove In-Fill Overlay Zone based on the following findings:

Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

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

Mr. Baker **moved** to recommend **approval** of the Peterson Spanish Cove Preliminary Plat based on the following findings and conditions:

Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

Conditions

1. That the applicant meets the City construction and development standards.

2. That the applicant meets any Engineering and Electrical Department conditions.

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

Budgetary Impact

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

Recommendation

Zone Change

Staff recommends that the In-Fill Overlay Zone be approved based on the following findings:

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

Preliminary Plat

Staff recommends that the proposed Peterson Spanish Cove Preliminary Plat be approved based on the following findings and subject to the following conditions:

Findings

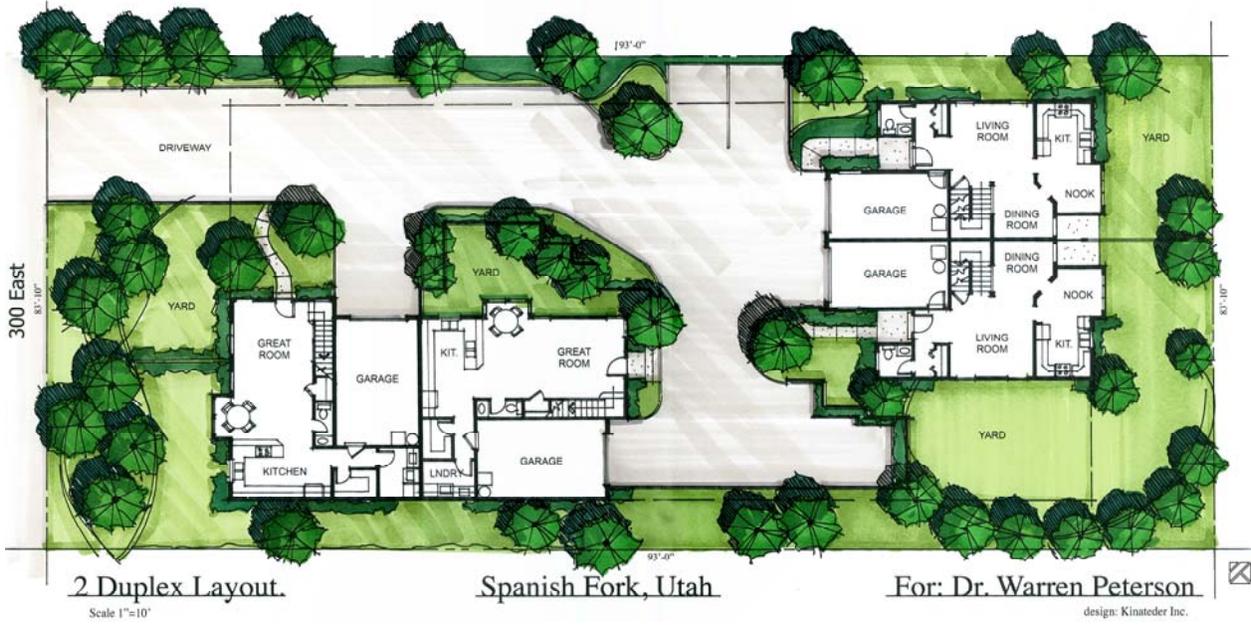
1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

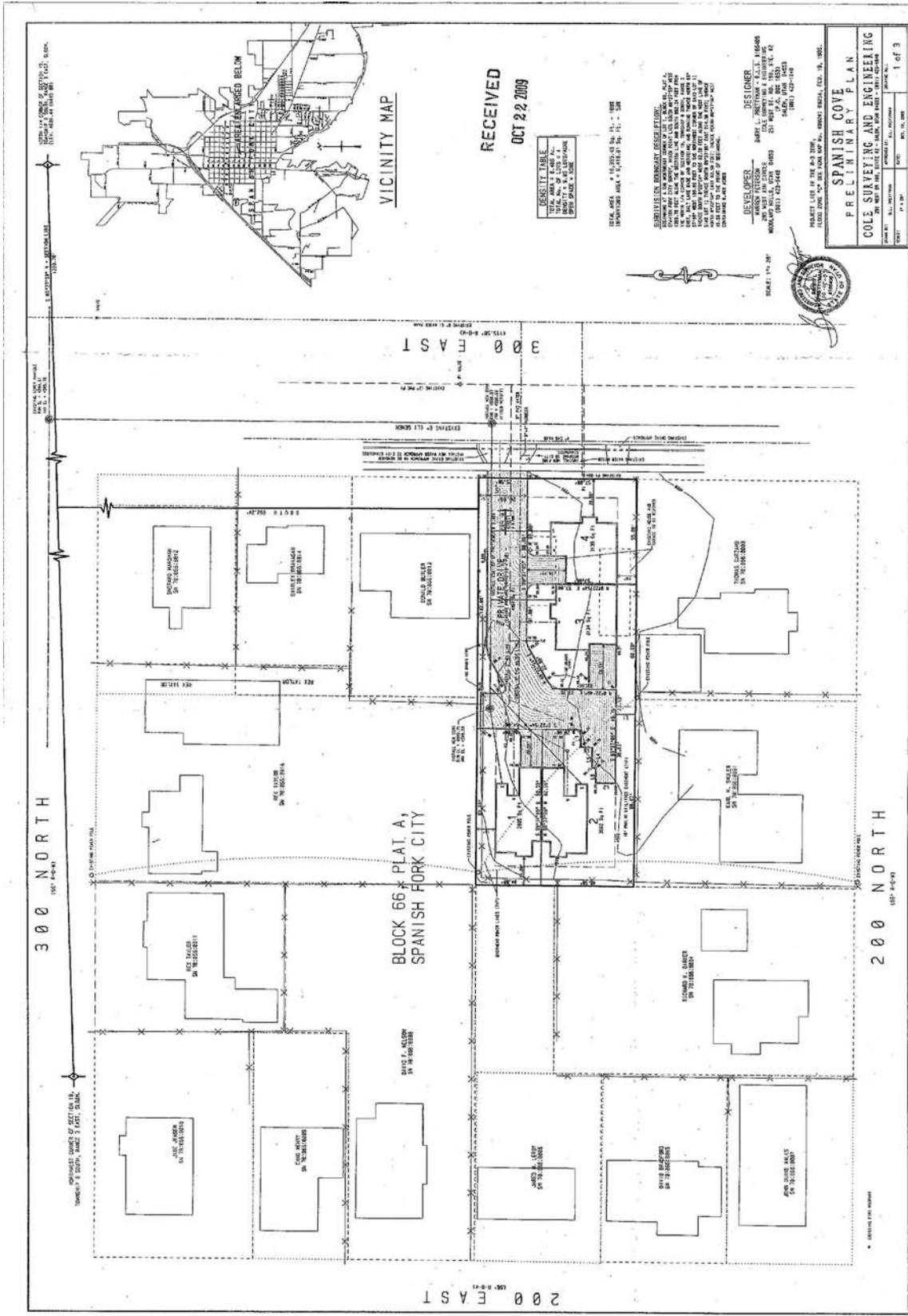
Conditions

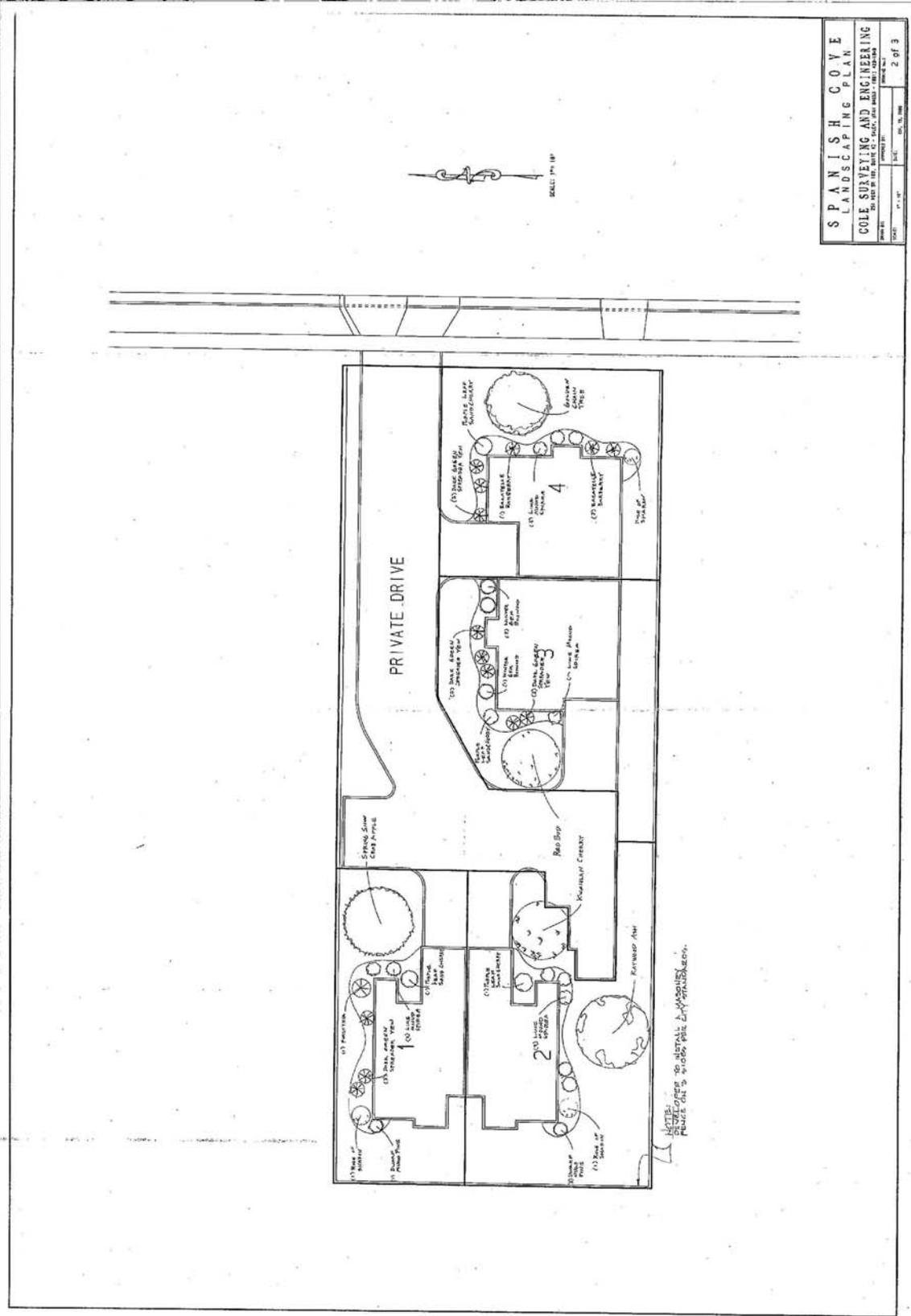
1. That the applicant submit a more detailed Landscaping Plan with the Final Plat submittal.
2. That the applicant meets the City construction and development standards.

3. That the applicant meets any Engineering and Electrical Department conditions with the Final Plat submittal.











REPORT TO THE PLANNING COMMISSION

Jensen Zone Change and General Plan Amendment

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: The applicant has requested that the zoning be changed from R-1-6 to Commercial 2. The subject property is currently vacant.

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

General Plan: Residential 9 to 12 units per acre existing, General Commercial requested

Project Size: 0.225 Acres

Number of lots: Not applicable

Location: 55 East 700 North

Background Discussion

Mr. Grant Jensen is requesting a General Plan Map Amendment and Zone Change so as to permit the use of some 3,600 square feet of property as additional parking for an adjacent commercial building that he owns.

As proposed, the boundary line between two parcels, both owned by Mr. Jensen, would be adjusted. The northern portion of a residential lot would then become part of an adjacent commercial property. The residential lot would retain 6,000 square feet or more so as to remain a legal building lot in the R-1-6 zone. The proposed General Plan Amendment and Zone Change would only apply to the portion of the residential lot that would be used as a commercial parking lot.

If the proposed changes are approved, the applicant would then be allowed to construct the parking lot. The parking would have to meet all of the City requirements for commercial uses and commercial uses that abut residential properties. In this case, those requirements would include the construction of a masonry wall and landscaping along the north, east and south boundaries of the proposed parking areas.

As the proposed change would create needed parking for the adjacent use without, in staff's view, having a detrimental impact on adjacent properties, staff supports the proposed change.

Development Review Committee

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

Jensen Zone Change and General Plan Amendment

Applicant: Grant Jensen

General Plan: Residential 9 to 12 units per acre existing, General Commercial requested

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

Location: 55 East 700 North

Mr. Anderson explained the proposal.



Discussion was held regarding the minimum square footage requirements in the R-1-6 zone and that the applicant would need to make sure that he maintained the 6,000 square foot minimum with the home so that it would conform to the zoning ordinance.

Mr. Baker said a lot line adjustment and zone change looked good to him.

Mr. Anderson explained the City's fencing requirements to Mr. Jensen and that he would need to install a masonry fence where his commercial zone abutted any residential zone.

Mr. Peterson said he had some clearance issues with the overhead lines and asked what they anticipated using the parking lot for. Discussion was held regarding the parking lot.

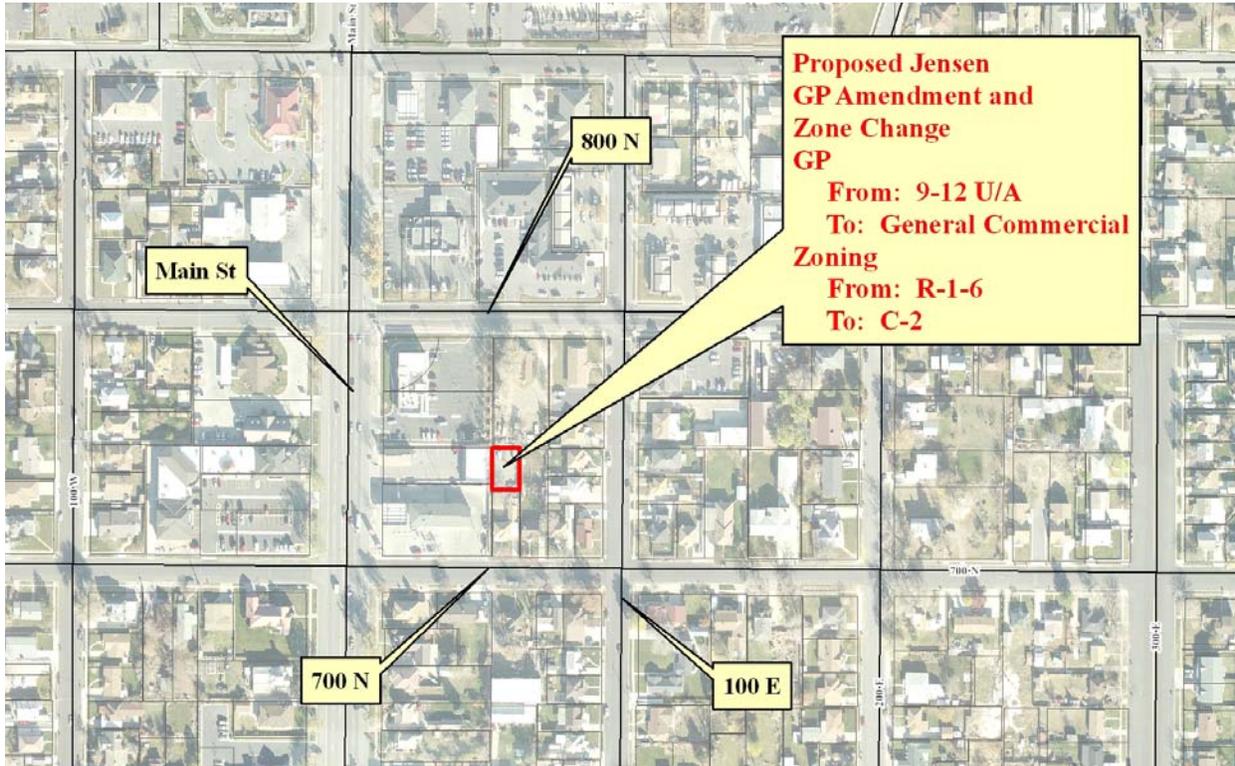
Mr. Baker **moved** to recommend **approval** of amending the General Plan for the property outlined in blue and approve a boundary line adjustment to incorporate the 3,600 square feet to the west, provided that the parcel with the house remain 6,000 square feet and when the applicant is ready to construct that they will need to meet the City's construction and development standards. Mr. Anderson **seconded** and the motion **passed** in favor.

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of the General Plan or Zone Change.

Recommendation

1. Staff recommends that the proposed General Plans and Zoning Map Amendments be approved.





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

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: The subject property is currently zoned R-1-6. The applicant has requested that the zoning be changed to Residential Office. The subject property is currently being used as a single-family dwelling with a Home Occupation.

Zoning: R-1-6 existing, Residential Office requested

General Plan: Residential 5.5 to 8 units per acre existing, Residential Office requested

Project Size: 0.3 Acres

Number of lots: 1

Location: 885 North 200 East

Background Discussion

The applicant, Scott Isaacson, is requesting a General Plan Amendment and Zone Change so as to utilize a dwelling on the property as a commercial site and perhaps as a dwelling as well. At present, the applicant resides at the subject property and operates a Home Occupation from that location.

Several Commissioners are aware that the City has reviewed other proposals to amend the General Plan Map along the 900 North corridor in recent years. In light of discussions related to those proposals, staff has anticipated applying some focus on this area when the City-wide General Plan update is performed next year.

With that said, staff is not averse to acting on this proposal at this time but does suggest that the General Plan Amendment not be considered in an isolated fashion. In staff's view, land-uses found in the surrounding area lend credibility to a proposal to include Residential Office in the vicinity of the subject property.

With this in mind, the Development Review Committee has recommended that the City Council do one of two things. One suggestion is to not act on the proposal at this time but to instead review the entire 900 North corridor between Main Street and 800 East as part of the 2010 General Plan update. A second suggestion would involve changing the General Plan for the northern portion of the block surrounded by 800 North, 900 North, 100 East and 200 East to Residential Office. Perhaps the only option that staff would object to involves changing the General Plan only for the subject property rather than to look at a broader area and the potential impacts and changes that may result.

Development Review Committee

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



Isaacson Zone Change and General Plan Amendment

Applicant: Scott Isaacson
General Plan: Residential 5.5 to 8 units per acre existing, Residential Office requested
Zoning: R-1-6 existing, Residential Office requested
Location: 885 North 200 East

The applicant Scott Isaacson explained to the committee that they had purchased the home and were running a home occupation business out of it. He said the block that the home was located on already had some commercial zoning. He explained that if they were granted the R-O zoning that they would continue to run the business as they were running it currently but that they would move out of the home. He said that in the future they might want to live there and run the commercial business.

Mr. Anderson explained that the Planning Commission would be looking at the General Plan in 2010 and that the area of town that this proposal was located in was one of the areas that the Planning Commission was going to study. He said that the commission might not want to take action on this proposal until they studied the entire area in 2010.

Mr. Isaacson said he would still like to move forward with his request.

Mr. Anderson **moved** to recommend that the Planning Commission either **approve** a General Plan Amendment to the portion of the block that was not Professional Office to Professional Office/Residential Office or that they **review** this when they review the General Plan Amendment. Mr. Baker **seconded** and the motion **passed** all in favor.

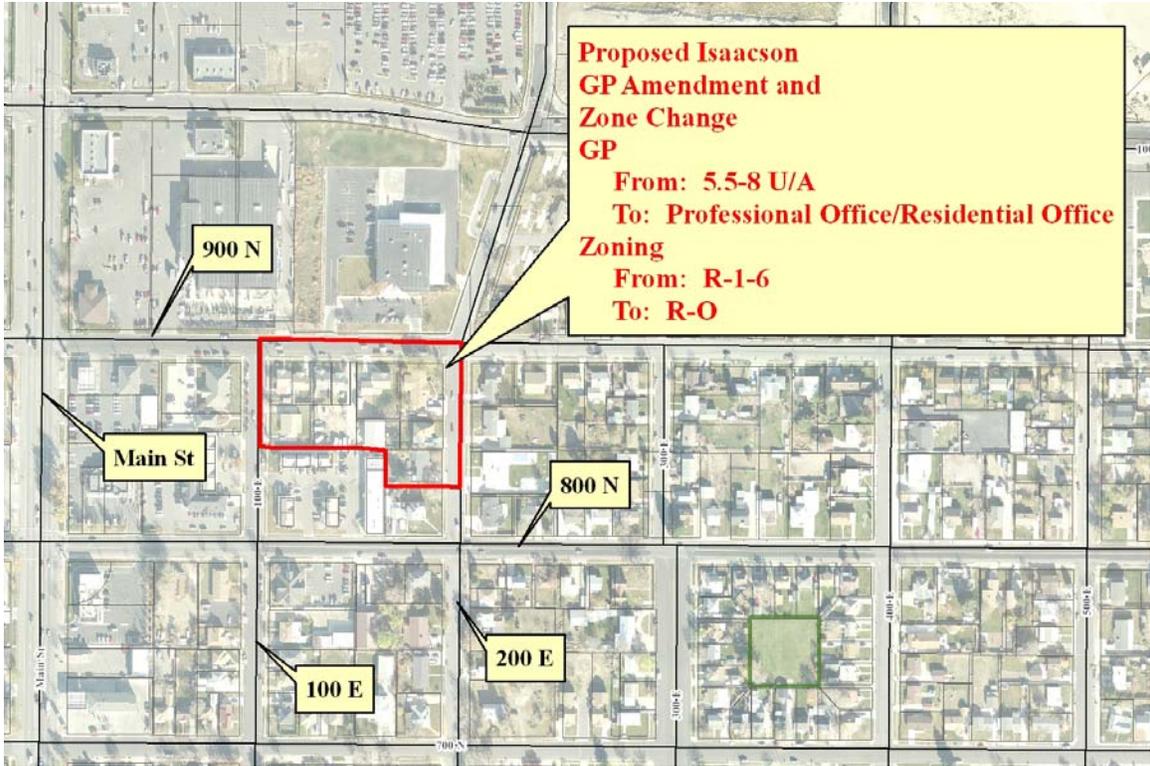
Mr. Anderson **moved** that if they approve the General Plan Amendment that the zone be changed to Residential Office. Mr. Baker **seconded** and the motion **passed** all in favor.

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of the General Plan and Zoning Map Amendments.

Recommendation

Staff recommends that the City Council either postpone action on the proposal until the 2010 General Plan review is complete or that the City Council act to change the General Plan designation for the all of the properties on the subject block that don't currently have the Professional Office designation to Professional Office/Residential Office and to change the zoning of the subject property to Residential Office.





REPORT TO THE PLANNING COMMISSION JONES/HUGHES PIONEER PARK MUSEUM CONDITIONAL USE APPROVAL

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: Mr. JP Hughes is requesting Conditional Use approval to utilize a parcel in the R-1-6 zone as a Museum. If approved, Mr. Hughes would like to construct a building on the subject property.

Zoning: R-1-6

General Plan: Residential 9-12 units per acre

Project Size: Approximately .25 acres

Number of lots: Not applicable

Location: 64 East 100 South

Background Discussion

In the summer of 2009, Spanish Fork City approved several changes to the list of permitted and conditional uses found in the Zoning Ordinance. One change involved defining museums and making that a Conditional Use in the R-1-6 Zone.

For many years, this site and adjacent properties owned by the Hughes have been used as something of a museum. Staff understands that the facility is not open on a regular basis but is instead open only on certain holidays throughout the year.

Given the historic use of the property and the nature of the General Plan designation for this property, staff does not have significant concerns with this property being formally approved for use as a museum.

In order to meet the required setbacks for the proposed building, the applicant has proposed to adjust the boundary between his lot and an adjacent property that he owns to the north.

Staff has received correspondence from one neighbor relative to this proposal, a copy of which accompanies this report.

As Museums are a Conditional Use, it is appropriate for the Planning commission to review this proposal in a comprehensive manner in an attempt to impose any and all conditions that are necessary to mitigate foreseeable impacts on the surrounding properties and area. Site lighting, landscaping and fencing are among the items that typically receive detailed attention when reviewing proposals of this nature.

Development Review Committee

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

Hughes Site Plan and Conditional Use

Applicant: J.P. Hughes

General Plan: Residential 9 to 12 units per acre



Zoning: R-1-6
Location: 64 East 100 South

Mr. Anderson explained the proposal and that parking would need to be addressed.

Discussion was held regarding the Walker Mortuary parking lot and whether the applicant could use it for parking. Mr. Baker said that it would work and that the applicant would need to obtain a letter from Walker Mortuary granting them permission to use their parking lot.

Mr. Johnson said that the fire department would require a fire hydrant. Discussion was held regarding fire protection and whether or not the existing hydrants would work (it was determined that they would not need a hydrant).

Mr. Baker **moved** to recommend approval of the Hughes Site Plan and Conditional Use for a lot line adjustment subject to the following conditions:

Conditions

1. That the existing residential use needs to remain conforming after the lot line adjustment.
2. That the driveway will need to be an all weather surface access.
3. That all lighting be contained on site.
4. That if the need for parking increased over time the applicant would need to obtain a letter from Walker Mortuary granting them permission to use their parking lot.

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

Budgetary Impact

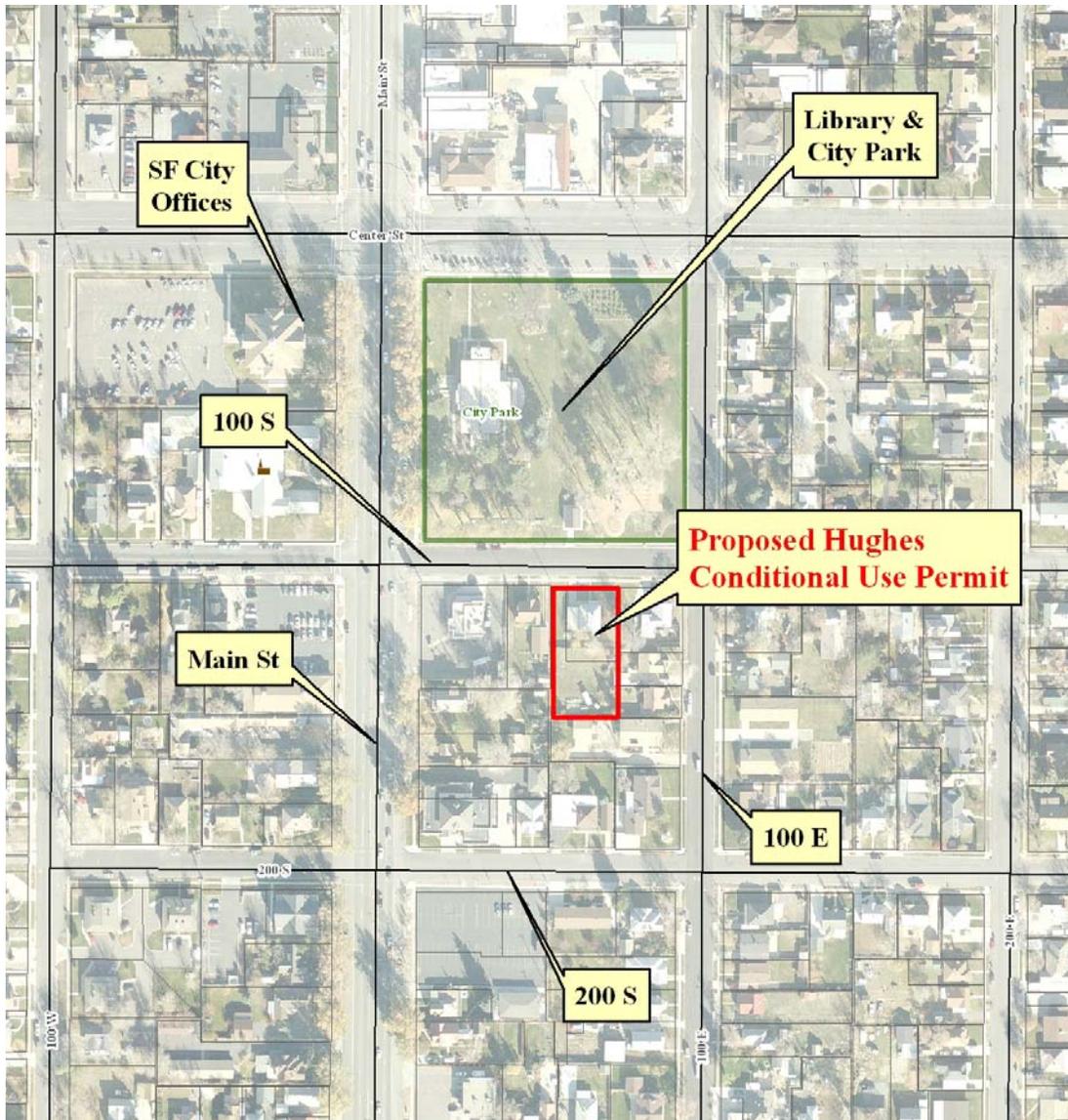
There is no immediate budgetary impact anticipated with the approval of this Conditional Use.

Recommendation

Staff recommends that the proposed Conditional Use be approved subject to the following conditions:

1. That the existing residential use needs to remain conforming after the lot line adjustment.

2. That the driveway will need to be an all weather surface access.
3. That all lighting be contained on site.
4. That if the need for parking increased over time the applicant would need to obtain a letter from Walker Mortuary granting them permission to use their parking lot.



Nov. 24, 2009

To: Spanish Fork Planning Commission

Re: Conditional Use Permit requested for Jones Hughes Pioneer Museum, to be considered at a public hearing Dec. 2

From: Lucille and Richard Taylor, owners of adjacent property

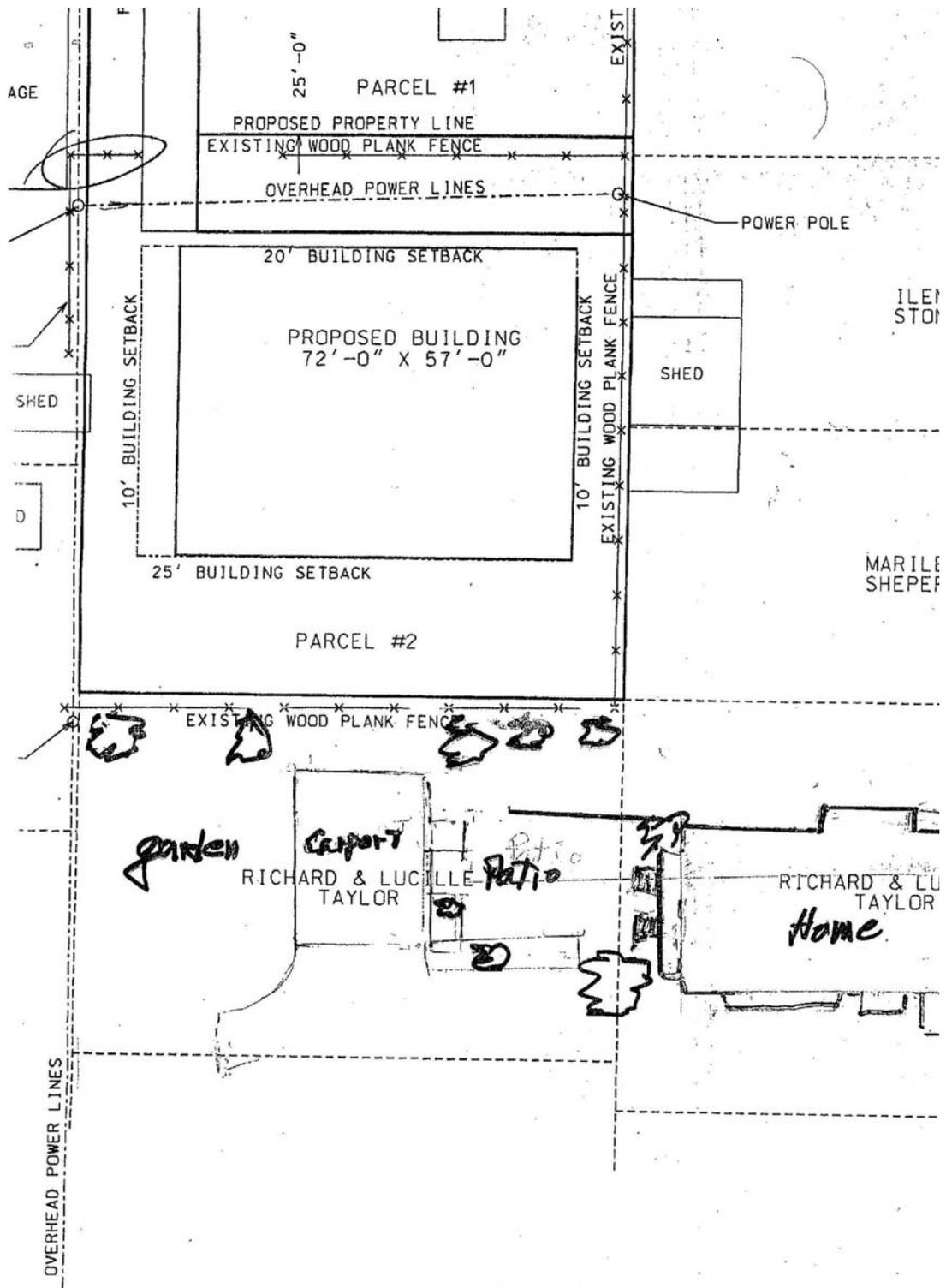
We request an opportunity to address the commission regarding the proposal. We intend to raise the following issues:

1. Our home will be directly and negatively affected by the proposed construction.
 - a. Enjoyment of our landscaped patio and grounds will be impaired by such a large (72 feet long and 20 feet high steel warehouse) and ugly building immediately to the north.
 - b. We are concerned about traffic into the building and parking around it, as well as noise generated by users. We are also concerned about dust and noise during construction.
 - c. We are concerned about what may be stored in the building. Combustible materials constitute a fire hazard.
2. A conditional use permit does not guarantee that future use of the property will be as is now represented. Such a building could facilitate some form of industrial activity which could be even more objectionable.
3. Granting this proposal would change the nature of the neighborhood. Presently there are seven homes located around this block, adjacent to the city park. It is neither agricultural nor industrial, but a reasonably quiet place to live, with walking access to church, library, park, and small businesses.
4. The presence of such a large, ugly, and dominating building could seriously affect the valuation of our property.

We therefore urge the Planning Commission to deny the request for a Conditional Use Permit.

If, however, the Commission decides to grant the request, we ask that the following stipulations be added:

1. Developers must erect a substantial sight and noise barrier along the south boundary of the property in question. A taller fence than the existing one must be built with evergreen trees planted inside the fence.
2. Vehicular access to the proposed building must not be on the south side of it.
3. The building must not, in any way, including foundations, footing, and roof be higher than the 20 feet proposed.
4. Bright yard lights must not be installed around the proposed building.
5. Future changes in use should be subject to review by the Commission.
6. Spanish Fork City must commit to surveillance to enforce these stipulations.





REPORT TO THE PLANNING COMMISSION MAPLE MOUNTAIN PRELIMINARY PLAT APPROVAL

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: Dave Simpson is requesting the reapproval of an Amended Preliminary Plat for Maple Mountain.

Zoning: R-1-12

General Plan: Residential 2.5 to 3.5 units per acre

Project Size: Approximately 98.88 acres

Number of lots: 308

Location: 1500 East 100 North

Background Discussion

The Maple Mountain Preliminary Plat was originally approved in January of 2007. A number of Final Plats have been approved and homes have been built in the subdivision.

The impetus of this most recent proposal is a request by the Nebo School District to acquire a site for an elementary school within the subdivision. The amended plat shows the site proposed for the school and a 4.5-acre City park.

The current approval includes a 5-acre City park located in the vicinity of site where the 4.5-acre park is proposed. The City Parks and Recreation Department has reviewed the proposed amendment and believes the proposed 4.5-acre park can function well even though it is obviously smaller than what was proffered when the development was originally approved.

In all, staff views the proposed amendment as a positive change. Staff believes that the proposed lot for the school provides an excellent location for that type of facility. Staff does have a few concerns about storm drain facilities for the area and other infrastructure details. Staff's most significant concern, however, relates to phasing and the development of the park.

At the time that this report is being prepared, staff does not have a final version of a phasing plan that would coincide to the amended plat. Staff hopes to have such a document prepared in advance of the Planning Commission meeting and recommends that the Commission subject any approval to the development of an agreement that stipulates which improvements are required with the individual phases of the development.

Staff believes the other issues related to infrastructure can be addressed as part of the Final Plat approval and recommends that the applicant be required to address concerns raised by the Engineering Department before a Final Plat application is submitted.

Development Review Committee



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

Maple Mountain Amended

Applicant: Dave Simpson

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: 100 North 1500 East

Mr. Anderson explained that the reason for the proposed amendment was to allow the Nebo School District to purchase several of the lots in order to create a site for a new school. He said with this amendment the developer has proposed 152 lots which was the maximum permitted by the General Plan. He said that details still would need to be worked through on the storm drainage. He explained that phasing was an issue and asked for a phasing plan be created in the motion.

Mr. Baum asked if the road on 2550 East would be completed (at least ½ plus ten like it was on the north side of the football field).

Discussion was held regarding the road and whether or not restrictions would be placed on this amendment that would tie up the school. Mr. Anderson said he was more concerned about public improvements and didn't see how that would tie up the school site.

Mr. Oyler said the units that will be built on the north side should not be allowed to be constructed until the park is constructed. Mr. Anderson agreed. Discussion was held regarding when the bond will be posted for the park. Mr. Baker said he would not tie the construction of the park to the school but to the residential development.

Mr. Oyler asked why there was such a rush on the proposed amendment when there had not been any rush on the part of the developer to construct the park. He asked when the park would be bonded for.

Mr. Dave Simpson said he did not know when the park would be built. He said he was present for the meeting representing the request to accommodate a site for Nebo School District. He said he realized the amendment was somewhat of a band aid on the situation due to the economic down turn.

Mr. Thompson explained that there could be some easements that the City would ask to be turned over as part of the phasing for storm drain but that he would not know that for a couple of more weeks.

Mr. Jorgensen explained a sewer concern along the west side of the school property.

Discussion was held regarding the sewer and who would be responsible to construct the road in front of Jared Clayton's home.

Mr. Baker explained that the original plat approval said the park was to be constructed with the third phase.

Mr. Oyler asked Mr. Simpson if Mr. Salisbury was aware that the park would need to be installed with the next residential phase. Mr. Simpson said that he could not speak for Mr. Salisbury and that they did need to hold a meeting to discuss the details of the park.

Mr. Baker **moved** to recommend to the City Council **approval** of the amended Maple Mountain Preliminary Plat subject to the following conditions:

Conditions

1. That the applicant meet all of the conditions of the original approval.
2. That the park be constructed with the next residential phase.

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

Mr. Anderson asked the committee if they had any qualms about him discussing a phasing plan with the applicant before the December Planning Commission meeting. Mr. Oyler explained that, with the school project, Mr. Thompson might need easements for the storm drain. Mr. Heap said that they would take care of any easements with the final plat application. Mr. Johnson said that he would need to get an upgrade of the utility map.

Budgetary Impact

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

Recommendation

Staff recommends that the proposed amended Preliminary Plat be approved subject to the applicant meeting all of the conditions of the original approval, the applicant signing an agreement relative to the phasing of improvements in the project and the applicant addressing any Engineering Department concerns prior to a Final Plat being approved.





REPORT TO THE PLANNING COMMISSION PINE VIEW PRELIMINARY PLAT APPROVAL

Agenda Date: December 2, 2009

Staff Contacts: Dave Anderson, Community Development Director

Reviewed By: Development Review Committee

Request: Kay Heaps is requesting the approval of the Preliminary Plat for Pine View.

Zoning: R-1-15

General Plan: Residential 1.5 to 2.5 units per acre

Project Size: Approximately 28.8 acres

Number of lots: 2

Location: 750 South 2700 East

Background Discussion

At the time that this property was annexed into the City, it was general planned for low density residential use. Recently, the Nebo School District approached the property owner about buying part of the property for a future school. As proposed, the subdivision would create two lots, one that would be conveyed to the Nebo School district and one that would be retained by the property owner in anticipation of having the property develop residentially. Prior to the commencement of residential development, another Preliminary Plat would need to be approved so as to permit the further subdivision of the subject property.

Development Review Committee

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

Pine View

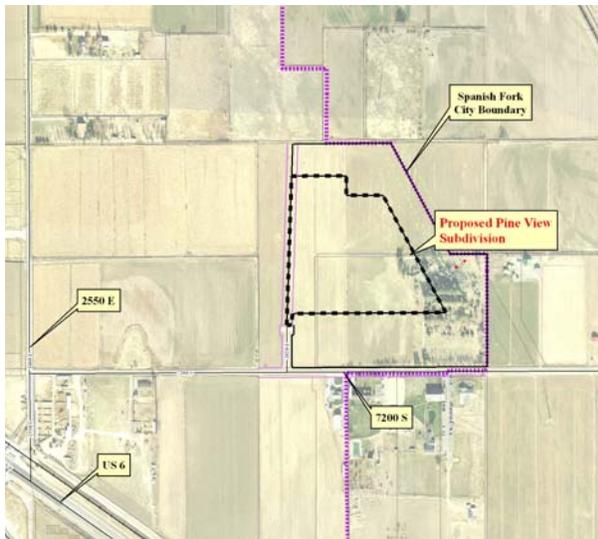
Applicant: Kay Heaps
 General Plan: Residential 1.5 to 2.5 units per acre
 Zoning: R-1-15
 Location: 2700 East 750 South

Mr. Anderson explained that this property was annexed into the City in 2007 and at that time the General Plan was amended to permit residential development at a density of 2.5 units per acre. He said the purpose of the proposal was that the Nebo School District would like to purchase a portion of the property to build a school.

Mr. Baker asked if the power corridor was on the east side of the proposed lot and discussion was held regarding what the applicant was proposing to build along the power corridor. Mr. Kay Heaps said he would have residential lots.

Discussion was held regarding SESD and whether or not the power had been bought out from SESD at the time of annexation.

Mr. Baker said that this was a Preliminary Plat and the approval would only be good for one year. He asked if either developer involved in this proposal were going to be constructing anything within a



year. They said they were not planning to construct anything that soon. Mr. Baker determined that the proposal was an agricultural subdivision; therefore, it did not require a Preliminary Plat.

Mr. Oylar **moved** to recommend to the City Council **approval** of an agriculture subdivision that does not require a plat. Mr. Baker **seconded** and the motion **passed** all in favor.

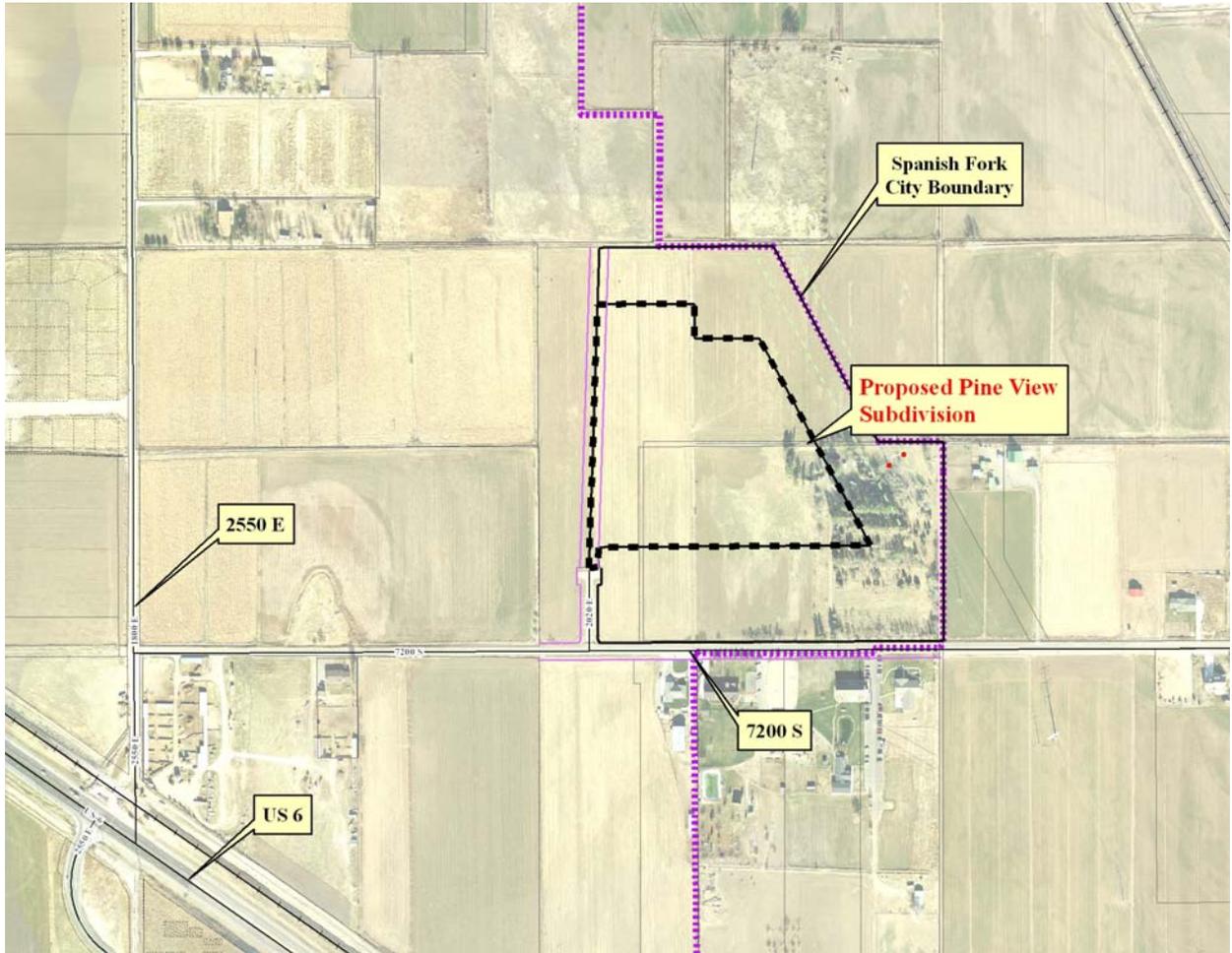
Mr. Peterson said that along 7200 South the Power Department has planned for a major line and he wanted them to be aware of it.

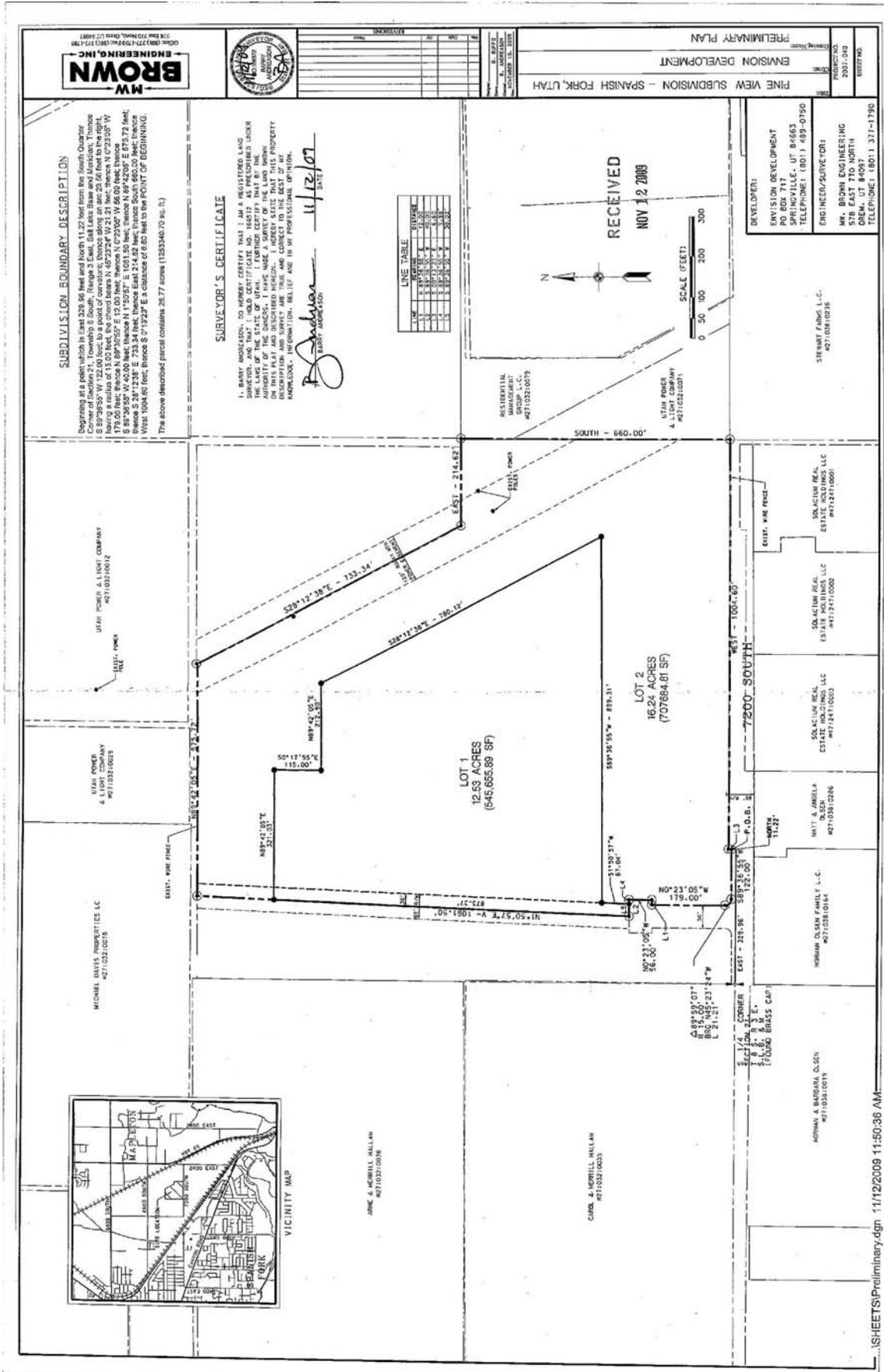
Budgetary Impact

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

Recommendation

Staff recommends that the proposed Preliminary Plat be approved subject to the applicant completing the SESD buyout as is stipulated in the Envision Annexation Agreement.





SUBDIVISION BOUNDARY DESCRIPTION

Beginning at a point which is 328.26 feet and North 11.22 feet from the South Quarter Section 16, T12N, R10E, S12W, 12.00 feet to a point of beginning, thence along an arc 25.50 feet to the RPH, having a radius of 15.00 feet, the chord bears N 46°23'24" W 21.21 feet, thence N 0°23'05" W 178.00 feet, thence N 89°30'55" E 12.00 feet, thence S 0°23'05" W 96.00 feet, thence E 87°12'29" W 100.00 feet, thence S 87°12'29" W 100.00 feet, thence S 2°12'39" E 733.34 feet, thence East 214.82 feet, thence South 662.00 feet, thence West 1004.60 feet, thence S 0°12'22" E a distance of 6.60 feet to the POINT OF BEGINNING. The above described parcel contains 261.77 acres (1283340.79 sq. ft.)

SURVEYOR'S CERTIFICATE

I, BRADY ANDERSON, DO HEREBY CERTIFY THAT THE REGULATIONS AND THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY THE SIGNATURE OF THE SURVEYOR AND THE SIGNATURE OF THE ENGINEER, THE DESCRIPTION AND SURVEY ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND IN MY PROFESSIONAL OPINION.

P. Anderson
 BRADY ANDERSON
 DATE: 11/12/09

LINE	BEARING	DISTANCE
1	N 46°23'24" W	21.21
2	N 0°23'05" W	178.00
3	E 87°12'29" W	100.00
4	S 87°12'29" W	100.00
5	S 2°12'39" E	733.34
6	East	214.82
7	South	662.00
8	S 0°12'22" E	6.60

RECEIVED
 NOV 12 2009

