

**Adopted Minutes
Spanish Fork City Planning Commission Meeting
February 4, 2009**

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

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

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

CALL TO ORDER

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

PRELIMINARY ACTIVITIES

Pledge

Chairman Robins led the pledge of allegiance.

Adoption of Minutes: December 3, 2008

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

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

PUBLIC HEARINGS

Mark Dallin Zone Change

Applicant: Mark Dallin

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

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

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

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

Chairman Robins invited public comment.

Carl Johnston

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

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

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

Jan Betts

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

Connie Lowe

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

Byron Betts

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

Elizabeth Dallin

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

Gary Freesbee

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

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

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

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

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

Commissioner Marshall asked about density.

Discussion was held regarding density and a person's right to build multi-family dwellings by right versus seeking permission in the In-fill Overlay Zone.

Mr. Dallin said he was thankful for the neighbors that were here and said he planned this out so that property values would not be affected. He feels that crime and violence are everywhere and that there will always be change.

Mr. Johnston asked the Commission to verify whether the issues have actually been changed in the ordinance.

Commissioner Christianson talked through the items that the In-fill Overlay Zone Change required (garages, roof pitch, building materials, landscape etc). He said he felt that the structures should be brick where visible from the street or other properties, and that it would be nice for the Commission to have some kind of checklist to go through to verify that all of the requirements of the In-fill Overlay Zone were being met.

Commissioner Stroud asked if City staff had looked at the existing density on the block and what currently exists.

Mr. Anderson explained the density by viewing aerial photos on the overhead.

Discussion was held regarding parking, ownership and rental agreements.

Commissioner Marshall express that he was feeling torn. He explained that the Commission started the process with good ideas and motives working through the text in several meeting and that now was the time to apply it and he was not sure he was comfortable with it.

Commissioner Huff said he felt that home ownership should carry a lot of weight and had reservations that the three criteria for an approval in the In-fill Overlay Zone were not being met.

Chairman Robins said he agreed that Mr. Dallin's work was very nice but explained he did not feel that duplexes were the right fit. He said he would like to see more creative uses such as a single family home set on an angle with a curved driveway.

Commissioner Huff **moved** to recommend the Zone Change be **denied**.
Commissioner Marshall **seconded** and the motion **passed**. Commissioner

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

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

Ronald Dallin Zone Change

Applicant: Ronald Dallin

General Plan: General Commercial

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

Location: 760 East 900 North

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

Chairman Robins welcomed public comment.

Jerry Christianson

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

Rick Snow

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

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

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

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

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

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

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

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

Gary Jarvis

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

Jason Campbell Zone Change

Applicant: Jason Campbell

General Plan: General Commercial and Residential

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

Location: approximately 1900 South Arrowhead Trail

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

Mr. Robert Mason

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

Mr. Leon Abbott

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

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

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

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

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

Flood Damage Prevention Ordinance

Applicant: Spanish Fork City

General Plan: City Wide

Zoning: City Wide

Location: City Wide

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

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

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

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

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

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

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

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

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

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

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

OTHER DISCUSSION

Discussion on Planning Commission work program

ADJOURNMENT

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

Adopted: March 4, 2009

Shelley Hendrickson, Planning Secretary