

**Adopted Minutes**  
**Spanish Fork City Planning Commission Meeting**  
**April 1, 2009**

**Commission Members Present:** Vice Chairman Sherman Huff, Michael Christianson, Dave Lewis, Dave Stroud.

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

**Citizens Present:** Susan Howe, Joe Bona, Keven McCoenn-Ashton, David Shawcroft, Richard Nance, Shelli Bray, Jennifer Peterson, Jackie Wynder, illegible name, Allison Beckendorf, Nannette Staheli, Debbie Anderson, Patricia Mills, Hal Kelley, Kelly McDonald, Lisa McDonald, Amberlee Potter, Nefertiti Zoe Lang, Michele Caburn, Calli Mekesell, Megan Swapp, Holly Mclaughlin, Sunshine Banks, Gary Mitchell, Amber Thomas.

**CALL TO ORDER**

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

**PRELIMINARY ACTIVITIES**

**Pledge**

Commissioner Stroud led the pledge of allegiance.

**Adoption of Minutes: March 4, 2009**

Commissioner Lewis **moved** to **approve** the minutes of March 4, 2009. Commissioner Stroud **seconded** and the motion **passed** all in favor.

Commissioner Christianson **moved** to **open** into public hearing. Commissioner Stroud **seconded** and the motion **passed** all in favor at 7:05 p.m.

## PUBLIC HEARINGS

### **Jim Biesinger Zone Change**

Applicant: Jim Biesinger

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

Zoning: R-1-6 and Rural Residential existing, R-1-16 and Rural Residential proposed

Location: approximately 1200 East 800 North

Mr. Anderson explained the Zone Change and that he did not see any down side to the change. He said City staff had recommended that the Zone Change be approved.

Vice Chairman Huff invited public comment. There was none.

Vice Chairman Huff explained that he knew that Mr. Biesinger had made several efforts to develop his property and could not make it work. He said he did not have a problem with the Zone Change.

Commissioner Christianson **moved** to recommend to the City Council **approval** of changing the R-1-6 zone to Rural Residential (R-R) and the Modi property zoned to R-1-6. Mr. Lewis **seconded** and the motion **passed** all in favor by a roll call vote.

Commissioner Lewis asked if Mr. Biesinger was planning to construct greenhouses and if a permit would need to be applied for. Mr. Anderson said Mr. Biesinger would need to apply for a permit to construct greenhouses and explained the building permit process.

### **Promise of Women and Family Conditional Use Permit**

Applicant: Utah County

General Plan: Light Industrial

Zoning: Industrial 1

Location: 1169 East 1010 North

Mr. Anderson gave background and explained the proposal. The applicant is the Utah County Health Department. The facility has been operating for a year in the Expressway Business Park which is zoned I-1. Staff initially determined that the facility use to be a professional office use. Mr. Baker learned about the services they were providing and determined it was not a professional office use but is a rehabilitation treatment center use and therefore needs a Conditional Use Permit to

make the operation legal and conform with the ordinances. The ordinance does identify 5 criteria by way of findings that must be met in order for the Commission to approve a conditional use. Staff found that the facility at this location can meet the 5 criteria so long as two conditions are met: that the facility ensure the required parking is available and that the playground be removed. Provided the two conditions are met, the required findings are present for the Commission to approve the Conditional Use are met.

Vice Chairman Huff invited public comment.

David Shawcroft addressed the Commission. He was representing Utah County. He said he felt the criteria could be met and did not have any objection to the criteria; however he asked for one accommodation with regard to the removal of the fenced in play area. He asked for a period of six months so that they could look at some alternatives. He said they had obtained a letter regarding approval of the parking.

Commissioner Lewis asked Mr. Shawcroft to clarify his position on the conditions. Discussion was held regarding the fenced in play area.

Commissioner Christianson asked if the property was condiminimized. Mr. Anderson said that it was and that the City had received several complaints regarding parking.

Commissioner Christianson asked what other options the County had in mind regarding the play area. Mr. Shawcroft said there may be an area that could be grassed.

Vice Chairman Huff asked if they were utilizing two units and the access to the playground was just from one unit and where the public access the facility from. Ms. Jaussi said from the east side the public enters and the children access the playground from the south side.

Richard Hansen

Mr. Hansen explained when they originally built the building they were to have a childrens treatment center on the left side of the building. When they have a break from the activities the boys would sprint for the door and would be out into the street before they could contain them. They put up the fence for the safety of the children until they could install some hardware on the door.

Gary Mitchell

Mr. Mitchell said he represents the owners of the Expressway Business Park. The owners are very concerned about the safety of the children. They are very

supportive of the facility. He explained that no one likes the temporary fence but felt it needed to be there for the safety of the children.

Erin Crockett

Ms. Crockett is a client there and expressed that she felt children of adults in therapy have a lot of energy and the program gave them an opportunity to rehabilitate themselves with a lot of it occurring outside through play therapy. She said it would be a detriment to the children if the playground is removed.

Betty Quinn

Ms. Quinn said she was a newly selected volunteer to support and focus on children and their needs. She said she was impressed with the facility and had seen a need for the children to be outside in a play area.

Jenny Smith

Ms. Smith said she had been attending the facility since February, that she had two children and was at the facility because of their financial situation. She does not know if she could stay at this facility if her child could not play outside.

Commission discussion was held regarding allowing the facility six months to remove the outdoor playground.

Mr. Nord expressed he did not know if six months was necessarily reasonable but in listening there were no legal ramifications in allowing them some time.

Commissioner Christianson asked about Site plan issues.

Mr. Anderson said that Mr. Mitchell understood what the options were. He said back in July or August of 2008 a dialogue was started about coming up with a better solution and in October two Council members met with the staff and County Commissioners to talk about ways to improve the facility. It had been six months since that meeting with no movement in an effort to do anything. He made it clear that City staff fully support the facility and does not have an issue with the facility being there; however, condition number two must be met. In his opinion, it was absurd to have children playing in a parking lot. It is not safe. Six months is a problematic amount of time for them to come up with a solution.

Commissioner Christianson asked about a permanent fence, and looking at it from a safety perspective. Mr. Anderson explained that in City staffs' opinion, taking existing parking stalls for a playground is not an appropriate change with regard to

the entire Expressway project and perhaps relocating the facility to vacant spaces where they could be next to a grass area would work very well.

Mr. Anderson asked the Commission to consider a much less time frame to fix the playground issue.

Vicki Jaussi

Ms. Jaussi said that obviously they want a playground and want to be the proper citizens and they have got to keep the children safe. They have looked into different doors and a special door will need to be made in order to get a door that will meet fire code.

Vice Chairman Huff expressed he was rather sensitive to this issue and felt an obligation to be responsible and help those who need help.

Commissioner Stroud asked Mr. Anderson if they make something in the parking lot. And if there were parking stalls to give. Mr. Anderson said no. The phases that have been constructed do not meet the minimum parking amount needed by ordinance and that there was some history with other tenants that complained there was not adequate parking.

Commissioner Stroud asked if the applicant had pursued the avenue of moving the facility. He said he felt one of the options was to build a playground elsewhere as long as there was a safe way to escort the children. He expressed that he felt a playground in a parking lot was not ideal and if there was no parking to give he did not see how the City could permit parking to be occupied with the playground. He then explained the condominium rules and asked if they could keep the children in the building.

Mr. Mitchell said the expense in moving the facility would be astronomical. He explained the units that were vacant and what he felt the feasibility to move would be.

Commissioner Christianson said he fully supports the facility but thought to propose the conditions that are recommended and take out the word immediately with an appropriate time as recommended by the City Council.

Mr. Anderson explained to the Commission that they were acting as the Land-use Authority on this approval.

Commissioner Stroud asked how any children are at the facility at one time.

Ms. Jaussi said that they cannot have any more than 20 at one time and the age range was birth to five years old.

Commissioner Lewis asked Mr. Anderson where could they put a playground attached to their space. Mr. Anderson said they have issues with a playground being adjacent to the main access street.

Vice Chairman Huff said he felt that six months seemed excessive.

Mr. Shawcroft said with regard to the actions of the County they feel that they have been trying to move forward.

Commissioner Christianson explained that in the profession he worked in 30 days would be sufficient in which to correct the playground issue.

Commissioner Lewis asked if they had to act on it tonight. Mr. Anderson said they could deny, approve or continue.

Discussion was held regarding a time frame and the playground being feasible in the parking lot at all.

Commissioner Lewis felt more inclined to give them some time to come back with a proposal.

Mr. Shawcroft requested that the proposal be tabled for two months and in the interim they would commit to 30 days for the door issue and when they come back the door issue would have already been taken care of.

Discussion was held regarding a time frame for the playground issue.

Commissioner Lewis **moved** to **continue** the proposal until the June meeting in order for the applicant to have the door issues taken care of and an exact plan on paper and approved by the property owner and the City. Commissioner Stroud **seconded** and the motion **passed** by a roll call vote with Commissioner Christianson voting nay.

## STAFF REPORTS

### **Amherst Meadows Preliminary Plat reapproval**

Applicant: Joel M. LaSalle

General Plan: Light Industrial

Zoning: Industrial 1

Location: 1300 South 2300 East

Mr. Anderson explained the background of the plat, the expiration of the plat and that the applicant was asking for the same approval as was granted before.

Commissioner Stroud **moved** to **close** public hearing. Commissioner Lewis **seconded** and the motion **passed** all in favor at 8:17 p.m.

Joe Wilkins

Mr. Wilkins said they were requesting the same approval as was approved the first time.

Commissioner Lewis **moved** to **approve** the Amherst Meadows Preliminary Plat for Joel M. LaSalle with the following finding and subject to the following condition:

### **Finding**

1. That this project is a re-approval.

### **Condition**

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

### **Conditions of original May 16, 2006 approval**

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

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

## OTHER DISCUSSION

### Discussion on Planning Commission work program

Mr. Anderson said there would be a meeting on April 29, 2009, at 6 p.m. and if they could attend any part of the meeting it would be great. He asked if the Commissioners had anything in particular that they would like Mr. Gray to address. Commissioner Christianson said TDR's. He said the agenda for May would be full and would like to take time with the Commissioners in preparation.

## ADJOURNMENT

Commissioner Huff **moved** to **adjourn**. Commissioner Lewis **seconded** and the motion **passed** all in favor at 8:22 p.m.

**Adopted: May 6, 2009**

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Shelley Hendrickson, Planning Secretary