Adopted Minutes
Spanish Fork City Planning Commission Meeting
June 3, 2009

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

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

Citizens Present: Angela Murdock, Kelly Murdock, Paul Pullman, Lynn Otteson, Travis Butler, illegible name, illegible name, Rex Taylor, Julie Frank, Sherman Frank, illegible name.

CALL TO ORDER

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

PRELIMINARY ACTIVITIES

Pledge

Commissioner Christianson led the pledge of allegiance.

Adoption of Minutes: May 6, 2009

Commissioner Stroud moved to approve the minutes of May 6, 2009 with the noted corrections. Commissioner Lewis seconded and the motion passed all in favor.

Commissioner Christianson moved to open into public hearing. Commissioner Marshall seconded and the motion passed at 7:03 p.m.

PUBLIC HEARINGS

Peterson Zoning and General Plan Map Amendments

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

Mr. Anderson explained how 300 East was something of a delineator between two of the General Plan designations. He said that, with the current General Plan Designation, if someone were to own an entire block, and receive In-Fill Overlay Zone approval, that the maximum number of dwelling units that could be constructed on a block would be 30. With the proposed change, the number would increase from 30 to 44 units per block. It was explained that no property owner or developer was guaranteed the maximum density; it was possible but not guaranteed. He said the applicant was applying for a Zone Change along with the General Plan Amendment in order to construct two twin homes. The applicant, with the current designation, could build one single-family dwelling and one twin home. Mr. Anderson said he felt that the proposal had considerable merit and that the In-Fill Overlay Zone was written to promote this type of project.

Chairman Robins welcomed public comment.

Vicky Thompson
Ms. Thompson explained that her mother lived right next door to the property. She was concerned with the density and whether or not more than four units could be placed on the property if Mr. Peterson were to sell the property before the two twin homes (if approved) were built. She said she was also concerned with the structure being abutted right next to her home.

Chairman Robins explained to Ms. Thompson that the maximum number of units that could be achieved on the parcel was four units even if the property was sold to someone else.

Commissioner Lewis asked for clarification on the number of units. Mr. Anderson said the maximum number was four units.

Discussion was held regarding setbacks. Mr. Anderson said the rear setback was 10 feet and that there had been discussion to increase that to 15 feet and that the minimum distance from a neighboring dwelling would need to be 15 feet.

Kelly Murdock
Mr. Murdock said that, prior to purchasing the home he lives in, a flag lot was approved for the property behind his house. He explained that his concern was density and, if any more multi-family dwellings were constructed, that it would increase the traffic. He also said he felt it was already too congested.

Chairman Robins asked how many units could be allowed on the flag lot.

Mr. Anderson said that single-family dwellings were all that could be built on a flag lot. Mr. Anderson said the flag lot was a legal building lot.

Mr. Murdock asked why the flag lot was included in the change.

Chairman Robins explained the flag lot was not included in the Zone change, only the General Plan Amendment change.

Lynn Ottison
Ms. Ottison said that her main concerned was density. She gave an example of the school house apartments and the things that have happened there. She expressed her disappointment with the City's webpage resources. She said she was told by the Mayor that some of the information had not been updated for over three years. She said if she had known that obtaining signatures was not a requirement it would have saved her a lot of time. She explained that she felt if the public notice that was mailed out would have been more specific than it would have resolved a lot of questions.

Chairman Robins asked Ms. Ottison to be more specific about what the citizens" issues were; whether it was density or architecture, etc. Ms. Ottison said that when people look to purchase property that they look very carefully at the neighborhood and that people do not want to share a small space. She said that social problems are common when you put a large number of people in a small area.

Chairman Robins explained to Ms. Ottison that the City ordinance requiring signatures of 75 percent of the property owners only applied when the application covered more than one property.

Ms. Ottison suggested that more information be given for future public hearings.

Angela Murdock
Ms. Murdock asked for clarification on the properties included in the Zone Change. Mr. Anderson explained that over the past 60 years a lot of different things had been allowed to be constructed in Spanish Fork City. He said when the 4-plexes were built (within the blocks involved in the General Plan Amendment) they were permitted on small parcels and that over time City officials had stopped permitting 4-plexes to be constructed on small lots. He said City officials were trying to create, through the overlay zone, a mechanism where we can look at a specific site and determine what might make sense.

Commissioner Marshall explained that he felt the General Plan blueprint showed some inconsistencies and the impetus for the change was to fix the inconsistencies.

Paul Pullman
Mr. Pullman said he felt it was a shame that the neighbors did not have a say in this proposed change. He asked, if the General Plan continues to change, when it would stop? Commissioner Marshall explained he felt it would not stop and that the City would continue to grow and that responsible decisions needed to be made.

Mr. Pullman said he felt the proposal was too congested. He said he knew the property behind him would change and did not want to see his block turn into something like the neighborhood by Albertsons.

Commissioner Marshall said the In-Fill Overlay would be the mechanism to control that from happening.

Discussion was held regarding density and development.

Commissioner Marshall said he would prefer that the Commission look further than one block when considering changes to the General Plan. He said he felt to either approve the General Plan Amendment as proposed, or not approve it at all. He said he felt it was a reasonable proposal and that he wanted to preserve land and have places for his children to live in Spanish Fork, and to do that the City would need to be denser in some places.

Commissioner Christianson said the General Plan designations were not that much different and the likelihood of someone purchasing the entire block was just not that reasonable.

Chairman Robins said he felt the project was good quality and, if anything, it would be the best multi-family dwelling in the neighborhood and it would be a shame to lose that.

Commissioner Christianson asked if they moved to approve the General Plan Amendment to only apply to one block, what would happen when the proposal went to the City Council.

Mr. Anderson said that the proposal would go to the City Council as proposed but with the Planning Commission recommendation to change only one block of the General Plan if that was what they chose to do.

Commissioner Huff said he was tending to lean to only approving one block and was torn by the attitude of what's good for me is not good for you. He said he was trying to base a decision on logic, and what was good for the City, instead of his heart.

Commissioner Marshall moved to recommend that the Planning Commission approval of the Peterson General Plan and Zoning Map Amendment based on the following findings:

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

Commissioner Lewis seconded and the motion passed by a roll call vote. Chairman Robins voted nay because he felt the neighborhood did not understand the impacts of the In-Fill Overlay. Commissioner Stroud voted nay because he felt the General Plan Amendment should only apply to one block.

Promise of Women and Families Conditional Use Permit
(continued from April 1, 2009)
Applicant: Utah County
General Plan: Light Industrial
Zoning: Industrial 1
Location: 1169 East 1010 North

Mr. Anderson explained that since the April meeting the applicant had met one of the conditions of approval. He said he appreciated their efforts and having their facility in town.

Chairman Robins asked the applicant if they would like to comment. They did not. He welcomed public comment. There was none.

Commissioner Stroud moved to approve Promise of Women and Families Conditional Use Permit based on the following findings and conditions:

Findings

1. That upon meeting the proposed conditions, this use is consistent with the General Plan and the purpose of the Industrial 1 zoning district.
2. That the use is not materially detrimental to the health, safety or general welfare of persons who are either working or residing in the area based upon the conditions.
3. That the proposed site is adequate in size for its intended use and, with those conditions, does meet all of the setbacks, landscaping and buffers.
4. That the proposed site does have adequate access to public streets and, with the conditions being met, does have adequate parking.
5. That no additional conditions are needed to offset any other detrimental affects.

Conditions

1. That the applicant provide in writing that the requisite 15 parking stalls are made available for The Promise of Women and Families Facility.
2. That the operation of the facility be limited to indoor activities and that the exterior fencing be removed immediately.

Commissioner Huff seconded and the motion passed all in favor.

Proposed Amendments to Title 15, Permitted and Conditional Uses
(continued from May 6, 2009)
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

Mr. Anderson said he needed another month to address an issue that he would like to talk to the Commission about in a joint meeting with the City Council.

Chairman Robins moved to continue the proposed Amendments to Title 15, Permitted and Conditional Uses along with the public hearing. Commissioner Huff seconded and the motion passed all in favor.

Public Facilities Map Amendment
(continued from May 6, 2009)
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

Mr. Anderson said he had prepared an amendment to the text that he believes clarified that public and charter schools are appropriate uses to have in the Public Facilities zone. Mr. Anderson acknowledged that the ALA Academy had a structure that did not conform but that it was not the principal motivation in suggesting that the ALA Academy be zoned Public Facilities.

Commissioner Stroud asked if there were other cities that allowed charter schools in public facilities zones. Mr. Anderson said he did not know.

Discussion was held regarding the Public Facilities Zone being a good zone so that it is clear to citizens what they would be living next to.

Commissioner Lewis said that the Spanish Fork City and the American Leadership Academy had a contract for Spanish Fork City to use the American Leadership Academy's facilities.

Commissioner Huff said he had reservations zoning the American Leadership Academy because the school is on private property. Commissioner Lewis said the property was owned by a non-profit organization.

Mr. Anderson said that the purpose of zoning codes and land-use regulations are intended to address impacts and that he felt the American Leadership Academy met the language of the Public Facilities zone.

Commissioner Stroud asked Mr. Anderson if the City would force the American Leadership Academy to remove the non-conforming structure if the proposal did not pass. Mr. Anderson said no.

Commissioner Christianson asked if charter schools would have to locate to the Public Facilities zone in the future. Mr. Anderson said that, because charter schools are already exempt, the proposed change would not have much of an affect.

Commissioner Huff asked, if the proposed change would bring the non-conforming use into a conforming use, how tall could the structure become if the American Leadership Academy built onto it. He said he remembered that there were concerns about whether or not elevation should be added to the structure because of the neighbors.

Mr. Anderson said the American Leadership Academy could not add onto the legal non-conforming structure in the current zoning but if the proposal was approved than they would be able add onto the structure, but that it was not the main motivation for the proposal.

Commissioner Huff said he would be completely against the proposal if the non-conforming structure were brought into a conforming use and asked how tall it could be and, if it became obtrusive to the neighbors, if they may have some reservation as well. Mr. Anderson said 65 feet would be the maximum height and that if they wanted to build it that tall the setback would need to match.

Chairman Robins welcomed public comment. There was none.

Commissioner Marshall said he felt the American Leadership Academy was a good fit for the proposed zone.

Commissioner Marshall moved to recommend that the City Council approve the Public Facilities Map Amendments. Commissioner Christianson seconded and the motion passed by a roll call vote. Commissioner Huff voted nay because of his belief that the American Leadership Academy property is owned by a private entity.

Proposed Amendments to Title 15, In-Fill Overlay
(continued from May 6, 2009)
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

Mr. Anderson said he had condensed the changes into six or seven bullet points and described the most significant change involved no longer allowing multi-family uses in the R-1-6 zone.

Discussion was held regarding detached single-family homes and impervious surface area.

Commissioner Marshall expressed that he felt that only allowing multi-family in one zone is huge; as you move away from the core of the City the density decreases and he feels the transition should be gradual.

Mr. Anderson said that in the R-3 and R-1-6 zones it made sense to allow the General Plan to identify what the density would be.

Commissioner Marshall said he feels this proposal takes away from open space.

Chairman Robins asked if you could still build a twin home in the R-1-6 without applying for the In-Fill Overlay Zone. Mr. Anderson said no; that twin homes were not permitted by right.

Chairman Robins said he did not feel that we should be restricting the units that could be built in the Overlay zone. The In-Fill Overlay zone was made to encourage developers to be creative and he felt that the proposal was removing the creativity.

Commissioner Marshall moved to recommend that the City Council approve the changes with the exception of the change involving the disallowance of twinhomes and duplexes making the R-1-6 zone exclusively a single-family zone. Discussion was held regarding twin homes, duplexes, tri-plexes, and four-plexes in the R-1-6 and R-3 zones. Chairman Robins seconded and the motion passed all in favor.

Commissioner Stroud moved to close public hearing. Commissioner Lewis seconded and the motion passed all in favor at 8:50 p.m.

Chairman Robins said it was Commissioner Lewis' and Commissioner Huff's last meeting. He said he will really miss them and thanked them for their service.

Commissioner Huff said it was a pleasure to serve the City.

Commissioner Lewis said he liked the direction the City was going and that the Planning Commission was in good hands. He said it was a pleasure to live in Spanish Fork.

OTHER DISCUSSION

Discussion on Planning Commission work program

Mr. Anderson said he had tentatively scheduled a joint meeting for the Planning Commission and City Council on July 7, 2009, to discuss the industrial area on the North side of the City. He said the homogenous zone was creating challenges for the City and that he had prepared a concept plan. He said the City was constantly trying to attract new companies, and felt that the inquiries have had some component of a regional headquarters for company operations where companies want to know that they are going into an area that is protected from noxious uses.

ADJOURNMENT

Commissioner Huff moved to adjourn. Commissioner Marshall seconded and the motion passed all in favor at 9:01 p.m.

Adopted: July 1, 2009

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Shelley Hendrickson, Planning Secretary