Adopted Minutes
Spanish Fork City Planning Commission Meeting
July 1, 2009

Commission Members Present: Chairman Del Robins, Michael Christianson, Rick Evans, Tyler Cope.

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

Citizens Present: Chris Poulsen, Elliott Smith, Claire White, Dan White, Jessie White, Gilbert Jensen.

CALL TO ORDER

Chairman Robins called the meeting to order at 7:01 p.m.

PRELIMINARY ACTIVITIES

Pledge

Commissioner Evans led the Pledge of Allegiance.

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

Adoption of Minutes: June 3, 2009

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

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

PUBLIC HEARING

Friar's Pointe Preliminary Plat

Applicant: Jonathan Taylor
General Plan: General Commercial
Zoning: Commercial 2
Location: the southeast corner of 200 East and 1000 North

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

Commissioner Christianson asked about landscaping.

Mr. Anderson explained that landscaping would be addressed at the Site Plan application process.

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

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

Chairman Robins invited public comment.

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

Ms. White asked what would be constructed in between the building and the fence. Mr. Anderson said it could be many different things. Ms. White said that if there is a driveway there for truck delivery; she would not like that.

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

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

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

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

Mr. Jensen stated that he felt he was mislead by the City regarding the Zone Change and commercial development.

Commissioner Evans explained that he felt if the five property owner's along 900 North wanted to combine their properties into a commercial parcel they could.

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

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

Mr. Jensen he felt that this was where the City could step up and look into making the people who live there happy.
Ms. White asked Mr. Smith what would go behind the structures that would be constructed. Mr. Smith said he did not know.

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

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

Finding

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

Condition

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

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

Pidcock Zone Change
Applicant: Jerry Pidcock
General Plan: Residential 2.5 to 3.5 units per acre
Zoning: R-1-6 requested, R-1-9 existing
Location: 1156 East Canyon Road

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

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

Chairman Robins invited public comment.

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

Chairman Robins explained what he remembered discussing when Mr. Poulsen's home was constructed. He said the concerns were traffic and that special consideration was placed for the three homes that were constructed. He said he felt it was a good thing to clean up the property. Mr. Poulsen said the applicant voluntarily tore the house down. Mr. Anderson said this is not a use which UDOT will be able to purchase property, as was the case previous for the adjacent property.
Commissioner Christianson said that he felt the lot should have entitlements for re-building even if the structure was torn down. Mr. Anderson explained that was not the case.

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

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

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

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

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

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

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

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

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

Findings

1. That the proposed change will permit the construction of a new single-family dwelling on the subject property.
2. That the adjacent properties to the East are zoned R-1-6.

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

Proposed Amendments to Title 15, Permitted and Conditional Uses

Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

Mr. Anderson explained the proposed amendments and what the modifications of the language were.

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

Commissioner Evans asked for explanations as to why foster home has been removed yet we provide for elderly and residential treatment and what is the rational behind permitting one but not the other, in the agricultural and the residential zones public schools were removed and why wireless communications were changed from by right to a Conditional Use.

Chairman Robins invited public comment.

Paul Bartholomew
Mr. Bartholomew asked if his wife's daycare business of 25 years would still be permitted. Mr. Anderson said it would become a legal non-conforming. Commissioner Evans asked for explanations regarding residential office and museums in the C-2 zone and automotive versus lube stations. Mr. Anderson explained that he felt an automotive service station was more prone to outside storage and having vehicles stored over night and that a lube center would not have outside storage. Commissioner Evans asked about the Shopping Center zone and conditions applying to certain uses. Mr. Anderson explained that he was trying to avoid cases such as in Provo, were sites exist that were not car lots

but have been adapted to that use and they do not fit in and function with the surrounding area.

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

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

Commissioner Cope asked about farmer's markets and the Urban Village zone. Mr. Anderson said the City did not want to define the farmer's market as a use. Commissioner Cope asked for an explanation of what the difference was between uses subject to conditions and a conditional use permit. Mr. Anderson explained the difference.

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

Proposed Amendments to Title 15, Notice Requirements
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

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

Chairman Robins invited public comment. There was none.

Commissioner Christianson said he liked the amendment.

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

Commissioner Evans said he was given a handbook as part of being asked to serve as a Planning Commissioner and that as the Commission considers these types of things they have narrow latitude. He said he showed up to public hearings believing that what he said could make a difference when, according to the law, couldn't because when someone follows the law for a Preliminary Plat,

irregardless of what is said in the meeting, the Planning Commission has to approve it by law. He said he feels that it invites people to go away mad; but that a particular developer has made many concessions along the way because of the citizen concerns that were voiced at a public hearing; and he altered density and traffic patterns even though he did not, by law, have to do it. He said he felt public hearings encourage dialogue.

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

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

Commissioner Evans **moved** to **continue** the proposed amendments to Title 15, Notice Requirements, to the Commission's next meeting. Commissioner Christianson **seconded** and the motion **passed** by a 3 to 1 roll call vote. Commissioner Evans **moved** to **close** public hearings. Commissioner Christianson seconded and the motion passed all in favor at 9:22 p.m.

OTHER DISCUSSION

Discussion on Planning Commission work program

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

ADJOURNMENT

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

Adopted: September 2, 2009

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Shelley Hendrickson, Planning Secretary