Planning Commission Agenda
August 15, 2012

Planning Commissioners

Brad Gonzales

Seth Sorenson

George Gull

Bruce Fallon

Richard Heap

Reed Swenson

6:00 P.M.

1. Preliminary Activities

   a. Pledge of Allegiance

   b. Approval of Minutes: June 6, 2012.

2. Preliminary Plats

   a. **Old Mill Estates (continued from August 1)**
      Applicant: CW Management
      General Plan: Low Density Residential
      Zoning: R-1-15
      Location: approximately 1500 South Mill Road

   b. **Somerset Village (continued from August 1)**
      Applicant: Los Dos Amigos
      General Plan: Low Density Residential
      Zoning: R-1-6
      Location: approximately 2900 East 950 South

   c. **The Ridge (continued from August 1)**
      Applicant: Los Dos Amigos
      General Plan: Low Density Residential
      Zoning: R-1-6
      Location: approximately 2700 East Canyon Road

   d. **Robert Lewis Subdivision Waiver (continued from August 1)**
      Applicant: Robert Lewis
      General Plan: Medium Density Residential
      Zoning: R-1-6
      Location: 704 North 200 East

3. Annexations

   a. **Schwartz (continued from August 1)**
      Applicant: Spanish Fork City
      General Plan: Light Industrial
      Zoning: Industrial 1 (proposed)
      Location: approximately 2300 North 1100 East

4. Text Amendments

   a. **CD Zone (continued from August 1)**
      Applicant: Brandon Kirk
      General Plan: not applicable
      Zoning: CD Zone
      Location: City-wide

b. **Title 15 Updates**
Applicant: Spanish Fork City
General Plan: not applicable
Zoning: not applicable
Location: City-wide

5. Other Business

a. Discussion on Maple Highlands.

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 at 40 South Main Street, Room 140, Spanish Fork. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

Draft Minutes
Spanish Fork City Planning Commission Work Session
June 6, 2012

Commission Members Present: Chairman Michael Christianson, Rick Evans, George Gull, Brad Gonzales, David Stroud.

Staff Present: Dave Anderson, Community Development Director; Shelley Hendrickson, Planning Secretary; Jered Johnson, Engineering Division Manager; Jason Sant, Assistant City Attorney.

Citizens Present: Connie Misket, Greg Magleby, Stan Jenkins, Mike Gardner, Steve Gardner, Chris Salisbury, Rick Salisbury, Dave Grotegut, Joe Millward, Luke (illegible last name), Josh Millward, Kim Pierce, Janet Pierce.

PRELIMINARY ACTIVITIES

Pledge

Scout Josh Millward led in the pledge of allegiance.

MINUTES

April 4, 2012 & May 2, 2012

Commissioner Evans **moved** to **approve** the minutes of April 4, 2012 and May 2, 2012 with the noted corrections. Commissioner Gonzales **seconded** and the motion **passed** all in favor.

PRELIMINARY PLAT

Maple Mountain

Applicant: Salisbury Homes
General Plan: Low Density Residential
Zoning: R-1-12
Location: approximately 200 North 1900 East

Mr. Anderson stated that the proposal was to amend the Maple Mountain approval. He explained that the Commission received a copy of the Preliminary Plat and a proposed Development Agreement to review. The Development Review Committee reviewed the proposal and recommended that the Plat be approved.

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Chairman Christianson stated that he had some questions that he would like answered. He explained what he remembered with regard to the project being approved as a Master Planned Development and what the developer was awarded for bonus density. He said that he recalled there was a lot of discussion, when the project was approved, as to whether or not the amenities were adequate for the bonus density being asked for. He said that the biggest amenity was the park and in looking at the new proposal, the park looks a lot different than what was originally proposed.

Mr. Anderson stated that he could recall two previous amendments to the plat with regard to the park.

Chairman Christianson asked what had been built to date, within the project.

Discussion was held regarding what infrastructure was built.

Chris Salisbury
Mr. Salisbury explained that the northern half of the townhomes had been built, the west side of the single-family homes had been built and the single-family homes to the west of 130.

Chairman Christianson asked to go through the amenities so that everyone could understand what had been promised for the density bonus increase. They were: a trailhead park installed to the railroad trail complete with public access, roadway, parking stalls, public utility stubs, trail and park area of 2.88 acres. Chairman Christianson asked Mr. Salisbury if the trail had been built. Mr. Salisbury said that it had not been built. Chairman Christianson asked if the current proposal proposed for it to be built and Mr. Salisbury explained the Development Agreement with regard to phasing and the trail. Chairman Christianson asked if the developer was building the trail and Mr. Salisbury said no and continued to explain the Development Agreement.

Chairman Christianson asked Mr. Salisbury if Salisbury Homes would be constructing the trail per the original 2007 approval. Mr. Chris Salisbury said yes and continued his explanation of the phasing agreement.

Chairman Christianson said that the original approval included a park, pavilion (similar to the reservoir pavilion) be constructed with the park, in addition to a large clubhouse proposed for the multi-family area complete with gathering rooms, theatre and kitchen. Chairman Christianson asked Mr. Salisbury if this was part of the current proposal. Mr. Salisbury said the clubhouse was. Chairman Christianson said that the clubhouse was a ten percent increase in density and the pavilion itself was a ten percent increase in density. Chairman Christianson then asked about the open space and what was being proposed. Mr. Salisbury said it

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was just over five acres. Chairman Christianson read the original approval for the park which included a sprinkler system, grass seed and the developer's willingness to work with the City for the park to be used as a regional storm drain facility. Chairman Christianson asked if the developer would be constructing the park, pavilion, sprinklers etc. Mr. Salisbury said no and explained the history of the plat and negotiations between Salisbury Homes, the Mayor and Councilman Leifson. He stated that it was proposed by the City that the City would pay for the park.

Commissioner Gonzales asked Mr. Salisbury who from the City offered for the City to pay for the park and in what forum. Mr. Salisbury said that he was not involved in the conversations and could not answer the question.

Rick Salisbury said that it was the Mayor and Councilman Leifson and that the discussion was that if the land was donated the City would pay for the park to be built.

Mr. Chris Salisbury explained that they only had control of the townhome property and that the prior developer lost the project to Central Bank. He further explained that Central Bank made the deal with the Nebo School District to sell the ground that the Sierra Bonita Elementary School was constructed on. He said that what Salisbury does affects Central Bank and what Central Bank does affects Salisbury Homes and that they had been trying to work together.

Commissioner Gonzales asked why having two parties involved affected what was approved with the development. Mr. Salisbury said it was because you have two different people controlling the ground. Commissioner Gonzales said that he felt it did not matter if the ownership had changed that the Master Plan still needed to be followed.

Mr. Salisbury explained that Salisbury Homes could not move forward with the townhome project because they were told by the City that until the park was built that they could not get anymore Final Plats approved. He said that the prior developer made commitments that Salisbury Homes was not aware of.

Discussion was held regarding the property owners involved and the agreements that had been made to the City.

Commissioner Gonzales asked for Mr. Anderson to clarify why Salisbury Homes should not be responsible for the park. He said that he could not understand why the amenities did not have to be met when the portion of the project that Salisbury Homes owns was part of the original approval.

Mr. Anderson stated that he was not sure he understood the question but that in speaking generally the townhomes are part of the project because bonus density was awarded and that is how you get this type of a housing product in a project of

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this nature. He said everything shown on the plat is part of one development and the strings are attached throughout. He further explained that the project had reached a point, according to the most recent approval of the project, that the park had to be built next. He said that he felt that it was brought to everyone's understanding, over one year ago, and that is what had lead to discussions of the developer not being required to pay for the park to be developed.

Chairman Christianson explained that he wanted everyone to be clear as to what was originally awarded for bonus density and what was to be given in return to the City, by the development group. He then asked the developer about the regional storm water basin and who would be paying for that. Mr. Salisbury said that the infrastructure was already constructed for the storm drain.

Chairman Christianson asked about the concrete wall on 100 South and if it had been constructed. Mr. Salisbury explained that the school had replaced the homes that would have been there and so the need for the wall went away.

Discussion was held regarding the trail and parkway on 100 South, landscaping, trail and six-foot wall along the south side of 400 North.

Mr. Salisbury explained the phasing and when it would trigger the amenities on 400 North.

Discussion was held regarding the townhome amenities and when they would be constructed (the clubhouse, sports court, playgrounds, picnic and barbeque areas). Mr. Salisbury explained what phase would trigger the construction of the amenities relative to the townhomes.

Commissioner Gonzales asked Mr. Salisbury to construct the amenities now. Why not construct them first.

Mr. Salisbury explained that they would love to have the townhome portion completed now but that no one was buying townhomes. He said that there was not a price difference, right now, that made sense between buying a single-family home in the area versus a townhome.

Discussion was held regarding the original developers, who owned what parcels and who currently owns the parcels in the project today and who was party to the original approval.

Mr. Rick Salisbury stated that Salisbury Homes was an investor in the project, just like the bank. He also said that he was probably present at the meetings when things were discussed but that he was not the developer.

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Commissioner Gonzales asked Mr. Salisbury if in 2008/2009 was he not awarded 100 plus units in exchange for the park. Mr. Rick Salisbury said that the original developer could have been.

Chairman Christianson stated that he could not see the separation between Salisbury Homes involvement because they were recipients of the bonus density.

Commissioner Stroud explained that the Salisbury Home property and the bank property were under one development agreement and so they inherited the requirements. He further explained that he felt Salisbury Homes is required to participate in the construction of the park but that they did not want to.

Mr. Salisbury said that while they were a party to it that they were not physically present saying they would do it.

Discussion was held regarding Salisbury Homes being party to the original agreement.

Mr. Rick Salisbury stated that the bottom line was that they were trying to solve the problem of the Maple Mountain subdivision. He said that they made a proposal to the City and if the Planning Commission wanted to accept it fine. If they did not want to accept it that that was fine too.

Chairman Christianson explained that an agreement was made and that the Commission was just trying to understand why the agreement was not being fulfilled. Mr. Rick Salisbury said that it was because it could not be fulfilled and to just vote on the proposal.

Mr. Chris Salisbury explained that the alternative was that the approval would expire and then the project would revert into a standard R-1-12 subdivision without any amenities and Mr. Stan Jenkins, Central Bank, said that the bank would be happy to sell the City the land for the detention basin.

Chairman Christianson explained that he felt there was a density bonus granted for some amenities that the development group agreed to put in so he asked why they were opposed to doing that end of the agreement.

Mr. Salisbury said that they were not opposed to all of the agreement, just installing the park. He explained that one of the original developers purchased the ground at a very high market value and was upside down in the project and lost the property to the bank. He further explained that it had become Salisbury Homes problem because they cannot move forward, with the lot cost attached to the parcels, if they are required to construct the park. He said that Central Bank was going to carry the cost of 400 North.

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Chairman Christianson expressed that the Commission would not have a problem if they would just commit to installing the amenities.

Mr. Salisbury said that in today's market they could not do it.

Greg Magleby expressed that what was originally approved to where we are now in the project was completely different and that the Commission needed to take into consideration what had occurred since the school was brought into the project.

Commissioner Stroud asked what the cost estimate was on the park. Mr. Magleby said roughly a half of a million dollars. Commissioner Stroud asked why the citizens of Spanish Fork should have to pay for the park.

Discussion was held regarding the size of the park and the original approval.

Chairman Christianson expressed that he felt it had everything to do with principles and why could they not fulfill the original agreement. He said that what was promised to the City that awarded the developer the bonus density was now being pulled off of the table (except for the land).

Commissioner Gonzales asked Mr. Salisbury if he was aware that bonus density was given for the construction of a park. Mr. Magleby said that yes, they were aware, at the time, that bonus density was awarded for the park but not that a specific townhome project could not move forward until a park was completed.

Discussion was held regarding what plat approval the amenities should have been attached to as the plat has been re-approved twice before.

Mr. Magleby expressed that they had been trying to draft an agreement that would work for all of the parties involved. He said that the reference that they had been negotiating, not in good faith, was simply not true.

Commissioner Evans **moved** to **advance** the Maple Mountain Preliminary Plat to the City Council **without a recommendation** from the Planning Commission as it appears that the Mayor, Councilman Leifson and City staff had already negotiated a deal.

Commissioner Gonzales expressed that he felt that there were negotiations that had taken place that he was not aware of and that he needed more time to research what had been going on. He said that Mr. Salisbury had referred to having discussions with the Mayor, several times, but that he did not know anything about the discussions.

Mr. Salisbury stated that he had come to the meeting under the impression that the Commission was aware of the discussions that had been held.

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Chairman Christianson said that the amenities should be put in first.

Discussion was held regarding why the citizens of Spanish Fork City should have to pay for the park.

Commissioner Evans repeated his motion. It died for lack of a second.

Janet Pierce
Ms. Pierce asked when a public hearing would be held so that citizens could express their concerns.

Commissioner Evans explained that a public hearing would not be held and the Preliminary Plat approval process.

Mrs. Pierce explained that at the neighborhood meeting Mr. Chris Salisbury indicated that the reason they wanted to acquire the land was to clean up the mess of someone else. She further explained the concerns that she had were to clean up your own mess first. She expressed that she felt Salisbury Homes should have to finish the town home project first. She said that back in 2006 that 130 North was suppose to be finished within two years. It still has not been completed. The cut bridge needs to be widened; that traffic was a nightmare. The walking trails were incomplete and had turned into weed patches because they lead to no where. She expressed many other concerns regarding the project and discussion was held regarding her comments.

Commissioner Evans explained that his understanding of the preceding comments was that if the developer is forced to pay for the amenities they will walk away from the development and the plat will expire. The reality is that the original agreement does not make financial sense. This drafted agreement says that there will still be a park and the development will move forward and under some condition a clubhouse will be built.

Mrs. Pierce said that she felt they would not be worse off if the developer walked away because they do not have anything that was promised right now.

Joe Millward
Mr. Millward said that he felt as a tax payer in Spanish Fork he is opposed to shifting financial burdens to the citizens.

David Grotegut
Mr. Grotegut explained what his recollection of the original approval was and what had occurred with the last two approvals.

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Mr. Salisbury explained that under the proposed plan the City would be improving the park with impact fee funds. That the citizens of Spanish Fork would not be footing the bill. That the impact fee money comes from the people who are buying into the subdivision.

Commissioner Gonzales **moved** to **deny** the Maple Mountain Preliminary Plat because he feels that they need to fulfill the original agreement and he disagrees that because of the economy, or change of ownership, that the amenities should change. Commissioner Stroud **seconded** and the motion **passed** by a roll call vote. Commissioner Evans voted **nay**.

CONDITIONAL USES

AT&T - Center
Applicant: American Telephone and Telegraph
General Plan: Mixed Use
Zoning: R-1-8
Location: approximately 1400 East Center

AT&T – 300 South
Applicant: American Telephone and Telegraph
General Plan: Public Facilities
Zoning: Public Facilities
Location: approximately 300 South 300 West

Mr. Anderson stated that the Commission would need to open the discussion for a public hearing. He explained that the proposals were to add an additional antennae on each monopole. The height of the poles would not change.

Commissioner Evans **moved** to **open** into a public hearing at 8:11 p.m. Commissioner Stroud **seconded** and the motion **passed** all in favor.

Chairman Christianson invited public comment. There was none.

Commissioner Evans **moved** to **approve** both of the AT&T Conditional Use permits. Commissioner Gull **seconded** and the motion **passed** all in favor.

GENERAL PLAN

Transportation and Traffic Circulation Element
Applicant: City Engineer
General Plan: City-wide
Zoning: City-wide
Location: City-wide

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Commissioner Stroud excused himself at 8:12 p.m.

Mr. Johnson explained the changes to the Capital Facilities Plan. He explained the following projects: Model, Master plan and Impact Fee Studies, Widen 1000 North (Main Street to US-6), 1000 North traffic signals (Main St., 200 E, 400 E, 600 E and US 6), 1600 N./Main St., Center Street from 1150 E. to 1430 E, Construct Minor Arterial (Maple Mountain Parkway) SR-51 to US-6, Realign the 2600 East/Canyon Road Intersection, New Traffic Signal Center St./1150 East and Construct Arterial US-6 to 2150 North. Discussion was held regarding the changes.

Commissioner Evans **moved** to **open** into a public hearing at 8:29 p.m. Commissioner Gonzales **seconded** and the motion **passed** all in favor.

Chairman Christianson invited public comment. There was none.

Commissioner Evans **moved** to recommend that the City Council **approve** the Transportation and Traffic Circulation Element amendment of the General Plan. Commissioner Gull **seconded** and the motion **passed** all in favor by a roll call vote.

Salisbury Homes requested to address the Commission regarding the Legacy Farms Plat.

Mr. Chris Salisbury explained that the majority of the first phase is complete. He said over all there would be around 900 lots. Mr. Salisbury handed out a concept phase to the Commissioners and explained that they were not increasing or decreasing density that they would just like to adjust the lot lines in order to allow for some 50-foot wide lots to sprinkle in with a little bit wider lots. Discussion was held regarding the proposed concept.

ADJOURNMENT

The meeting **adjourned** at 8:45 p.m.

Adopted:

_____

Shelley Hendrickson, Planning Secretary

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PRELIMINARY PLAT

REPORT TO THE PLANNING COMMISSION
OLD MILL ESTATES PRELIMINARY PLAT

Agenda Date: August 1, 2012.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Wayne Niederhauser is requesting reapproval of a Preliminary Plat for the Old Mill Estates subdivision.

Zoning: R-1-15.

General Plan: Low Density Residential.

Project Size: 29.51 acres.

Number of lots: 57.

Location: 775 West Mill Road.

Background Discussion

A Preliminary Plat for this development was approved in June of 2011. One year has passed since the last plat was recorded. As such the Preliminary Plat for Old Mill Estates lost its approval and needs to be reapproved before development in the project can commence.

The proposal does not vary from the Preliminary Plat that the City approved in 2011.

Development Review Committee

The Development Review Committee reviewed this plat on July, 25 and recommended that it be approved. Minutes from that meeting read as follows:

Old Mill Estates
Applicant: CW Management
General Plan: Low Density Residential
Zoning: R-1-15
Location: approximately 1500 South Mill Road

Mr. Anderson **moved** to **re-approve** the Old Mill Estates Preliminary Plat subject to the following conditions:

Condition

1. That the applicant meets all of the conditions of the original approval which include the following:
    1. That the retention basin land is dedicated to the City and the developer will construct the storm water retention.
    2. That the applicant bring three phase power to the project.
2. That the applicant submit a phasing plan that details what improvements will be included with each phase for the Engineering Department's review and approval.

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

Mr. Johnson **amended** the **motion** to include that the applicant will need to submit a phasing plan that details what improvements will be included with each phase. The pressurized irrigation will need to connect to the north with the next phase and the electrical and streets looped with the third phase.

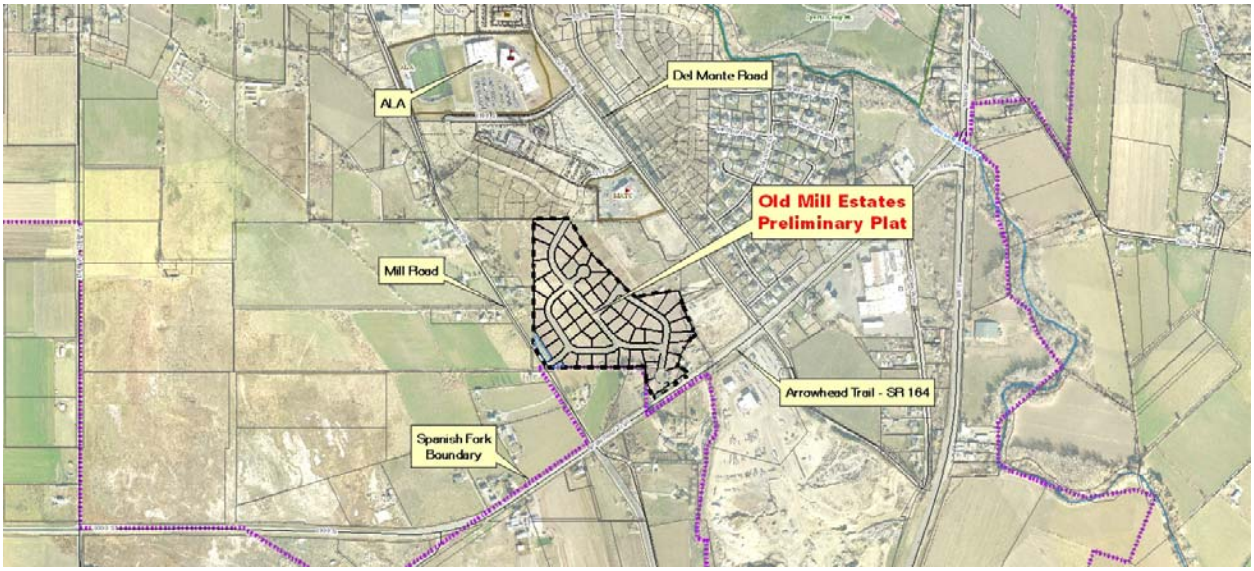
Discussion was held regarding the phasing and pressurized irrigation and power.

Budgetary Impact

There is no anticipated budget impact with this proposed subdivision.

Recommendation

Staff recommends that the proposed Preliminary Plat be approved.


Del Monte Road
ALA
Old Mill Estates
Preliminary Plat
Mill Road
Arrowhead Trail - SR 164
Spanish Fork
Boundary

OLD MILL ESTATES

A RESIDENTIAL SUBDIVISION
SPANISH FORK, UTAH
PRELIMINARY PLAN SET

-SHEET INDEX-

SHEET	SHEET NAME
1	COVER
2	OVERALL BOUNDARY
3	OVERALL SITE PLAN
4	EXISTING TOPOGRAPHY
5	DETAILS
SS-01	OFFSITE SEWER

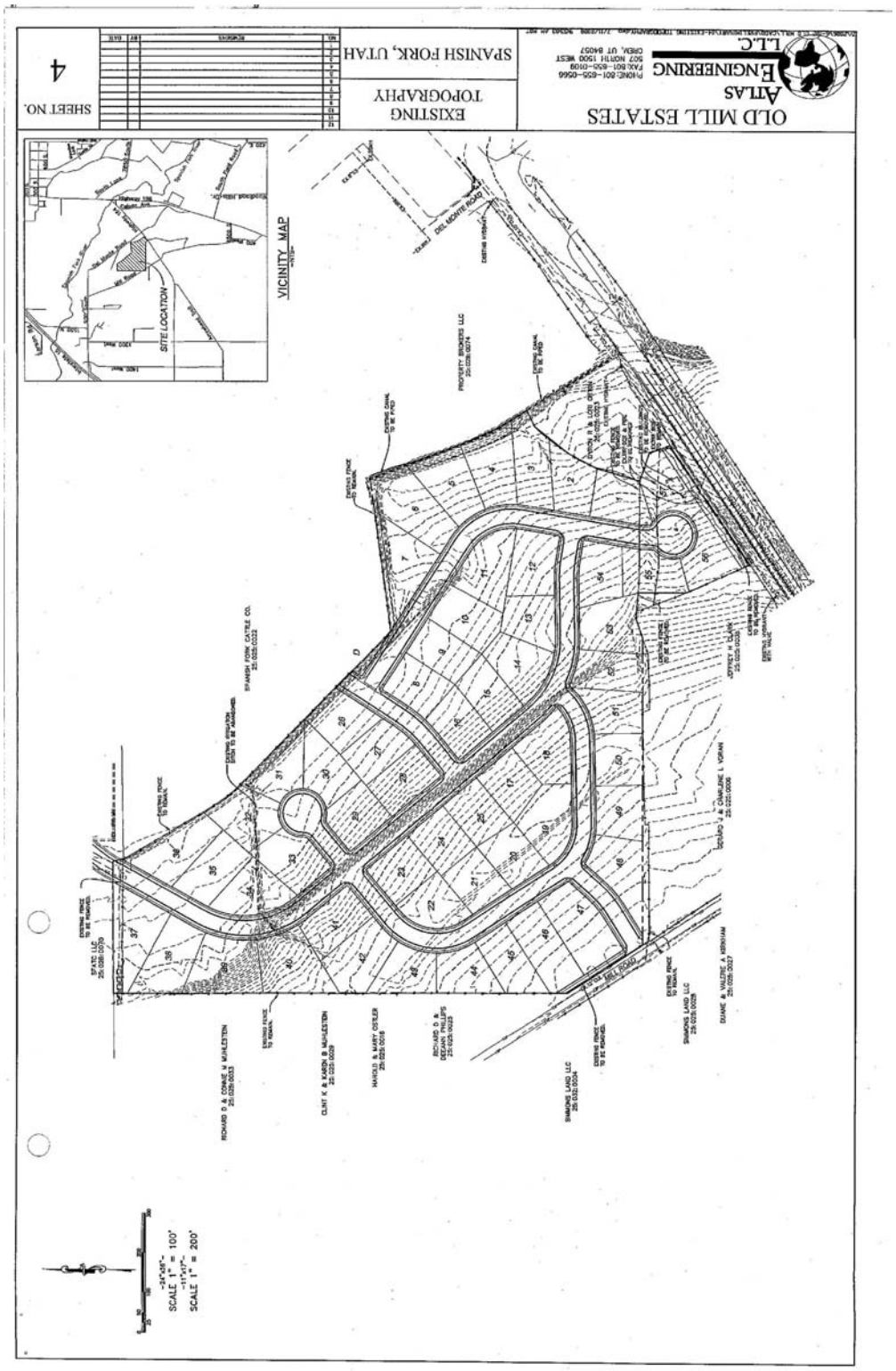
VICINITY MAP
-NTS-

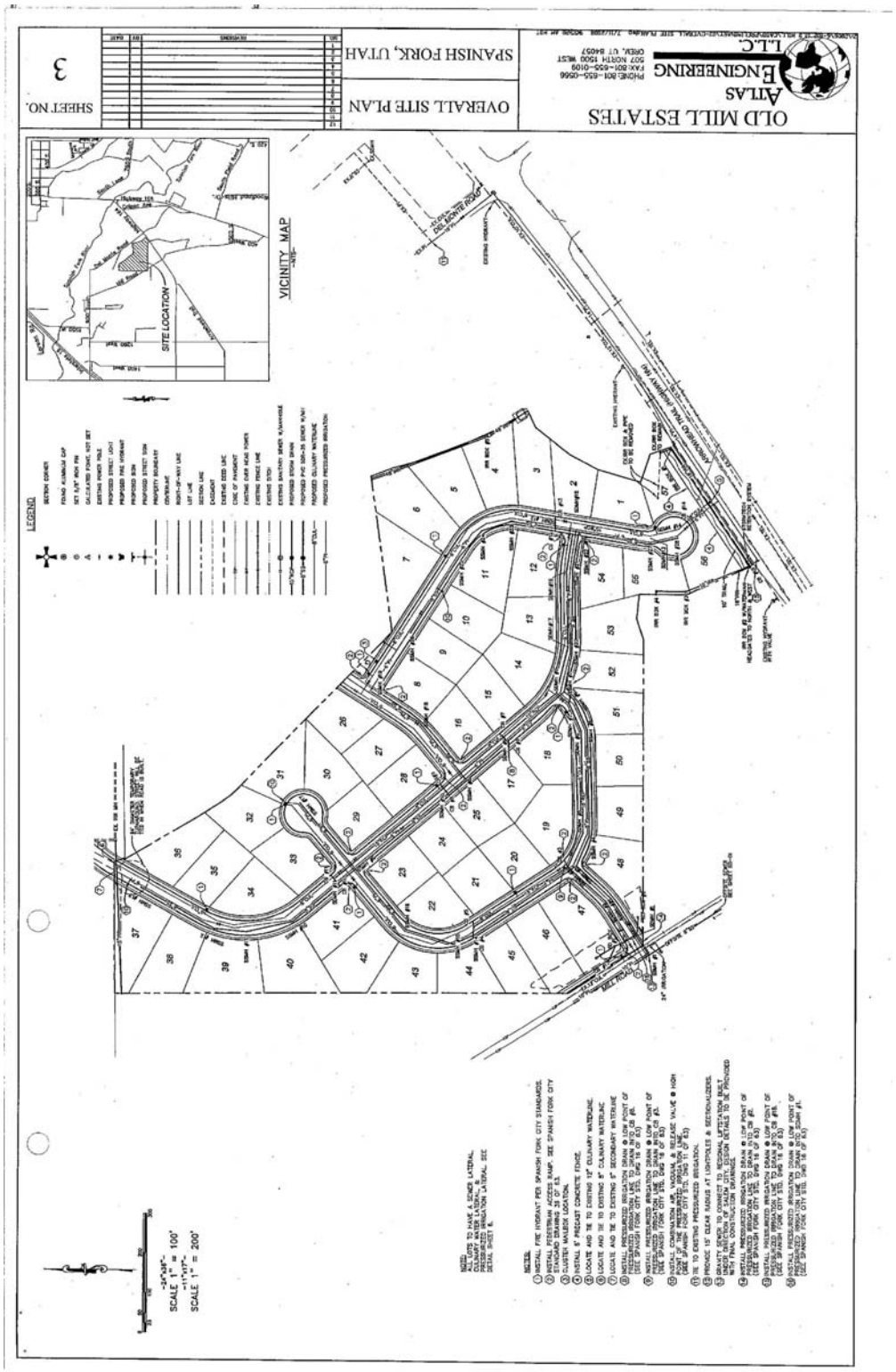
RECEIVED
MAR 18 2011

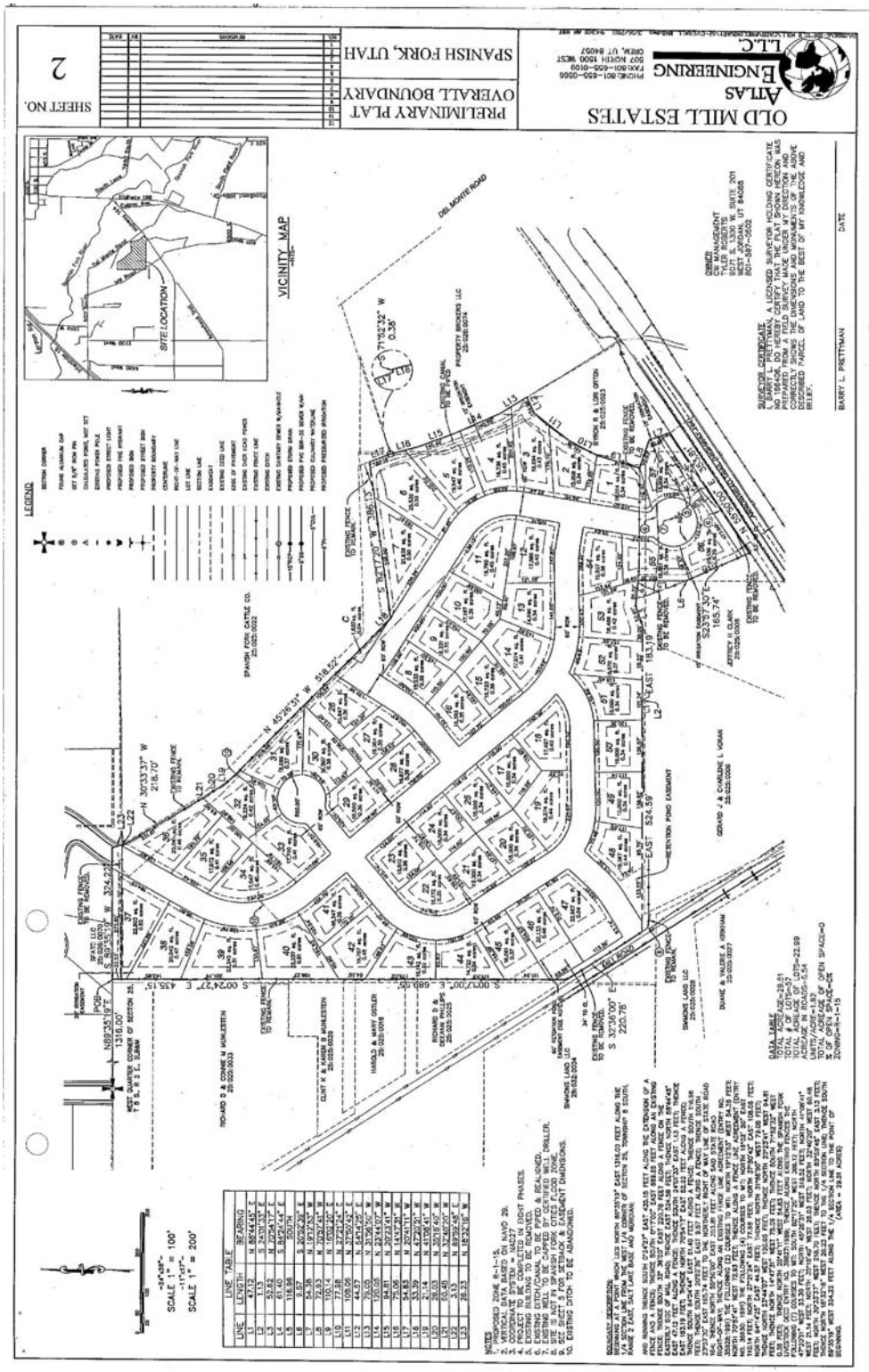
OLD MILL ESTATES

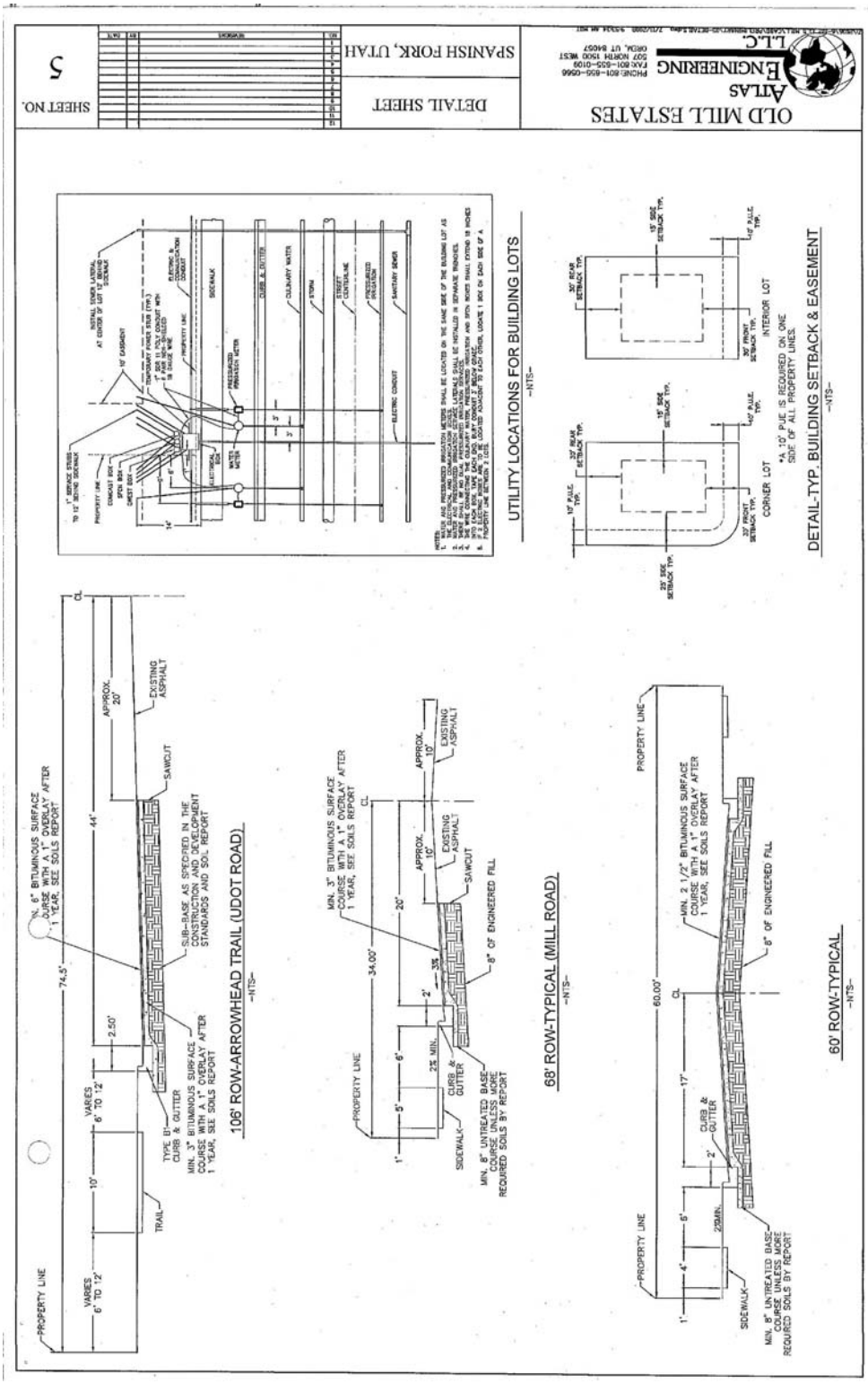
ATLAS ENGINEERING L.L.C.
PHONE: 801-655-0566
FAX: 801-655-0109
507 NORTH 1500 WEST
OREM, UT 84057

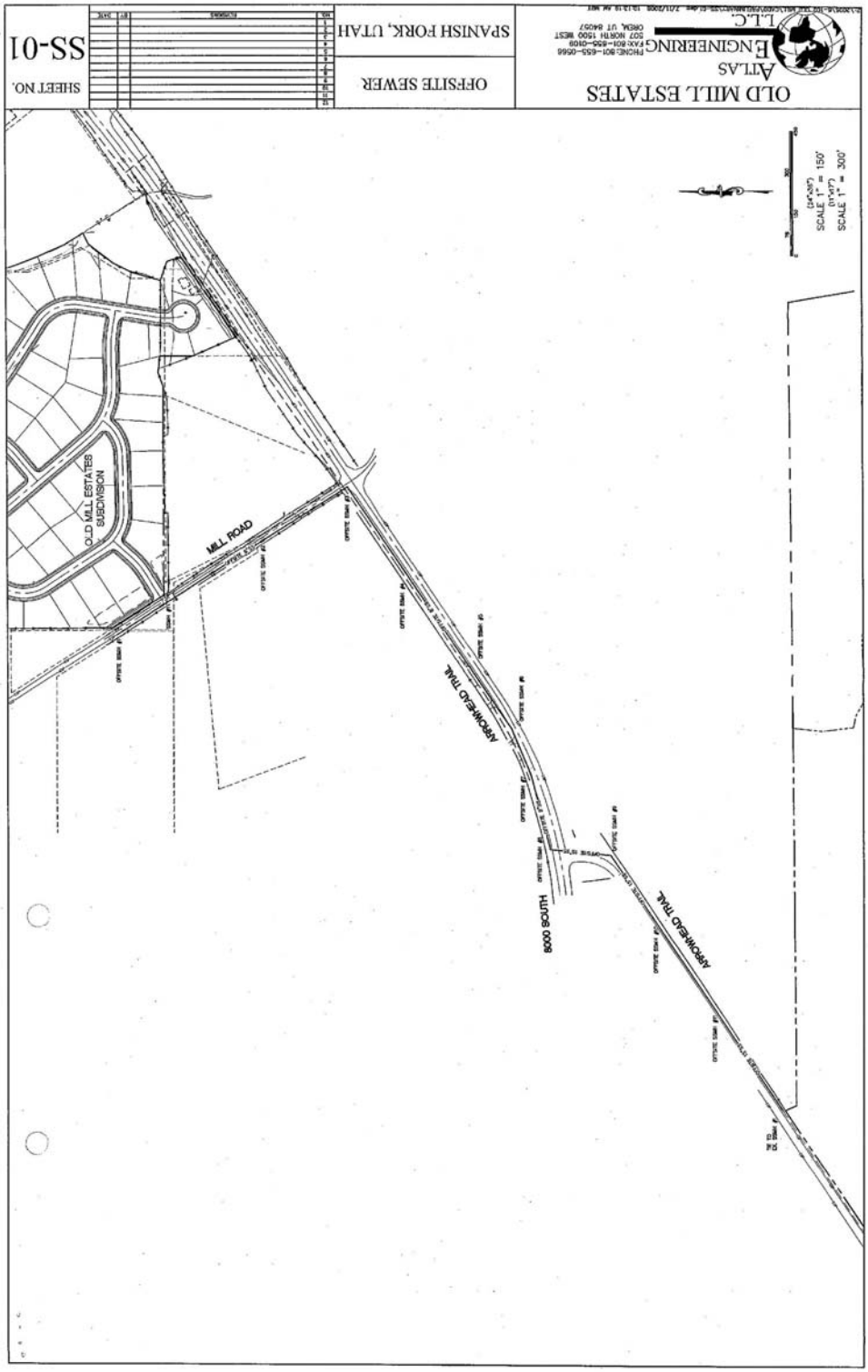
P:\2006\E-102 OLD MILL\CADD\PRELIMINARY\01-COVER.dwg 3/16/2011 9:29:09 AM MDT


OLD MILL ESTATES
ATLAS ENGINEERING L.L.C.
EXISTING TOPOGRAPHY
SPANISH FORK, UTAH
SHEET NO.
4
VICINITY MAP
SITE LOCATION
SCALE 1" = 100'
SCALE 1" = 200'


OLD MILL ESTATES
ATLAS ENGINEERING L.L.C.
OVERALL SITE PLAN
SPANISH FORK, UTAH
SHEET NO.
3
VICINITY MAP
SITE LOCATION
LEGEND
SCALE 1" = 100'
SCALE 1" = 200'


OLD MILL ESTATES
ATLAS ENGINEERING L.L.C.
PRELIMINARY PLAT
OVERALL BOUNDARY
SPANISH FORK, UTAH
SHEET NO.
2
VICINITY MAP
LEGEND
LINE TABLE
SCALE 1" = 100'
SCALE 1" = 200'


OLD MILL ESTATES
ATLAS ENGINEERING L.L.C.
DETAIL SHEET
SPANISH FORK, UTAH
SHEET NO.
5
106' ROW-ARROWHEAD TRAIL (UDOT ROAD)
68' ROW-TYPICAL (MILL ROAD)
60' ROW-TYPICAL
UTILITY LOCATIONS FOR BUILDING LOTS
DETAIL-TYP. BUILDING SETBACK & EASEMENT
PROPERTY LINE
EXISTING ASPHALT
SAWCUT
SIDEWALK
CURB & GUTTER
TRAIL
8" OF ENGINEERED FILL
MIN. 8" UNTREATED BASE COURSE UNLESS MORE REQUIRED SOILS BY REPORT
MIN. 3" BITUMINOUS SURFACE COURSE WITH A 1" OVERLAY AFTER 1 YEAR, SEE SOILS REPORT
MIN. 2 1/2" BITUMINOUS SURFACE COURSE WITH A 1" OVERLAY AFTER 1 YEAR, SEE SOILS REPORT
INTERIOR LOT
CORNER LOT
*A 10' PUE IS REQUIRED ON ONE SIDE OF ALL PROPERTY LINES.


OLD MILL ESTATES
ATLAS ENGINEERING L.L.C.
PHONE:801-655-0566
FAX:801-855-0109
507 NORTH 1500 WEST
OREM, UT 84057
OFFSITE SEWER
SPANISH FORK, UTAH
SS-01
SHEET NO.
SCALE 1" = 150'
SCALE 1" = 300'
OLD MILL ESTATES SUBDIVISION
MILL ROAD
ARROWHEAD TRAIL
8000 SOUTH
ARROWHEAD TRAIL

PRELIMINARY PLAT

REPORT TO THE PLANNING COMMISSION
SOMERSET PHASE 4 PRELIMINARY PLAT

Agenda Date: August 1, 2012.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Jesse Brimhall has proposed that the Preliminary Plat for Somerset Village Phase 4 be modified so as to change its boundary and add two lots.

Zoning: R-1-6.

General Plan: Low Density Residential.

Project Size: 11.5 acres.

Number of lots: 94 units.

Location: Approximately 3000 East Canyon Road.

Background Discussion

The first plats for Somerset Village were approved over 10 years ago and identifying exactly what has been approved over the years for Somerset Village is somewhat difficult to do. The City's files include many iterations of plans, so many that it is difficult to identify what versions were approved and when.

So, for purposes of evaluating this proposal, staff has utlitized the most recently recorded Plat for Somerset. This plat contains 88 units and 11.15 acres. As proposed, some .33 acres would be added to that last recorded plat, 2 units that were to be included in the development to the west would be added and 2 new units would be added. The project would then contain 94 units on 11.5 acres for a density of 8 units per acre.

Staff understands the applicant's motivation to have this new Preliminary Plat approved involves the abandonment of plans to incorporate additional land into the Somerset development. Discussions about expanding Somerset involved a street connection to a new phase that would have run through the area impacted with the current proposal. The approval of this plat and the development of the included units would close the door on any practical opportunity to further expand Somerset.

Staff has recommended that this redefined phase, Somerset Phase 4, be approved as proposed.

Development Review Committee

The Development Review Committee reviewed this plat on July 25, 2012 and recommended that it be approved. Minutes from that meeting read as follows:

Somerset Village

Applicant: Los Dos Amigos
General Plan: Low Density Residential
Zoning: R-1-6
Location: approximately 2900 East 950 South

Discussion was held regarding the history of what had been approved in the past relative to Somerset Village and The Ridge.

Mr. Anderson explained that there was enough acreage to add two units to this phase. He said that it was legal; but the density was at the max. He then asked the applicant how the neighborhood meeting went. Mr. Brimhall stated that it went great. Mr. Allen stated that most people that attended were in favor of the proposal.

Mr. Pierce explained to the applicant that the City's Engineering Department would need a revised Preliminary Plat submitted.

Mr. Peterson explained that the Power Department's concern is whether the transformer would be big enough for the additional units. Additional discussion was held with the applicant regarding where the power would need to be stubbed to and that an easement would need to be obtained from SUVPS.

Mr. Anderson **moved** to recommend that the **amended** Preliminary Plat for Somerset Village be **approved** subject to the following findings and conditions:

Findings:

1. That the project does not exceed the maximum allowable density.
2. The change would allow for development that is consistent with what's been previously built within Somerset Village.

Condition:

1. That the applicant address all of the City's Engineering Department redlines; prior to the City's Planning Commission meeting.

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

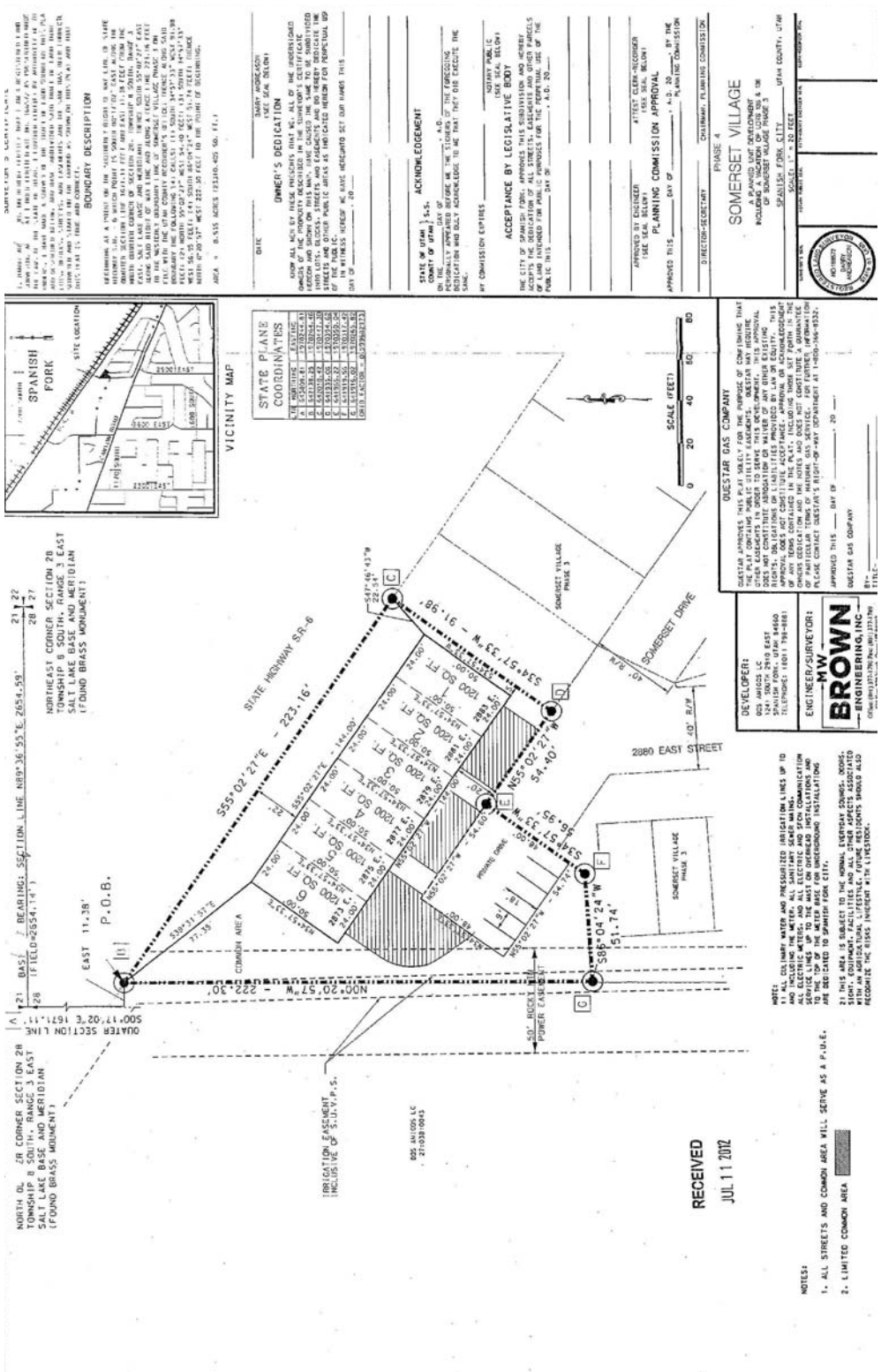
Budgetary Impact

There is no anticipated budget impact with this proposed subdivision.

Recommendation

Staff recommends that the proposed Preliminary Plat be approved.

Somerset Village
Spanish Fork Boundary
US-6
2880 E
Somerset Dr


SOMERSET VILLAGE
PHASE 4
VICINITY MAP
SPANISH FORK
STATE PLANE COORDINATES
BOUNDARY DESCRIPTION
OWNER'S DEDICATION
ACKNOWLEDGEMENT
ACCEPTANCE BY LEGISLATIVE BODY
PLANNING COMMISSION APPROVAL
QUESTAR GAS COMPANY
DEVELOPER:
ENGINEER/SURVEYOR:
MW BROWN ENGINEERING, INC
STATE HIGHWAY SR-6
SOMERSET DRIVE
2880 EAST STREET
COMMON AREA
P.O.B.
RECEIVED
JUL 11 2012
NOTES:
1. ALL STREETS AND COMMON AREA WILL SERVE AS A P.U.E.
2. LIMITED COMMON AREA

PRELIMINARY PLAT

REPORT TO THE PLANNING COMMISSION
THE RIDGE PRELIMINARY PLAT

Agenda Date: August 1, 2012.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Jesse Brimhall is requesting that this Plat for a six lot standard subdivision be approved. These lots had been included in a larger Master Planned Development but the applicant is only seeking to have these lots approved at this time.

Zoning: R-1-6.

General Plan: Low Density Residential.

Project Size: 1.853 acres.

Number of lots: 6.

Location: 2700 East Canyon Road.

Background Discussion

In 2007, a Preliminary Plat was approved that included these six lots in a similar configuration to what is represented with this proposal. As a plat was not recorded, the Preliminary Plat approval expired. Therefore, the applicant is requesting that a Preliminary Plat be "reapproved" so as to allow for the development of this property.

As proposed, all of the lots included in the proposed plat meet the City's requirements for subdivisions in the R-1-6 Zone and staff recommends that the plat be approved provided that an updated plat is submitted to the City prior to your meeting.

Development Review Committee

The Ridge
Applicant: Los Dos Amigos
General Plan: Low Density Residential
Zoning: R-1-6
Location: approximately 2700 East Canyon Road

Mr. Anderson explained that the proposal had expired. There are not any changes. It just needs to be re-approved.

Discussion was held regarding zoning.

Mr. Anderson asked the applicants what their plans were for the rest of the Ridge development.

Mr. Allen explained that they are market controlled right now and do not know what will happen in the future.

Mr. Anderson concluded that the DRC should look at this proposal as a free standing six-lot subdivision. He said that there was not any reason to not approve the lots that they met all of the City's zoning criteria.

Mr. Allen asked if the storm drain issues had been worked out. Mr. Thompson said yes. Discussion was held regarding storm drain and the capacity in the Canyon Road storm drain line.

Mr. Peterson explained the power requirements.

Mr. Pierce explained that the City standards, on half-plus-ten roads, require a two-foot shoulder. Discussion was held regarding obtaining an easement from the Braithwaites, adjusting the road two feet, a connector's agreement, obtaining a letter from the canal company with regard to the piping of the canal and an estimated cost to pipe the canal.

Mr. Johnson stated that the applicant should pipe the canal and put the temporary turnaround on the other side of the property. The applicant will need an agreement from the East Bench Canal Company.

Mr. Anderson **moved** to recommend **approval** of The Ridge Preliminary Plat as a six lot standard subdivision in an R-1-6 zone subject to the following condition:

Condition:

1. That the applicant meets the City's Engineering redlines; prior to the City's Planning Commission meeting.

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

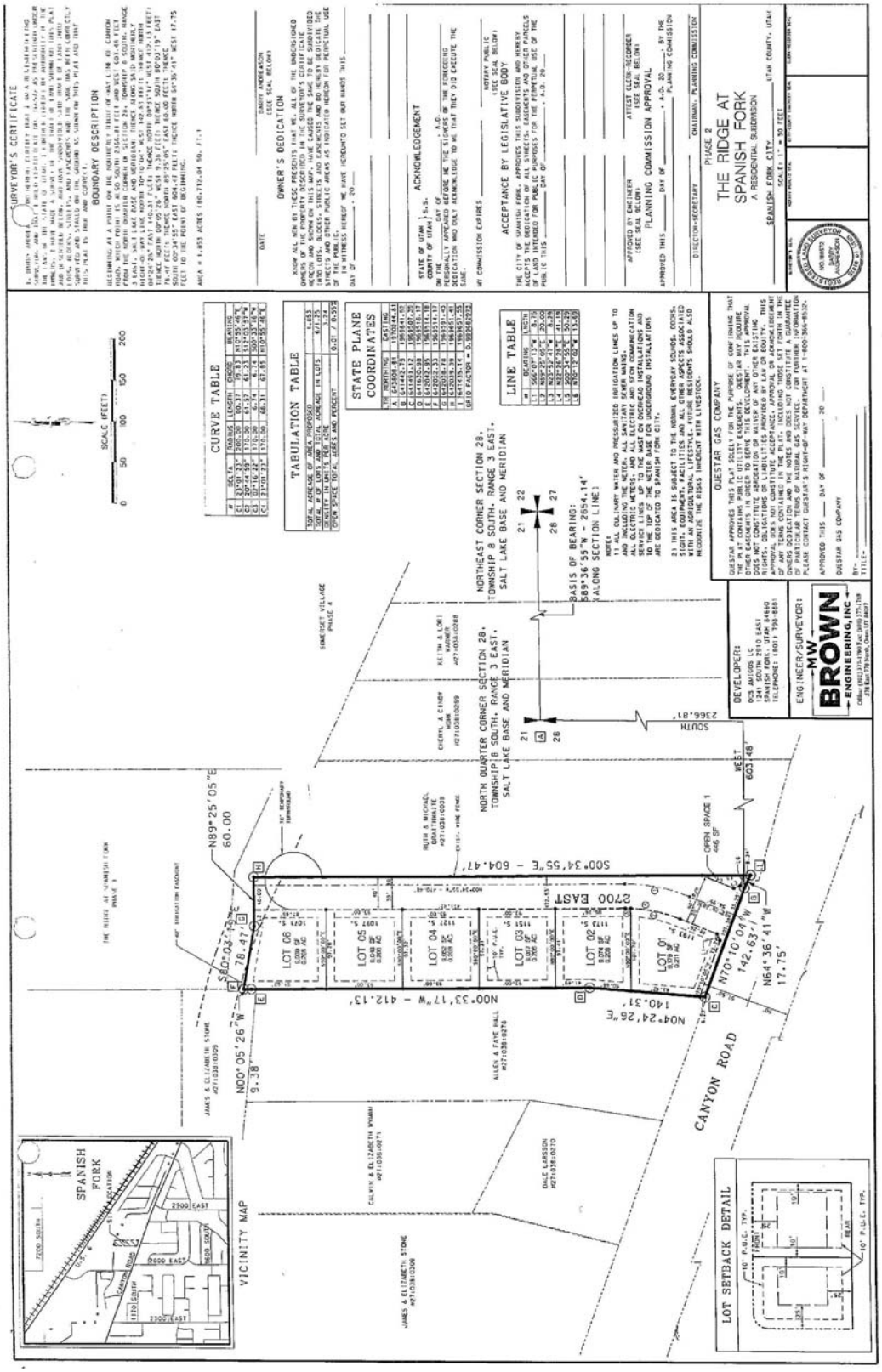
Budgetary Impact

There is no anticipated budget impact with this proposed subdivision.

Recommendation

Staff recommends that the proposed Preliminary Plat be approved.

Spanish Fork Boundary
The Ridge
990 S
1035 S
2480 E
2550 E
Canyon Rd
2510 E
2600 E
1250 S
2700 E
2880 E
2910 E
US-6



SCALE (FEET)
0 50 100 150 200
CURVE TABLE
TABULATION TABLE
STATE PLANE COORDINATES
LINE TABLE
NORTHEAST CORNER SECTION 28, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN
NORTH QUARTER CORNER SECTION 28, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN
BASIS OF BEARING: S89°36'55"W - 2654.14' (ALONG SECTION LINE)
2700 EAST
CANYON ROAD
LOT 01
LOT 02
LOT 03
LOT 04
LOT 05
LOT 06
N00°33'17"W - 412.13'
N04°24'26"E 140.31'
N00°05'26"W 9.38'
N89°25'05"E 60.00
S00°34'55"E - 604.47'
N70°10'04"W 142.63'
N64°36'41"W 17.75'
S80°03'19"E 78.47'
SOUTH 2366.81'
WEST 603.48'
OPEN SPACE 1
VICINITY MAP
SPANISH FORK
LOT SETBACK DETAIL
DEVELOPER:
ENGINEER/SURVEYOR:
MW BROWN ENGINEERING, INC
QUESTAR GAS COMPANY
ACKNOWLEDGEMENT
ACCEPTANCE BY LEGISLATIVE BODY
PLANNING COMMISSION APPROVAL
PHASE 2
THE RIDGE AT SPANISH FORK
A RESIDENTIAL SUBDIVISION
SPANISH FORK CITY
UTAH COUNTY, UTAH

SUBDIVISION WAIVER

REPORT TO THE PLANNING COMMISSION
ROBERT LEWIS SUBDIVISION WAIVER

Agenda Date: August 1, 2012.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Robert Lewis has requested that the City approve a Subdivision Waiver for a three-lot subdivision.

Zoning: R-1-6.

General Plan: Medium Density Residential.

Project Size: .6 acres.

Number of lots: 3.

Location: 2700 East Canyon Road.

Background Discussion

The proposal involves developing the subject property into 3 lots. A home currently exists on the property; it is proposed that this home remain. All of the proposed lots meet the City's requirements for the R-1-6 Zone and staff recommends that the lots be approved.

Given that only minor public improvements are required to accommodate the development of these three lots, the City may approve this subdivision as a Subdivision Waiver. As such, the approval process is abbreviated and the Planning Commission is the Land Use Authority. Staff is looking for the Commission to act with either approval or denial on this proposal rather than a recommendation to the City Council.

Development Review Committee

Robert Lewis
Applicant: Robert Lewis
General Plan: Medium Density Residential
Zoning: R-1-16
Location: 704 North 200 East

Mr. Anderson explained that the lots would need to be 50 feet wide and that the lot that has the existing home is that wide. Setbacks will need to be five feet on one side and ten feet on the other.

Mr. Peterson explained that any changes that need to be made to the lots, to supply power, will be the responsibility of the property owner.

Discussion was held regarding bonding and the relocation of the power.

Mr. Johnson said that sewer cleanouts would be required on the sewer laterals. The drive approaches will need to be approved by the City's Engineer Department. Applicant will need to submit a recordable plat.

Mr. Johnson **moved** to **approve** the Robert Lewis Subdivision Waiver subject to the following conditions:

Conditions

1. That sewer cleanouts are required within one foot; top back of sidewalk.
2. That a plat is submitted to the City to be recorded by the City.
3. That the drive approaches be approved by the City's Engineer Department.
4. That an excavation permit be required for any public improvements.
5. That the power pole be relocated into the northeast corner of the west lot; at the applicant's expense.

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

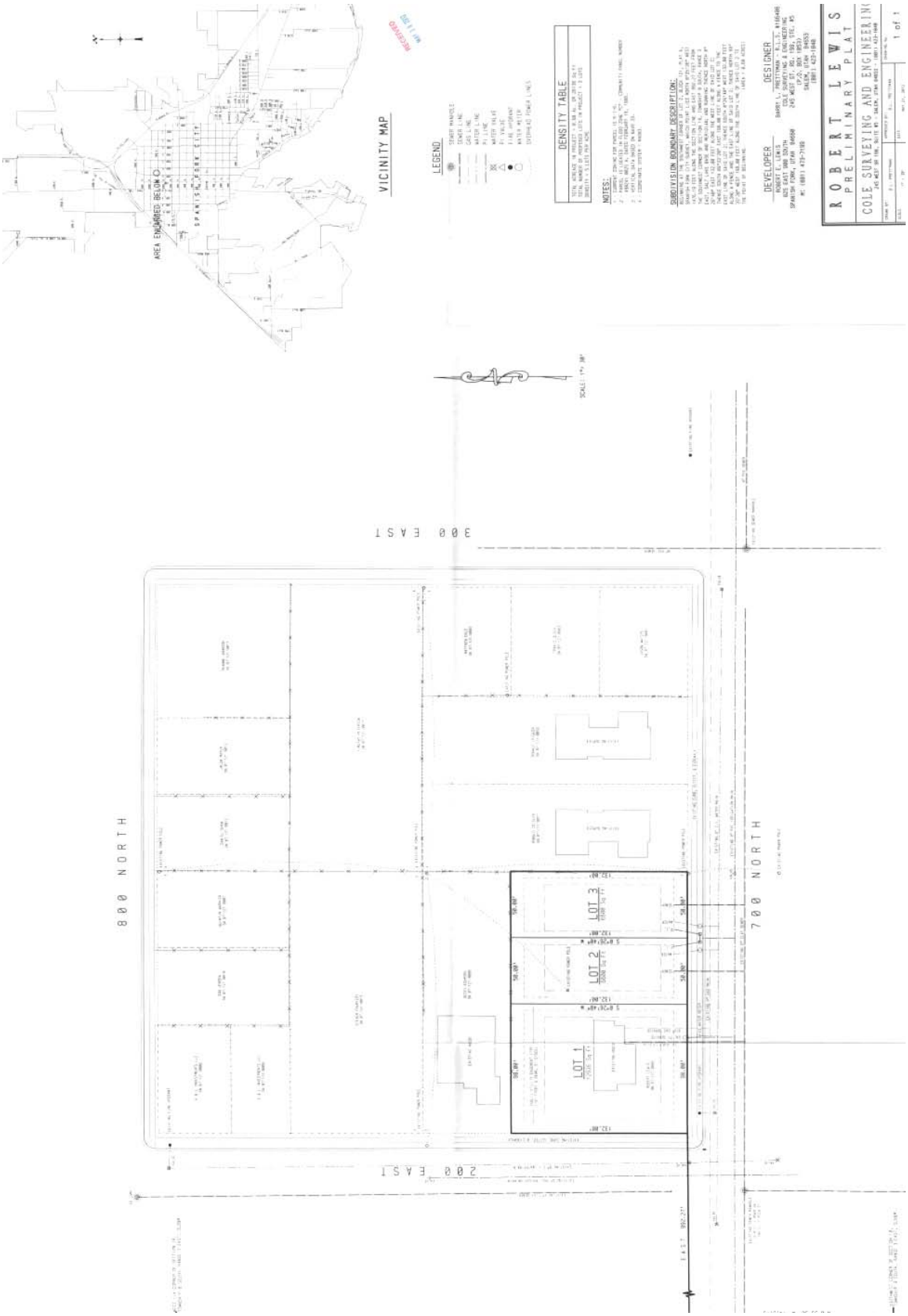
Budgetary Impact

There is no anticipated budget impact with this proposed subdivision.

Recommendation

Staff recommends that the proposed Subdivision Waiver be approved.

Robert Lewis
Subwaiver
200 E
100 E
700 N
300 E


VICINITY MAP
AREA ENLARGED BELOW
SPANISH FORK CITY
LEGEND
DENSITY TABLE
NOTES:
SUBDIVISION BOUNDARY DESCRIPTION:
DEVELOPER
DESIGNER
ROBERT LEWIS
PRELIMINARY PLAT
COLE SURVEYING AND ENGINEERING
LOT 1
LOT 2
LOT 3
800 NORTH
700 NORTH
200 EAST
300 EAST

ANNEXATION

REPORT TO THE PLANNING COMMISSION
SCHWARTZ ANNEXATION

Agenda Date: August 1, 2012.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Spanish Fork City proposes to annex some 6 acres into Spanish Fork City.

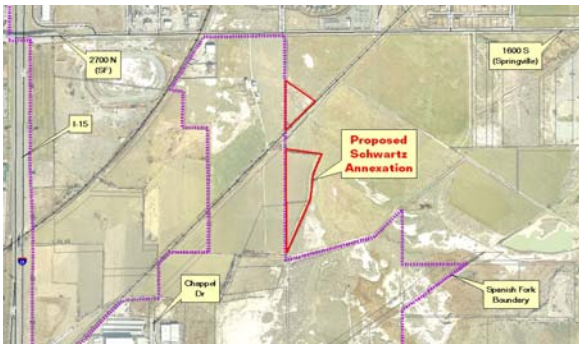
General Plan: Industrial.

Zoning: Industrial 1 proposed.

Project Size: 8.46 acres.

Number of lots: not applicable.

Location: approximately 1100 East and 2400 North.



Background Discussion

This proposed annexation includes 3 parcels located between lands that have already been annexed into Spanish Fork and Springville.

The subject properties are located in Spanish Fork City's Annexation Policy and Staff sees no issue that should impede their annexation at this time. Staff recommends that the properties be annexed and that they be zoned Industrial 1 upon annexation.

Development Review Committee

The Development Review Committee reviewed this proposal on July 25, 2012 and recommended that it be approved. Draft minutes from that meeting read as follows:

Schwartz
Applicant: Spanish Fork City
General Plan: Light Industrial
Zoning: Industrial 1 (proposed)
Location: approximately 2300 North 1100 East

Mr. Anderson explained the proposal was in our Annexation Declaration. Our ordinance requires that we do an Annexation Feasibility study.

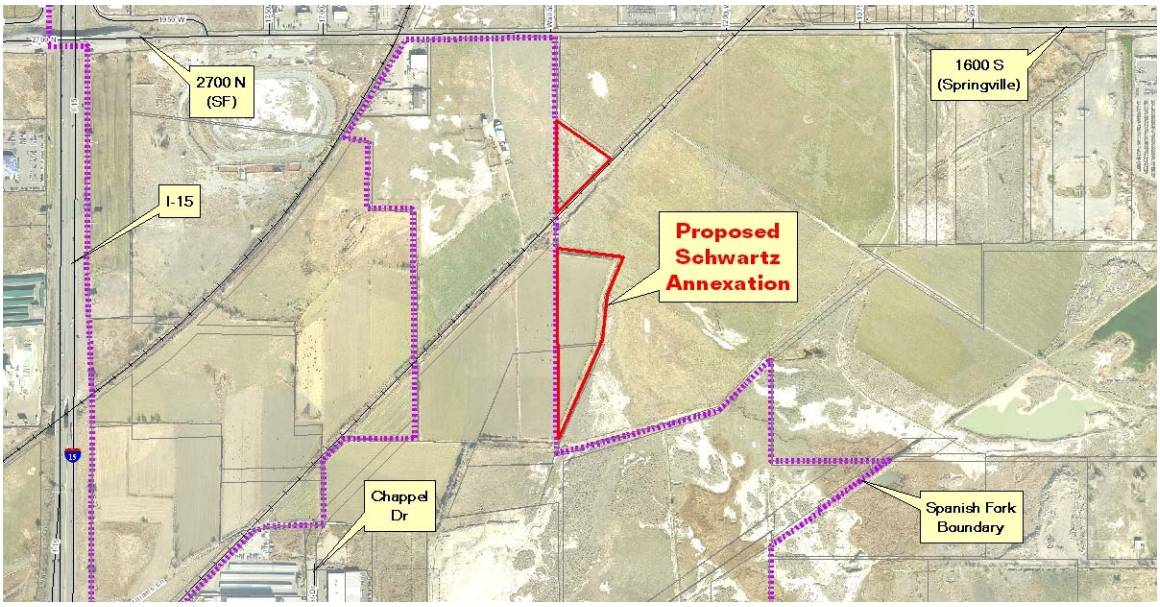
Mr. Thompson said that SESD wants a $500 fee to process any type of annexation. This proposal does not have any SESD facilities in this area.

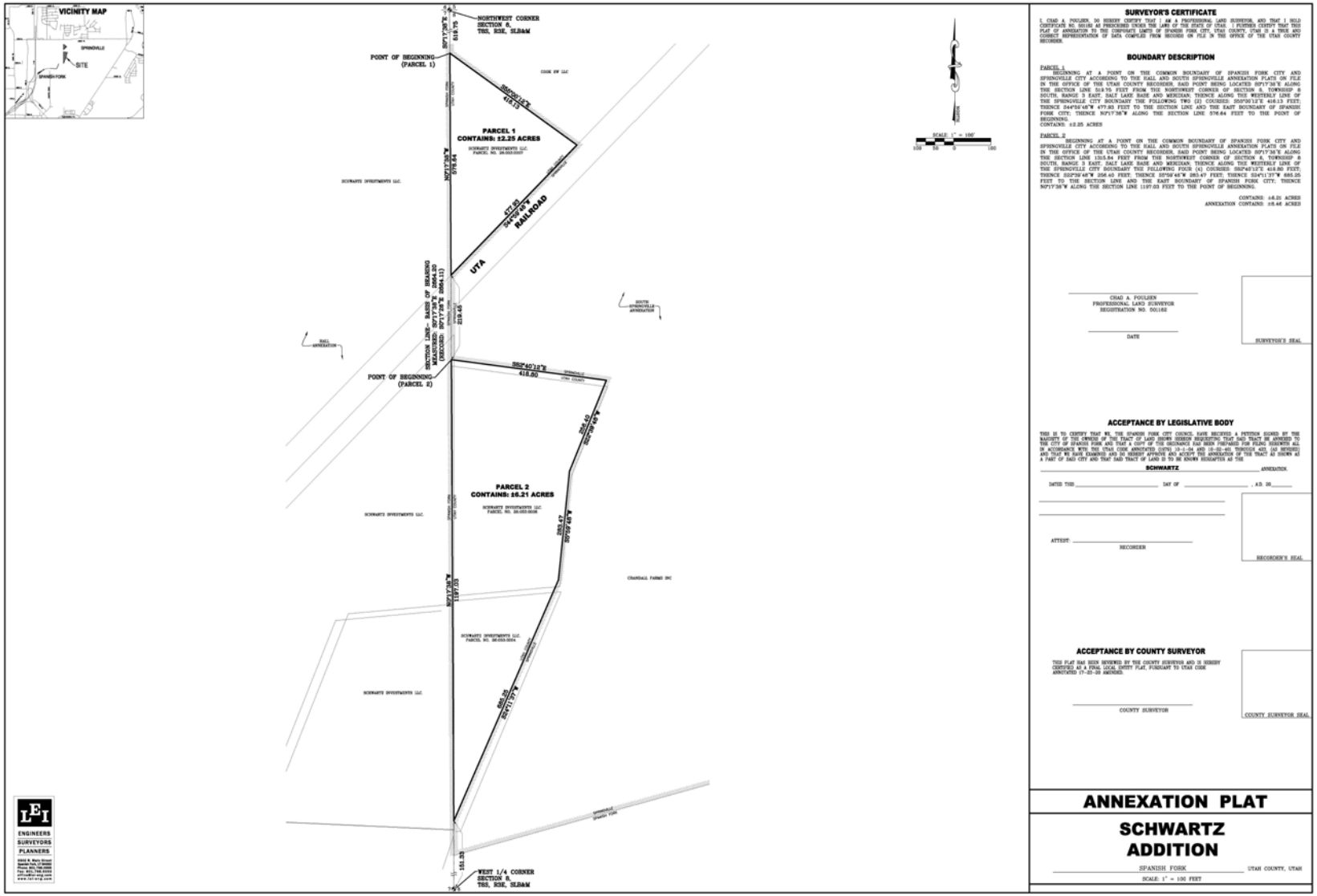
Mr. Peterson said that he had a letter from Springville stating that they do not have any facilities in the area.

Mr. Oyler **moved** to recommend **approval** of the Schwartz annexation and to zone it as Industrial 1. Mr. Sant **seconded** and the motion **passed** all in favor.

Recommendation

Staff recommends that the proposed Schwartz Annexation be approved and that the properties be zoned Industrial 1.


2700 N
(SF)
1600 S
(Springville)
I-15
Proposed
Schwartz
Annexation
Chappel
Dr
Spanish Fork
Boundary



SURVEYOR'S CERTIFICATE

I, CHAD A. FOULSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 501182 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF SPANISH FORK CITY, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

BOUNDARY DESCRIPTION

PARCEL 1

BEGINNING AT A POINT ON THE COMMON BOUNDARY OF SPANISH FORK CITY AND SPRINGVILLE CITY ACCORDING TO THE HALL AND SOUTH SPRINGVILLE ANNEXATION PLATS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER, SAID POINT BEING LOCATED N0°1'36"E ALONG THE SECTION LINE 919.75 FEET FROM THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE WESTERLY LINE OF THE SPRINGVILLE CITY BOUNDARY THE FOLLOWING TWO (2) COURSES: S52°30'12"E 416.13 FEET; THENCE S44°56'48"W 477.93 FEET TO THE SECTION LINE AND THE EAST BOUNDARY OF SPANISH FORK CITY; THENCE N0°1'36"W ALONG THE SECTION LINE 576.64 FEET TO THE POINT OF BEGINNING
CONTAINS: ±2.25 ACRES

PARCEL 2

BEGINNING AT A POINT ON THE COMMON BOUNDARY OF SPANISH FORK CITY AND SPRINGVILLE CITY ACCORDING TO THE HALL AND SOUTH SPRINGVILLE ANNEXATION PLATS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER, SAID POINT BEING LOCATED N0°1'36"E ALONG THE SECTION LINE 1315.84 FEET FROM THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 6 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE WESTERLY LINE OF THE SPRINGVILLE CITY BOUNDARY THE FOLLOWING FOUR (4) COURSES: S52°40'12"E 418.80 FEET; THENCE S52°56'48"W 256.40 FEET; THENCE S0°56'48"W 283.47 FEET; THENCE S24°11'37"W 685.25 FEET TO THE SECTION LINE AND THE EAST BOUNDARY OF SPANISH FORK CITY; THENCE N0°1'36"W ALONG THE SECTION LINE 1197.03 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±6.21 ACRES
ANNEXATION CONTAINS: ±8.46 ACRES

CHAD A. FOULSEN
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 501182

DATE

SURVEYOR'S SEAL

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE SPANISH FORK CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT OF LAND SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO SPANISH FORK CITY, AND THAT WE HAVE A COUNTY ORDINANCE EAST/WEST SEPARATED FOR PLACE HEREWITH ALL IN ACCORDANCE WITH THE STAT CODE ANNOTATED (UTAH) 10-2-401 THROUGH 10-2-425 INCLUSIVE, AND (AS REVISED) AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE

SCHWARTZ ANNEXATION.

DATED THIS _____ DAY OF _____, A.D. 20_____

ATTEST: _____
RECORDER

RECORDER'S SEAL

ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

COUNTY SURVEYOR

COUNTY SURVEYOR SEAL

ANNEXATION PLAT

SCHWARTZ ADDITION

SPANISH FORK UTAH COUNTY, UTAH

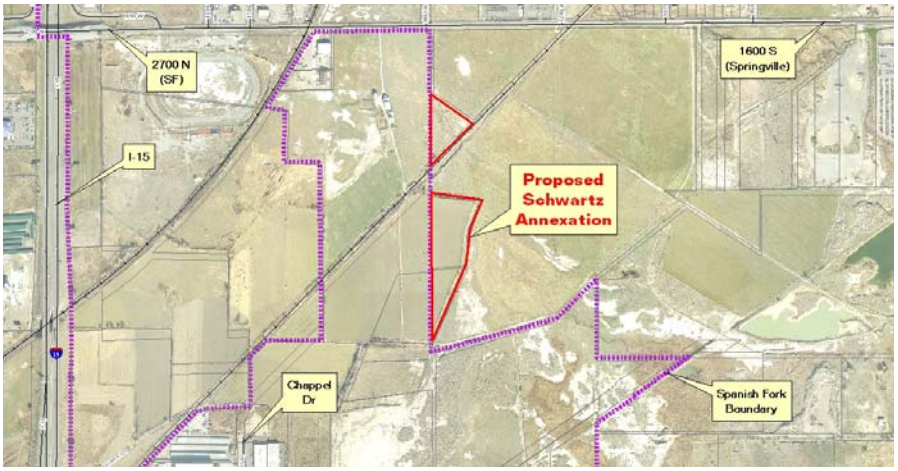
SCALE: 1" = 100 FEET

SPANISH FORK CITY
Annexation Feasibility Report

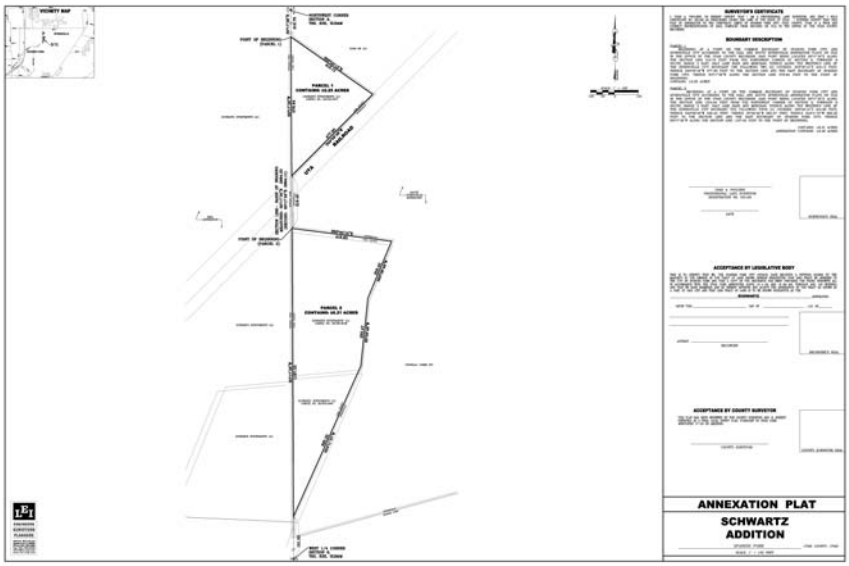
Agenda Date:	August 1, 2012
Staff Contacts:	Dave Anderson, Community Development Director Chris Thompson, City Engineer
Reviewed By:	Development Review Committee
Subject:	Schwartz Annexation Report

SECTION 1

Annexation Map.



Annexation Plat.



SECTION 2

Development Review Committee recommendation date: July 25, 2012

Planning Commission recommendation date: August 1, 2012 (anticipated)

City Council meeting date: August 21, 2012 (anticipated)

SECTION 3

In accordance with 15.3.08.030 (B) of the Municipal Code, the following items are addressed in Section 3 of the Annexation report:

1. **Whether the proposed property is within the Growth Management Boundary of the General Plan.**

   The proposed property is within the Growth Management Boundary of the General Plan.

2. **Present and proposed land use and zoning.**

   Present land uses include agricultural uses. All of the property is vacant. It is proposed that the properties be zoned Light Industrial upon annexation. It is not anticipated that land uses will change with the annexation.

3. **Present and potential demand for various municipal services.**

   Presently, there is very little demand for municipal services in the annexation area. The City plans to serve the area with water, sewer, storm drain, communications and pressurized irrigation at some point in the future. These services will be provided as development occurs and the area will eventually be served by facilities that are described in the City's Capital Facility Plans.

4. **Distances from existing utility lines, public schools, parks, and shopping areas.**

   Detailed information is provided in Section 4 of this report relative to the proximity of the proposed annexation to utility lines.

5. **Specific time tables for extension of services to the area and how these services would be financed.**

   It is anticipated that utility services will be extended to the area as development occurs. As such, it is expected that the utilities shall be funded by property owners or the development community. All utilities sizes will match Spanish Fork City Master Plans and/or meet the requirements and sizes approved by the Spanish Fork City Engineer. At present, the City has no plans to extend utilities to the area or to make upgrades to City facilities that would serve the Annexation Area.

6. **Potential impact on existing and proposed streets.**

   There is potential that a significant City street will be located on a portion of the subject properties. The annexation would not impact any existing streets.

7. **The effect that the annexation will have upon City boundaries and whether the annexation will create potential for islands, or difficult service areas.**

   The proposed annexation does not create an island or peninsula that would make the provision of services difficult. Furthermore, the proposed annexation would eliminate such an island.

8. **An estimate of potential revenue verses potential service costs.**

Simply put, it is estimated that very little revenue will be generated for the City in the foreseeable future with the annexation of these lands. Also, it is anticipated that the annexation of these lands will result in very little additional need for the provision of City services and therefore should result in little expense for the City.

9. Requirements imposed by state law.

   Staff is aware of no requirements imposed by State Law, aside from following the requisite procedure for annexation that would impact the annexation area.

SECTION 4

In order to evaluate the City's ability to provide municipal services to the proposed annexation, the following information is provided:

1. Conformity to Master Plans for public utilities and facilities.

   As the area develops, all changes or improvements to the utilities shall be reviewed by the City Engineering office. The improvement designs for development will need to meet the requirements of the City Master Plans and Construction Standards.

   Capacity in utility systems, including that found in trunklines, tanks, plants, substations, reservoirs, etc. is reserved once a development is bonded or when a final residential plat is recorded. Often areas do not develop until a long time after they are annexed. We cannot guarantee what the capacity will be in our utility systems once development actually occurs. We have, however, made an effort to indicate whether there are existing capacity issues at the time of annexation.

   Drinking Water

   The minimum size for drinking water mains in new or improved roads proposed in the annexation area is 8 inches in diameter, according to State regulation. At present, there are no water lines in the annexation area. The nearest water line to the area is located at the end of Chappel Drive approximately 2000 feet away. In accordance to the Drinking Water System Master Plan, a future 12-inch water line is required through the subject property as the area develops. Currently, there is adequate storage capacity in the water system for typical new development in this area.

   Sanitary Sewer

   The minimum size for sanitary sewer mains in new or improved roads proposed in the annexation area is 8 inches in diameter, according to state regulation. At present, there are no sanitary sewer system services in the immediate area of the proposed annexation. The treatment plant currently has capacity for typical new development in the proposed annexation area. As the area develops, detailed plans will be required for proposed sanitary sewer improvements in accordance to the Wastewater Master Plan and shall be approved by the City Engineer.

   Storm Drain

   The minimum size for storm drain lines in new or improved roads proposed in the annexation area is 15 inches in diameter to accommodate some blockage and better facilitate cleaning. In accordance to the Strom Drainage Master Plan, 90-inch and 96-inch storm drain trunk lines shall be required through the subject property as the area develops.

   Pressurized Irrigation

   The minimum size for pressurized irrigation mains in new or improved roads proposed in the annexation area is 6 inches in diameter. The City's pressurized irrigation system is not in the immediate area. The nearest pressurized irrigation line to the proposed annexed area is located in Main Street at 1600 North, 1600 feet away. Pressurized

irrigation is also located at 300 West 900 North, 3000 feet away. The Master Plan requires a 12 inch pressurized irrigation line in 300 West along the annexation. Currently, there is adequate storage capacity in the water system for typical new development in this annexation area

Streets

The minimum streets classification that can be built in the annexed area is the commercial local road with a 64 foot right-of-way. Per the Transportation Element of the General Plan, a Minor Arterial Street shall be constructed through the annexation area.

Surface Irrigation

The Spanish Fork Westfield Irrigation Company has existing ditches that run through the proposed annexation and continue beyond to existing users. Existing ditches in the area will need to be piped or abandoned as the area develops. This work will need to be coordinated and approved by the Spanish Fork Westfield Irrigation Company and the City Engineering office.

Parks and Trails

The Transportation Master Plan requires a Collector type trail through the area as the property develops.

Power

The area in and around the proposed annexation is in the Springville City Service District. Springville City does not have any existing electrical services or cable services in the proposed annexation area. This annexation will not disturb any Springville City electric services. As this area develops, Spanish Fork City shall provide electrical services to the area. The minimum size for major electrical distribution circuits is 200 amps. The Electric Master Plan calls for a 600 amp circuit required as area develops. An existing 46KV Transmission Line runs through or along the boundary of the proposed annexation.

Communications

It is expected that all communications facilities will be installed at the time of development.

Gas

Contact Questar Gas for information related to the availability of natural gas in the area.

2. **Presence of unique utility/facility needs or requirements.**

   There are none.

3. **Presence of irrigation or other ditches and related facilities.**

   Aside from what has already been described in this report, there are no noteworthy ditches or irrigation facilities.

4. **Public Safety evaluation.**

   The City does not expect that this annexation will have any impact on public safety services.

5. **Presence of Sensitive Lands or Watershed Protection issues.**

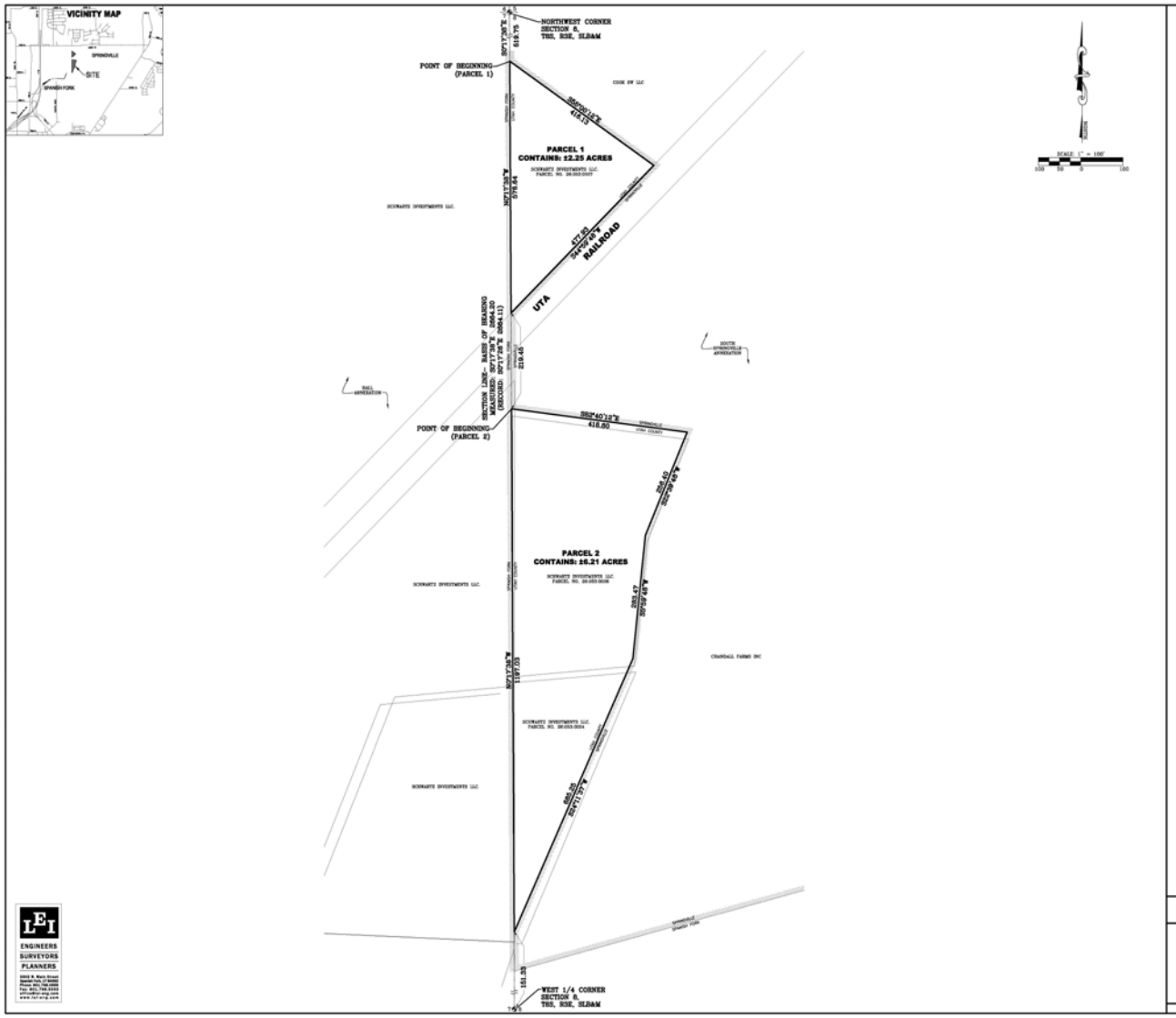
   Staff is aware of no sensitive lands or watershed protection issues relative to the proposed annexation. The City does not delineate or track where sensitive lands exist on private property.

6. **Concept Plan's conformity with proposed zoning.**

To date, no concept plan has been formally reviewed for the proposed annexation.

7. **Annexation Agreement.**

No Agreement is proposed with this annexation.



SURVEYOR'S CERTIFICATE

I, CHAD A. FOULSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5501162 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF SPANISH FORK CITY, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

BOUNDARY DESCRIPTION

PARCEL 1

BEGINNING AT A POINT ON THE COMMON BOUNDARY OF SPANISH FORK CITY AND SPRINGVILLE CITY ACCORDING TO THE HALL AND SOUTH SPRINGVILLE ANNEXATION PLATS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER, SAID POINT BEING LOCATED N0°17'36"E ALONG THE SECTION LINE 1319.54 FEET FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE WESTERLY LINE OF THE SPRINGVILLE CITY BOUNDARY THE FOLLOWING TWO (2) COURSES: S89°50'12"E 418.13 FEET; THENCE S64°56'48"W 477.93 FEET TO THE SECTION LINE AND THE EAST BOUNDARY OF SPANISH FORK CITY; THENCE N0°17'36"W ALONG THE SECTION LINE 576.64 FEET TO THE POINT OF BEGINNING.
CONTAINS: ±2.25 ACRES

PARCEL 2

BEGINNING AT A POINT ON THE COMMON BOUNDARY OF SPANISH FORK CITY AND SPRINGVILLE CITY ACCORDING TO THE HALL AND SOUTH SPRINGVILLE ANNEXATION PLATS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER, SAID POINT BEING LOCATED N0°17'36"E ALONG THE SECTION LINE 1319.54 FEET FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE WESTERLY LINE OF THE SPRINGVILLE CITY BOUNDARY THE FOLLOWING FOUR (4) COURSES: S89°40'10"E 418.50 FEET; THENCE S0°29'46"E 256.40 FEET; THENCE S0°29'46"E 263.47 FEET; THENCE S0°17'36"E 885.25 FEET TO THE SECTION LINE AND THE EAST BOUNDARY OF SPANISH FORK CITY; THENCE N71°13'25"W ALONG THE SECTION LINE 1107.03 FEET TO THE POINT OF BEGINNING.

CONTAINS: ±6.21 ACRES
ANNEXATION CONTAINS: ±8.46 ACRES

CHAD A. FOULSEN
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 5501162

DATE

SURVEYOR'S SEAL

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE SPANISH FORK CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT OF LAND SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF SPANISH FORK AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED (UCA) 10-2-04 AND 10-02-05 THROUGH 425. (AS REVISED) AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE

SCHWARTZ ANNEXATION.

DATED THIS _____ DAY OF _____, A.D. 20_____

ATTEST: _____
RECORDER

RECORDER'S SEAL

ACCEPTANCE BY COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AMENDED.

COUNTY SURVEYOR

COUNTY SURVEYOR SEAL

ANNEXATION PLAT

SCHWARTZ ADDITION

SPANISH FORK UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET

TEXT AMENDMENT

REPORT TO THE PLANNING COMMISSION
COMMERCIAL DOWNTOWN ZONE TEXT AMENDMENT

Agenda Date: August 1, 2012.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Brandon Kirk has submitted this Text Amendment for the City's consideration. The proposal would make Churches a Conditional Use in the Commercial Downtown Zone.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposed amendment would make Churches a Conditional Use in the Commercial Downtown Zone. Properties zoned Commercial Downtown are primarily found adjacent to Main Street between 100 North and 400 North.

The following is an excerpt of Title 15, the proposed change is identified in bold, red print:

15.3.16.060 C-D Downtown Commercial

This district is intended to promote and maintain the character of a pedestrian oriented retail district along Main Street. Building orientation should strongly encourage pedestrian use by having buildings close to the street with frequent entrances to buildings, and significant amounts of glass. Drive-thru uses should be strongly discouraged.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building, with no outside storage. The outside display of merchandise for sale is allowed between the hours of 7:00 a.m. and 9:00 p.m. if the merchandise remains off from the public right-of-way. Merchandise is allowed on the public right-of-way during sidewalk sales, which are allowed every weekend:

1. Art galleries and studios.
2. Entertainment uses.
3. Financial institutions with no drive- thru service.
4. Hotels, with all guest rooms above the first floor.
5. Office supply, copying, printing businesses.
6. Offices.
7. Personal service businesses.
8. Residential uses when located above the first floor.
9. Restaurants.
10. Retail uses.
11. Instructional Studios
12. Municipal facilities required for local service.

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

1. Drive-thru facilities as part of a financial institution.

2. Parking structures.
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.
4. Lube Centers.
5. Tire Centers.
6. Churches.

Staff suggests that the Commission consider a few factors in their deliberation on this proposal. One issue is parking. At present, off-street parking is not required of any uses in the CD Zone. Therefore, the City would not inherently require that off-street parking be required of Churches if they are made an allowable use in the CD Zone. However, if Churches become permitted as a Conditional Use, the City could impose site specific conditions on individual proposals that might involve requirements to provide on-street parking.

Another issue you might consider is the value of increasing activity in the area that is zoned Commercial Downtown. As a general rule, efforts to revitalize downtowns involve plans to incorporate a variety of land uses that are expected to operate at varied hours throughout the week. In essense, the idea is to get people to spend time in a downtown area in more of a 24-hour-a-day-seven-day-a-week manner than just from eight to five Mondays through Fridays.

Another item to consider is the scarcity of space in the Commercial Downtown zone and in other zones that permit retail activity. In short, most cities attempt to preserve as much land for retail uses as what a current or future market might be able to support. From this perspective, some might question whether a mixture of uses in the CD Zone truly reflects the highest and best uses of the properties in the Zone.

Development Review Committee

The Development Review Committee reviewed this proposal on July 25, 2012 and recommended that the proposal be approved. Draft minutes from that meeting read as follows:

CD Zone

Applicant: Spanish Fork City
General Plan: Mixed Use
Zoning: Commercial Downtown
Location: City-wide

Mr. Anderson explained what City zones currently allow Churches as a Permitted Use. He stated that Churches are not allowed in our Commercial Downtown Zone. He further explained that the applicant was requesting to change the Commercial Downtown Zone for the purpose of purchasing a building, in the Commercial Downtown Zone, to use as a Church.

Mr. Oyler said that he thought the reason Churches were not allowed in the C-D zone is because there is not any parking.

Mr. Kirk said that the specific building that his client is purchasing does have a lot of parking.

Mr. Anderson said that he could see parking being the issue with the C-D Zone.

Discussion was held regarding parking.

Mr. Oyler suggested making it a Conditional Use in the C-D Zone and require parking for Churches. If a particular piece of property has parking then it would be fine but if someone buys another facility that has no parking, then no.

Mr. Kirk explained that he felt parking was somewhat self regulating.

Mr. Oyler said that he did not have a problem with it if it was a Conditional Use.

Discussion was held regarding scenarios that could affect parking in the Commercial Downtown Zone.

Mr. Anderson explained that the C-D Zone is intended to be something of a mixed use zone and that there is a benefit to having a mixture of uses in that area.

Mr. Oyler explained that one of the challenges is employee parking. When you have a business that has a lot of employees, that take up a majority of the parking if not all of the parking, then customers have nowhere to park.

Mr. Anderson explained that he would allow for a Church to count on-street parking when evaluating the need for conditions.

Brandon Kirk explained that the client was purchasing the entire building and that they planned to keep the Retail uses and add a Church use.

Mr. Anderson stated that, from a land use perspective, he did not feel a Church in the Commercial Downtown area is a problem. Making it a Conditional Use gives the City some opportunity to impose conditions to mitigate anticipated adverse impacts.

Mr. Oyler said that he did not have a problem with it being put into the ordinance as a Conditional Use.

Mr. Kirk asked for clarification on the City's Conditional Use process. Mr. Oyler gave an explanation.

Mr. Anderson **moved** to **recommend** that the City **change** the list of Conditional Uses in the Commercial Downtown (C-D) Zone to include Churches.

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 Ordinance Amendment be approved.