

Adopted Minutes
Spanish Fork City Planning Commission Work Session
August 15, 2012

Commission Members Present: Brad Gonzales, George Gull, Seth Sorensen, Bruce Fallon, Richard Heap, Reed Swenson.

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

Citizens Present: Les Allen, Branden Kirk, Steve Maddox.

Mr. Anderson welcomed and introduced the new members of the Commission: Richard Heap, Bruce Fallon and Reed Swenson.

Commission discussion was held regarding appointing a new chairman and co-chairman. Commissioner Heap **moved** to **appoint** Commissioner Gonzales as the Chairman. Commissioner Gull **seconded** and the motion **passed** all in favor. Commissioner Gonzales **moved** to **appoint** Commissioner Sorensen as the Co-Chairman. Commissioner Swenson **seconded** and the motion **passed** by a roll call vote.

PRELIMINARY ACTIVITIES

Pledge

Chairman Gonzales led in the pledge of allegiance.

MINUTES

June 6, 2012

Chairman Gonzales reviewed the minutes.

Chairman Gonzales **moved** to **approve** the minutes of June 6, 2012. Commissioner Gull **seconded** and the motion **passed** all in favor.

PRELIMINARY PLATS

Mr. Anderson explained that the applicants, for the Preliminary Plat for The Ridge and the Robert Lewis Subdivision Waiver, asked that their proposals be continued.

Old Mill Estates

Applicant: CW Management

General Plan: Low Density Residential

Zoning: R-1-15

Location: approximately 1500 South Mill Road

Mr. Anderson explained the City's subdivision approval process. He further explained the history of the proposal and that the Preliminary Plat had expired. The improvements have been constructed for the first phase of the plat. The applicant is not making any changes.

Commissioner Heap asked if the City's standards had changed since the original approval. Mr. Anderson said that the standards had been updated and that the applicant had met the new standards.

Commissioner Swenson asked if there was a concern with only one ingress and egress into the subdivision. Mr. Anderson explained that it was and that the Commission could recommend how many lots could be constructed before a second ingress and egress is constructed.

Mr. Johnson said that the applicant had submitted a phasing plan and was planning on hooking the pressurized irrigation to the north.

Commissioner Gonzales said that he felt, prior to the City Council approving this proposal, that they need to see a phase that includes another ingress and egress.

Mr. Anderson said that it was his understanding that the applicant would have to put in the other access well before they construct 50 lots.

Commissioner Swenson **moved** to recommend that the City Council **approve** the Old Mill Estates Preliminary Plat. Discussion was held regarding the motion. Commissioner Swenson **amended** his **motion** to **include** that the City Council will look at the phasing process as it relates to the streets and utilities.

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

Somerset Village

Applicant: Los Dos Amigos

General Plan: Low Density Residential

Zoning: R-1-6

Location: approximately 2900 East 950 South

Mr. Anderson gave background on the proposal and explained that with the most recent proposal that the applicant determined (in the absence of a private street) to build a townhome structure. It adds two additional units to the project but does not exceed the density sealing allowed by our ordinance. The DRC recommended that the proposal be approved.

Commissioner Fallon asked Mr. Anderson to explain why the street connection has been eliminated. Mr. Anderson explained that the City ordinance had changed and that the City no longer permits private streets and that plans for the development to the west had changed.

Commissioner Heap **moved** to recommend that the City Council **approve** the Somerset Village Preliminary Plat subject to the applicant meeting the City's Engineer Department redlines. Commissioner Sorensen **seconded** and the motion **passed** all in favor by a roll call vote.

The Ridge

Applicant: Los Dos Amigos

General Plan: Low Density Residential

Zoning: R-1-6

Location: approximately 2700 East Canyon Road

The applicant requested that the proposal be continued.

Commissioner Sorensen **moved** to **continue** the Preliminary Plat for The Ridge and the Robert Lewis Subdivision Waiver; to some future date. Commissioner Gull **seconded** and the motion **passed** all in favor.

Robert Lewis Subdivision Waiver

Applicant: Robert Lewis

General Plan: Medium Density Residential

Zoning: R-1-16

Location: 704 North 200 East

The applicant requested that the proposal be continued.

Commissioner Sorensen **moved** to **continue** the Preliminary Plat for The Ridge and the Robert Lewis Subdivision Waiver; to some future date. Commissioner Gull **seconded** and the motion **passed** all in favor.

ANNEXATIONS

Schwartz

Applicant: Spanish Fork City

General Plan: Light Industrial

Zoning: Industrial 1 (proposed)

Location: approximately 2300 North 1100 East

Mr. Anderson explained the City's annexation process. The DRC recommended that the annexation be approved with Light Industrial zoning.

Discussion was held regarding the zoning, the need for the City to connect 1100 East with 2700 North and the existing railroad crossing.

Commissioner Gull **moved** to **approve** the Schwartz Annexation. Commissioner Sorensen **seconded** and the motion **passed** all in favor by a roll call vote.

TEXT AMENDMENTS

CD Zone

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

Mr. Anderson explained that the Commercial Downtown zone covers six blocks of town; from 100 North to 400 North. This zone does not permit churches. There is a group that has started using a building in the C-D zone as a church and they want to purchase the building. They do not want to purchase the building if churches are not a permitted use in the C-D zone. DRC decided that it would not be a good idea to add churches as a permitted use in the C-D zone but to add it as a use subject to a Conditional Use Permit so that the City could impose site specific conditions on individual proposals. He then explained the Conditional Use Permit process.

The Commission opened into a public hearing at 7:13 p.m.

Mr. Brandon Kirk introduced himself as representing Lane Henderson who is the owner of the building. He explained that the intent was to keep the retail uses along 300 North and use the rest of the building as the church. He further explained that there was a lot of on-site parking.

Chairman Gonzales explained that a class at BYU, as a project, had studied our C-D zone and had given the Planning Commission and City Council a presentation on how to preserve the City's Downtown area. He asked the Commission to consider what the City is trying to achieve long term.

Commissioner Fallon expressed that he felt the Commission needed to look at the zone in a broader sense than just the proposed building.

Chairman Gonzales asked if this was a permanent use for the church at this location.

Mr. Kirk explained that it would be and that the church would be using the structure in the evenings and during the day on Sunday.

Discussion was held regarding conditional uses being linked to the property and not the ownership. If the use changes on the property or if the use is abandoned for the period of one year than the conditional use goes away.

Commissioner Sorensen asked how the process of conditions worked. Mr. Anderson explained that Conditional Use Permits have to be approved but that the Commission could impose reasonable conditions.

Chairman Gonzales read the City staff's considerations and asked the applicant about how many vehicles there were when the church was in use. Mr. Kirk said that the structure was 5,000 square feet and around 50 vehicles are parked there when it is being used as a church. He said that no one parks along Main Street. The church uses the building on Thursday nights and Sundays at 10:30 am.

Discussion was held regarding how many on-site parking stalls are in the vicinity and if there would ever be another C-D zone somewhere in the City. Mr. Anderson said that he felt the C-D zone was specifically crafted for the existing uses from 100 North to 400 North.

Chairman Gonzales said that he did not have a problem with a warehouse that is not directly on Main Street but has concerns with someone using a building on Main Street.

Commissioner Fallon asked if there were any other structures that front Main Street that could be used in a like manner. Discussion was held regarding other buildings along Main Street.

Commissioner Swenson expressed that he felt that the Commission needed to be very careful in how they treat this part of town.

Commissioner Fallon asked how other cities handled such proposals. Mr. Anderson said that he did not know but that he could look into it.

Commissioner Sorensen expressed that he felt that if there was a demand for a commercial use in the downtown area that the market would drive it.

Chairman Gonzales expressed that he was inclined to protect the Commercial Downtown zone and would not support approving the proposal.

Commissioner Heap said that he would like to take some time to talk to businesses downtown before he made a decision.

Chairman Gonzales expressed that he felt that down the road there could be other businesses that might not fit into the historic downtown area.

Commissioner Sorensen expressed that he feels that the owner of the property has the right to use the property as he wants.

Chairman Gonzales **moved** to **continue** this proposal, for one month, so that the Commission could further study the issue. Commissioner Sorensen **seconded** and the motion **passed** all in favor.

Mr. Anderson explained that churches are allowed in the City's Residential Office zone and asked the Commission if they would like to explore that zone as an option.

Chairman Gonzales recommended that City staff look into the R-O zone. Chairman Gonzales expressed that he did not have an issue with any church along Main Street. His concern is with preserving the historical nature of the Main Street area from 100 North to 400 North.

**Commissioner Heap excused himself at 7:50 p.m.*

Title 15 Updates

Applicant: Spanish Fork City

General Plan: not applicable

Zoning: not applicable

Location: City-wide

Mr. Anderson explained the changes to the language in the ordinance. He went through the changes one by one. They were as follows: re-organization of the Engineering Department, adding language to the R-1-6, R-1-8, R-1-9 relative to Master Planned Developments, clerical verification relative to billboards along Highway 6 and Highway 89 and the removal of language relative to Poultry, Turkeys, Hens or Fowl in Title 15 that is now covered under Title 6.

Chairman Gonzales **moved** to recommend that the City Council **approve** the Title 15 updates with the addition that, under the Planning Commission Category C, compensation be changed to read that the Planning Commission receiving privileges to City amenities. Commissioner Swenson **seconded** and the motion **passed** all in favor by a roll call vote.

OTHER BUSINESS

Discussion on Maple Highlands

Mr. Anderson explained that when things come up for development, that are subjective in nature, that the proposals are brought before the Commission for dialogue. It does not mean that the dialogue is binding. He further explained that Maple Highlands was approved in 2007 under a City Master Planned Development ordinance but that the approval had expired. Mr. Maddox is here tonight to get feedback from the Commission relative to the Maple Highlands project.

Discussion was held regarding which direction the applicant could go with the development.

ADJOURNMENT

Chairman Gonzales **moved** to **adjourn**. Commissioner Sorensen **seconded** and the motion **passed** all in favor at 8:32 p.m.

Adopted: September 5, 2012

Shelley Hendrickson, Planning Secretary