

**Adopted Minutes  
Spanish Fork City Planning Commission  
September 5, 2012**

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

**Staff Present:** Dave Anderson, Community Development Director; Jered Johnson, Engineering Division Manager; Steve Adams, Chief of Police; Angie Warner, Deputy Recorder.

**Citizens Present:** Efren Bedolla, Blanca Sandoval, Alejandro Sandoval, Wade Davis, Richard T. Banks, David Call, Jeana Call, Cody Black, Desha Dalton, Natasha Dalton, Myrna Dalton, Dave Priest, Kyle Smith, David Aust, Mary Aust, Randall Jeffs.

**PRELIMINARY ACTIVITIES**

**Pledge**

Commissioner Fallon led in the pledge of allegiance.

**MINUTES**

**August 15, 2012**

Commissioner Heap **moved** to **approve** the minutes of August 15, 2012.  
Commissioner Sorensen **seconded** and the motion **passed** all in favor.

**PRELIMINARY PLATS**

**Robert Lewis Subdivision Waiver**

Applicant: Robert Lewis  
General Plan: Medium Density Residential  
Zoning: R-1-6  
Location: 704 North 200 East

Dave Anderson said this plat is a little different because all of the utilities are already installed. One condition will be that a power pole will need to be relocated. Mr. Anderson said he received a new configuration for the layout after the agenda was sent out. Development Review Committee recommends approval, and staff recommends approval of the new configuration.

Jered Johnson said the City will be replacing the waterline on 200 East this fall. Staff suggests having the lot on 200 East be constructed first to tie onto the new waterline.

Commissioner Gull **moved** to recommend that the City Council **approve** the Robert Lewis Subdivision Waiver with the following 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.*

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

### **Skyline**

Applicant: Mark Sperry

General Plan: Light Industrial

Zoning: Industrial 1

Location: approximately 3400 North Main

Dave Anderson said for this project, the needed public infrastructure is not in place yet. This plat has 11 lots and the parcels that are not on Main Street are land locked. Mr. Sperry would like to develop the South Main Street lot only at this time. There are no plans for the other lots yet. There are a number of different property owners and they were sent a letter of what was presented tonight. Development Review Committee and Staff recommend approval with the one condition.

Chairman Gonzales asked if the developers are in charge of constructing the streets rather than the City.

Mr. Anderson said there is not a developer in this situation. Someone took deeds to the County Recorder's Office in 2003/2004 and had an 80 acre parcel split up. The City was unaware of the land split and recording in the 2003/2004 timeframe.

Mr. Anderson explained that the City's process is when a citizen/developer applies for preliminary plat, then a final plat. If all are approved then the plat is taken to the County Recorder's Office to be recorded.

Mr. Anderson clarified that when one of the property owners is ready to develop in this plat, they will follow this outline and they would be liable to pay for their portion of constructing the access road.

Commissioner Sorensen **moved** to recommend that the City Council **approve** the Skyline Preliminary Plat with the following condition:

1. *That the applicant modifies the plat as needed to include any planned right-of-way along the western boundary.*

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

### **CONDITIONAL USE**

#### **Haven Home for Girls**

Applicant: Myrna Dalton

General Plan: High Density Residential  
Zoning: R-3  
Location: 200 East 400 North

Dave Anderson reminded that the rest of the items tonight can receive public comment.

Mr. Anderson said this proposal is for a residential treatment facility for teenage girls. The applicant has hired consultants to inspect the facility. The applicant submitted proposed plans that can be done within their budget. Earlier this year City Council amended the ordinance regarding conditional uses. The Development Review Committee recommends approval with conditions. Staff has added some additional detail.

Mr. Anderson gave an update of the facility. The old Rees School building has not been used for about 5 years and sits on about 2 acres. By City Ordinance there are conditions there as well as conditions recommended by DRC & staff.

Myrna Dalton with the Haven Home for Girls said they currently have a home in Orem City. The facility provides living quarters, on site school and therapy. The girls come from D.C.F.S. from abused homes. The girls can receive substance abuse counseling and sexual abuse counseling. They take the girls out to do community service. It is required that we have 24 hour supervision. Ms. Dalton said they have not had any complaints from the residents that live by their facility in Orem.

Chairman Gonzales clarified that none of the girls can be adjudicated.

Ms. Dalton confirmed yes, they are not adjudicated, they come from D.C.F.S.

Commissioner Swenson asked about visitation rights for the girls.

Ms. Dalton said every girl is different. D.C.F.S tells us what each girl receives, if any.

Commissioner Heap asked about staff supervision during the night.

Ms. Dalton said they have 2 employees on duty during the night, then 1 employee for every 6 girls during the daytime.

Commissioner Fallon asked how long the girls stay and if the girls have curfews.

Ms. Dalton said they stay for about 6-12 months. State regulations require so much sleep time for the girls, so they do have curfews.

Commissioner Swenson asked if the girls are provided religious classes.

Ms. Dalton said yes if they choose and they have the services come to the facility.

Chairman Gonzales read the conditions:

- 1. That the applicant modifies the site plan to include additional detail to describe property improvements.*
- 2. That the facility houses no more than 16 clients between the ages of 12 and 18.*

3. *That none of the clients are adjudicated girls through the juvenile court system.*
4. *That the building is updated, retrofitted, and modified to meet the International Building Code and Fire Code.*
5. *That the applicant must maintain an active license with the State of Utah.*
6. *That the applicant may be able to allow up to 9 non-residents for school.*

Chairman Gonzales said the City received an anonymous letter that they were concerned about the safety of the building as well as the safety for the people in the building.

Mary Aust lives by the facility. Ms. Aust said when the facility was the American Heritage School they had limited money for maintenance. There were leaks in the ceiling, falling ceiling tiles, she does know that it has lead and asbestos. The heating and cooling systems did not work adequately. Just a few weeks ago there were Sheriff's checking out some drug houses in the area. If the girls are coming for substance abuse, this is a concern. If these are sexual abused girls, she is concerned for the safety of the children in the area. This is not a locked down facility the girls can leave at any time. There has been graffiti in the area. Ms. Aust would question the integrity of the building for the safety of the girls. Ms. Aust suggested finding another location.

David Call lives by the facility and is concerned about his property. He has a power pole in his backyard that is connected to a pole at the facility. Mr. Call is wondering if they are going to remove the pole in his backyard. Also, there is a tree on the property that is right by his property line, are they going to remove it.

Jered Johnson said that they would have to go look at the pole but there is no plans to remove the pole right now. In the plans the applicant will have to run a line underground.

Ms. Dalton said with the new landscaping they will be removing the tree to put the fence in.

David Aust expressed his concern for funding for this project.

Chairman Gonzales explained to Mr. Aust that the Planning Commission has no input on the applicant's financial situation.

Richard Banks said he is disappointed about how horrible the facility looks. Mr. Banks is asking for the renters to take care of the facility now until construction starts. Spray the weeds, mow and water the lawn, etc. Mr. Banks is not against the treatment facility coming.

Wade Davis just moved to the area and is concerned about the way the facility has been kept up. Mr. Davis said the cost of renovating and the upkeep for building is going to cost a lot. Mr. Davis is concerned about the safety and would like the facility to be built in a different location.

Chairman Gonzales asked if there is a phasing plan to give a time frame for the public.

Ms. Dalton said as soon as they can get approval it will take about 3 months for the renovations if things run as scheduled.

Commissioner Swenson concerned about the facility structure that is a really old building.

Ms. Dalton said they had engineers come that gave us guidelines to meet to make sure that the building is structurally safe. There was lead in the windows only and those are all coming out.

Chairman Gonzales said everyone is concerned about the safety of the building. The City and State will have to approve this facility before the applicant can open. This applicant has been presented all the requirements that they are going to have to follow.

Commissioner Sorensen said he has worked at these facilities before and they are great facilities.

Commissioner Fallon asked if there are requirements for the parking lot landscape.

Mr. Anderson said the requirement is 108 square feet of landscaping per 10 parking stalls. By their plans the applicant meets that requirement.

Ms. Aust said she is aware that there is lead paint in the building. Again, she questioned if this the best use of the facility. Ms. Aust asked when was the change for the treatment facility to be able to be in that area. Also, Ms. Aust would like to see the plans they are doing to improve the building.

Mr. Anderson said the ordinance regarding the conditional uses was approved at a City Council meeting in the April.

Commissioner Sorensen clarified that this meeting is for the Planning Commission to decide what conditions the applicant will need to meet.

Discussion regarding overflow outside lighting.

Commissioner Sorensen said with an issue like this we get a lot of comment and would like to table this until the next meeting so we do not make a decision based on emotion.

Commissioner Sorensen **moved** to **Table** the Haven Home for Girls Conditional Use.

The Motion died for lack of second.

Commissioner Heap asked Mr. Anderson how he feels about the plan that presented tonight.

Mr. Anderson reviewed the documents presented tonight and the applicant has just taken what requirements were discussed and put them in the plan.

Commissioner Heap asked if the City has plans approved from an engineer.

Mr. Anderson said yes but they are about a year old so they would need to be updated.

Commissioner Heap **moved** to **Approve** the Haven Home for Girls Conditional Use with the following conditions:

1. *That the applicant modifies the site plan to include additional detail to describe property improvements.*
2. *That the facility houses no more than 16 clients between the ages of 12 and 18.*
3. *That none of the clients are adjudicated girls through the juvenile court system.*
4. *That the building is updated, retrofitted, and modified to meet the International Building Code and Fire Code.*
5. *That the applicant must maintain an active license with the State of Utah.*
6. *That the applicant may be able to allow up to 9 non-residents for school.*

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

### **TEXT AMENDMENTS**

#### **CD Zone (continued from August 15, 2012)**

Applicant: Brandon Kirk  
General Plan: not applicable  
Zoning: not applicable  
Location: City-wide

Dave Anderson said this proposal is to add churches to be allowed in commercial zones. Other cities have allowed churches in commercial zones. Development Review Committee and staff recommend approval to add to the list of Conditional Uses in the Commercial Downtown (C-D) Zone to include churches.

Chairman Gonzales reviewed what was discussed at the last meeting. The applicant is requesting to have a church at about 350 North Main. There were concerns regarding parking and how this affects the historical downtown Main Street in the future. Planning Commission asked for a continuance to talk to the public and research this request.

Commissioner Gull spoke to the public and didn't think it would be a problem.

Commissioner Sorensen agreed that it should not be a problem.

Commissioner Heap went to the location at various times and does not think it should be a problem.

Commissioner Sorensen **moved** to **approve** the CD Zone Text Amendment to allow churches.

Commissioner Gull **seconded** and the motion **passed** all in favor.

#### **Title 15 Updates**

Applicant: Chris Thompson  
General Plan: not applicable  
Zoning: not applicable  
Location: City-wide

Jered Johnson said staff has updated Title 15 regarding the Construction and Development Standards. Mr. Johnson said also included in the update is that a 50 foot easement be required along the Spanish Fork River as development occurs.

Mr. Johnson read the changes to Part 4 of the Development Chapter 20 Flood Damage Prevention 15.4.20.020 General Provisions.

Chairman Gonzales clarified that this applies to future development.

Dave Anderson said this will provide access for City workers to get the equipment to the areas for flooding emergencies.

Chairman Gonzales **moved** to recommend that the City Council **approve** the Title 15 updates.

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

### ZONE CHANGE

#### **Efren Bedolla**

Applicant: Efren Bedolla

General Plan: General Commercial

Zoning: Shopping Center existing, Commercial 2 proposed

Location: approximately 900 North Expressway Lane

Dave Anderson said the applicant is requesting a zone change for his property from Shopping Center to Commercial 2. The applicant would like to put a church at this location.

Commissioner Heap recommended looking at changing the zone for Wendy's also.

Mr. Anderson said that change would not impact Wendy's and could be done.

Chairman Gonzales recommends staff look at changing Wendy's to Commercial 2 and bring that item back to Planning Commission.

Commissioner Sorensen **moved** to **approve** the Efren Bedolla Zone Change.

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

### ADJOURNMENT

Chairman Gonzales **moved** to **adjourn**.

Commissioner Fallon **seconded** and the motion **passed** all in favor at 8:01 p.m.

**Adopted: November 7, 2012.**

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Angie Warner, Deputy Recorder