



Wednesday, January 15, 2020 Planning Commission

Planning Commission Agenda

PUBLIC NOTICE is hereby given that the Planning Commission of Spanish Fork, Utah, will hold a meeting in the City Office Building, 40 South Main Street, Spanish Fork, Utah, with a work session commencing at 5:30 p.m. and Planning Commission Meeting commencing at 6:00 p.m. on January 15, 2020.

Planning Commissioners

Brad Tanner
Richard Davis
Kevin Oyler
John Mendenhall
Clint Argyle

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Planning Commission Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the Community Development Office at 801-804-4580.

1. Planning Commission Training and Discussion on Work Program starting at 5:30 p.m.

2. Minutes

Subject	A. December 4, 2019
Meeting	Jan 15, 2020 - Planning Commission
Category	2. Minutes
Access	Public
Type	

3. Preliminary Plat

Subject	A. RB Subdivision. The proposal involves an industrial subdivision consisting of 2 lots on approximately 6.01 acres located at 751 West 1000 North.
Meeting	Jan 15, 2020 - Planning Commission
Category	3. Preliminary Plat
Access	Public
Type	Action, Discussion

File Attachments
[report.drc.rbconstructionsubdivision.1-15-2020.pdf \(1,086 KB\)](#)

4. Annexation

Subject **A. DAC-Swenson. The proposal involves a request to annex 26.47 acres at approximately 1900 South 1700 West.**

Meeting Jan 15, 2020 - Planning Commission

Category 4. Annexation

Access Public

Type Action, Discussion

File Attachments
[report.pc.dac-swenson.1-15-2020.pdf \(749 KB\)](#)

5. Title 15 Amendments (Public Hearing)

Subject **A. The proposal would amend Title 15.3.20.060 regarding the Development Enhancement Overlay to allow the Overlay in the R-O zone.**

Meeting Jan 15, 2020 - Planning Commission

Category 5. Title 15 Amendments (Public Hearing)

Access Public

Type Action, Discussion

File Attachments
[memo.r-o.1-15-2020.pdf \(491 KB\)](#)

Subject **B. The proposal would amend Title 15.3.20.070 regarding the Aggregate Transportation, Storage and Reclamation Overlay.**

Meeting Jan 15, 2020 - Planning Commission

Category 5. Title 15 Amendments (Public Hearing)

Access Public

Type Action, Discussion

File Attachments
[memo.aggregate.1-15-2020.pdf \(842 KB\)](#)

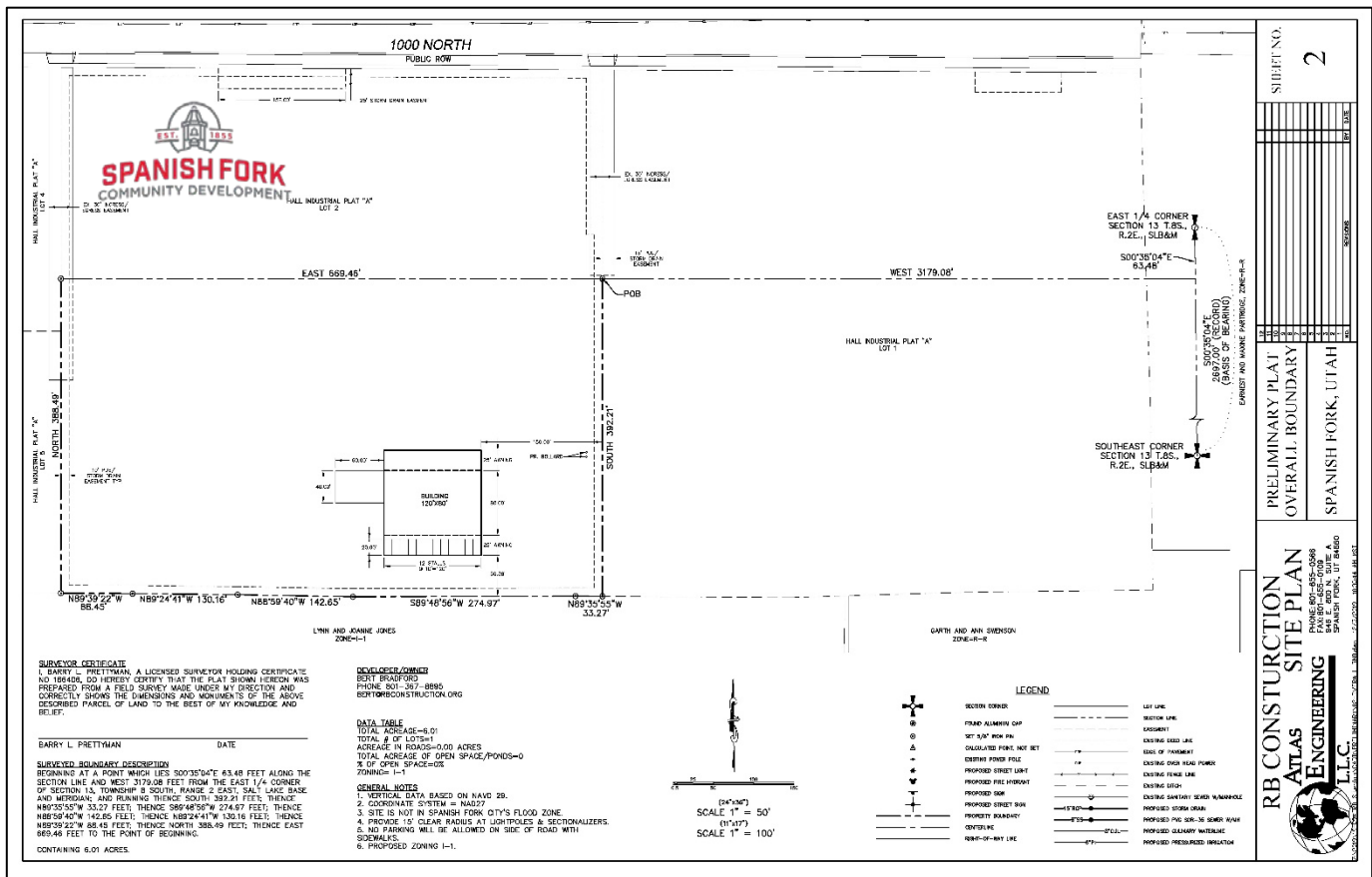
6. Zone Change (Public Hearing)

Subject **A. Ludlow Development Enhancement. The proposal would impose the Development Enhancement Overlay for a .32-acre property located at 103 East 100 South.**

Meeting	Jan 15, 2020 - Planning Commission
Category	6. Zone Change (Public Hearing)
Access	Public
Type	Action, Discussion

File Attachments
[report.pc.ludlow.1-15-2020.pdf \(2,646 KB\)](#)

7. Adjourn



RB Subdivision Preliminary Plat Approval Request

January 15, 2020, Planning Commission Meeting.

Located at 751 West 1000 North including 6.01 acres.

The subject property is zoned Industrial 1.

The applicant has requested that a Preliminary Plat be approved to further subdivide a lot located in the Hall Subdivision.

Key Issues

1. Ingress/egress easement.
2. Utilities.
3. Site Plan requirements.

Recommendation

That the proposed Preliminary Plat be approved based on the following finding and subject to the following condition:

Finding

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Condition

1. That the applicant meet the City's Zoning requirements and Construction Standards.

Exhibits

1. Site Plan submittal including the proposed Preliminary Plat.

FINAL SITE PLAN

COVER
OVERALL BOUNDARY
OVERALL SITE PLAN
EXISTING TOPOGRAPHY
GRADING PLAN
DETAIL SHEET
FINAL PLAT

[illegible]

VICINITY MAP

NOTES

- ALL CONSTRUCTION SHALL CONFORM TO SPANISH FORK CITY STANDARDS.
2. ELECTRICAL SYSTEM TO BE INSTALLED AS PER SPANISH FORK CITY ELECTRICAL DESIGN AND STANDARDS, ANY ELECTRICAL DESIGNS AS PER ARCHITECT/DEVELOPER DRAWING SHALL BE REVIEWED BY THE CITY OF SPANISH FORK.
3. ALL ELECTRICAL IMPROVEMENTS SHALL BE INSTALLED TO THE MOST CURRENT VERSION OF THE SPANISH FORK CITY CONSTRUCTION STANDARDS.
4. ALL ELECTRICAL WORK SHALL BE COMPLETED PRIOR TO THE BEGINNING OF THE PROJECT. SHALL BE COMPLETED USING STANDARDS VERSION THAT WERE ISSUED AT PRE-CONSTRUCTION MEETING.
5. ALL EXISTING FACILITIES AFFECTED BY THE DEVELOPMENT WILL NEED TO BE BROUGHT TO CURRENT NEC, NESC, AND CITY STANDARDS, AT DEVELOPERS EXPENSE INCLUDING BUT NOT LIMITED TO UPGRADING OF METER BASE, SERVICE CONDUITS, COMMUNICATIONS SERVICES, AND LANDSCAPING RESTORATION.
6. HOT WATER HEATING SYSTEM, RETENTION BASINS, AND PARK STRIPS

GENERAL NOTES

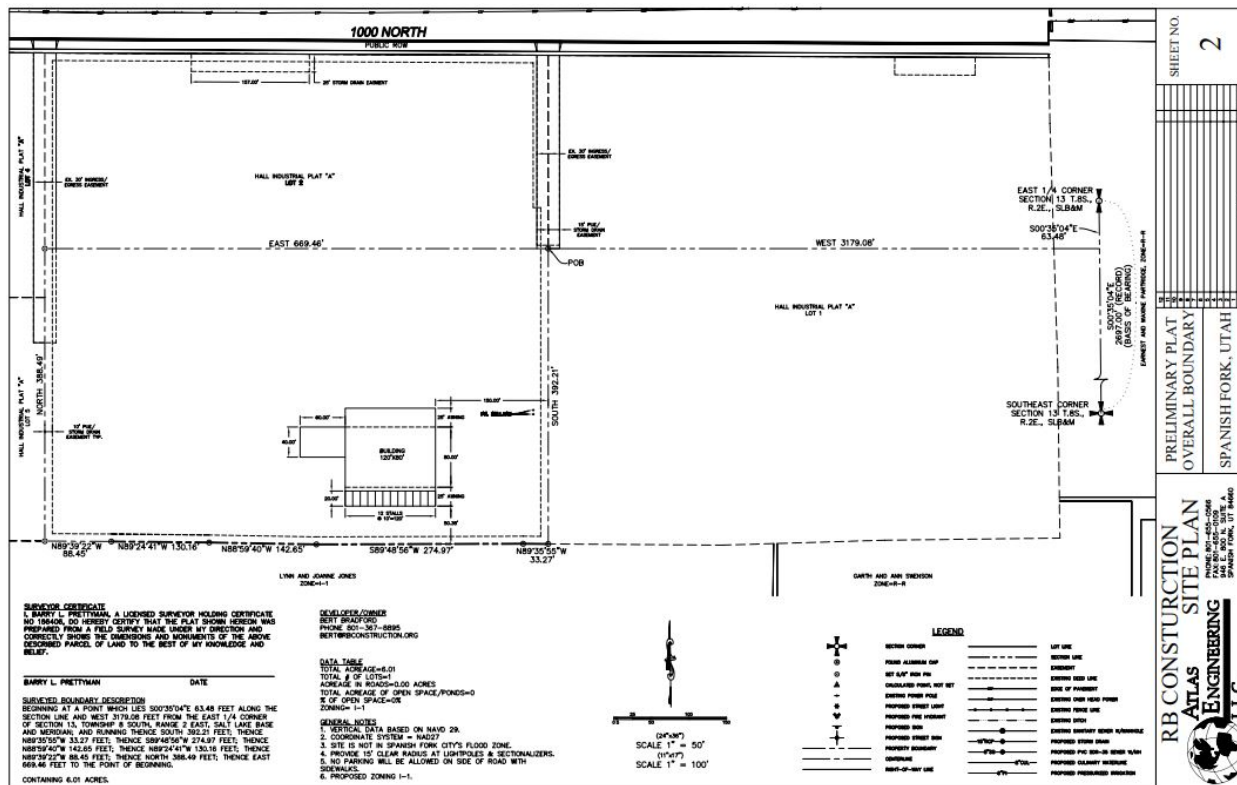
- GENERAL NOTES:**
1. CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
 2. ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 3. BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

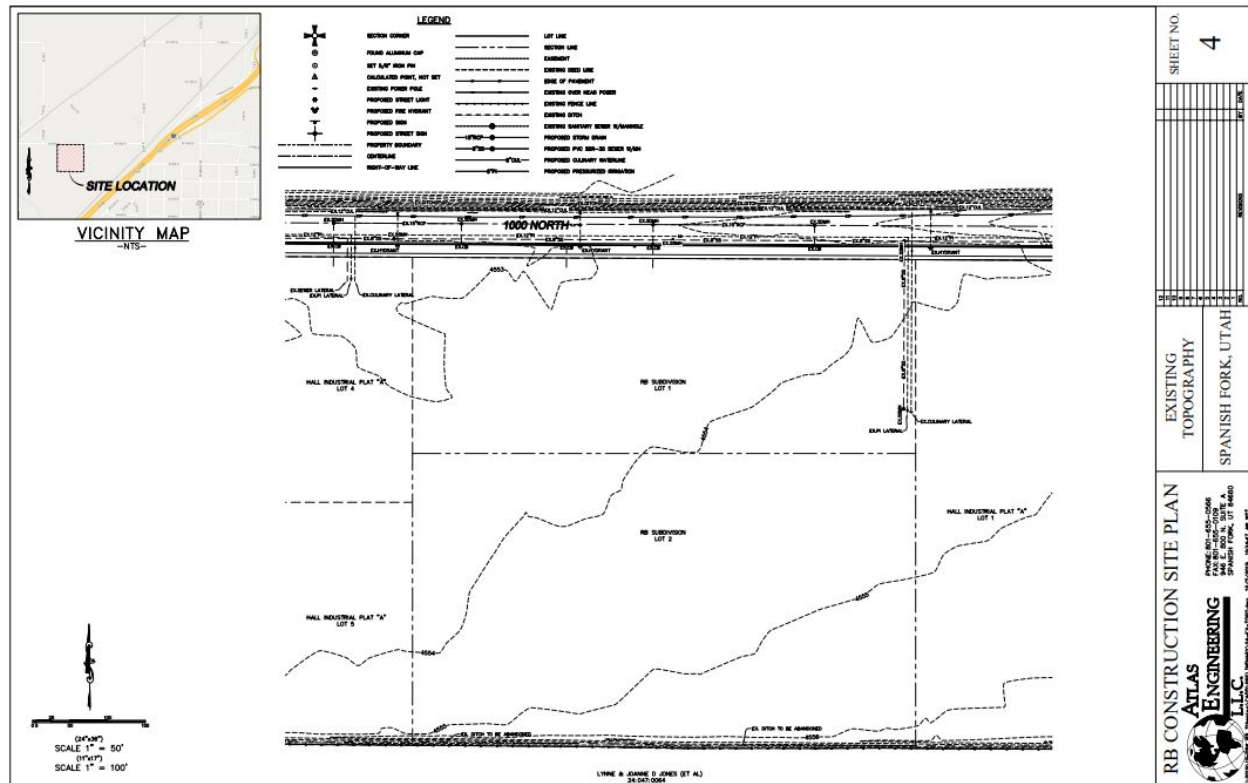
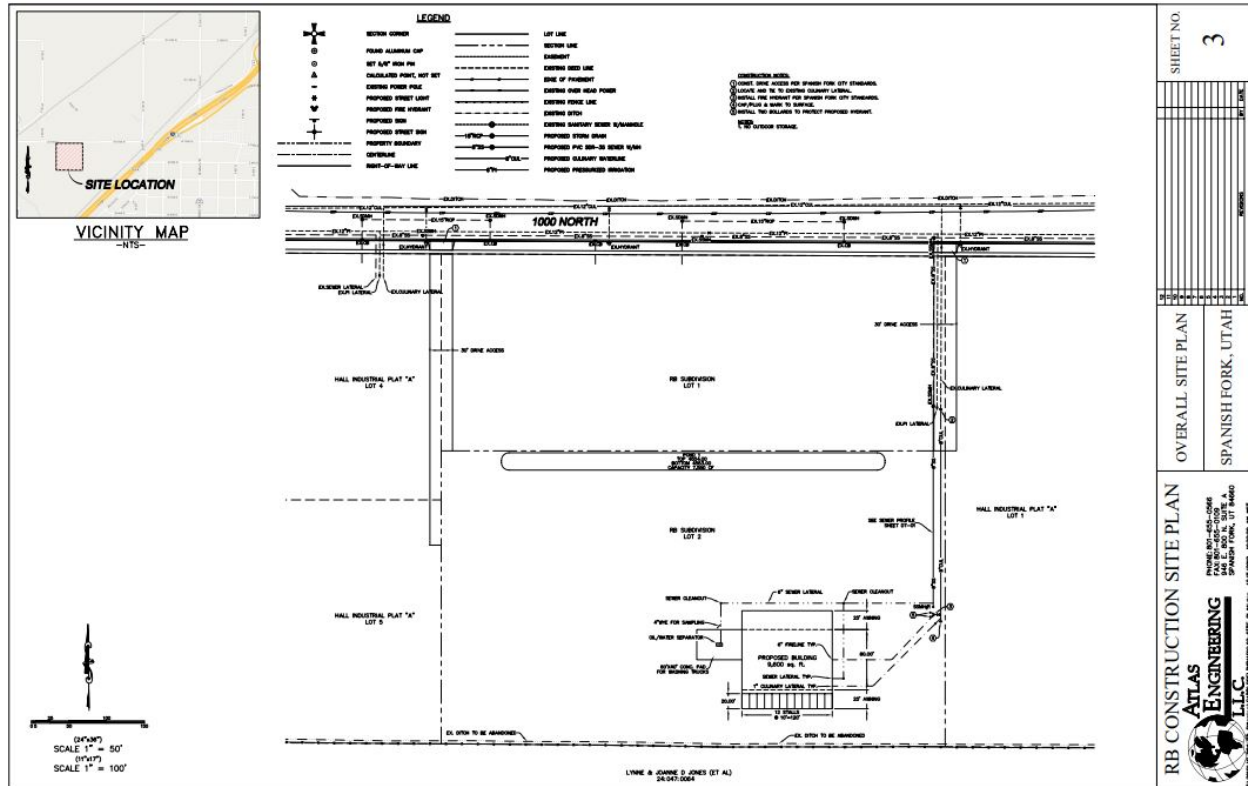
**RB CONSTRUCTION
SITE PLAN**

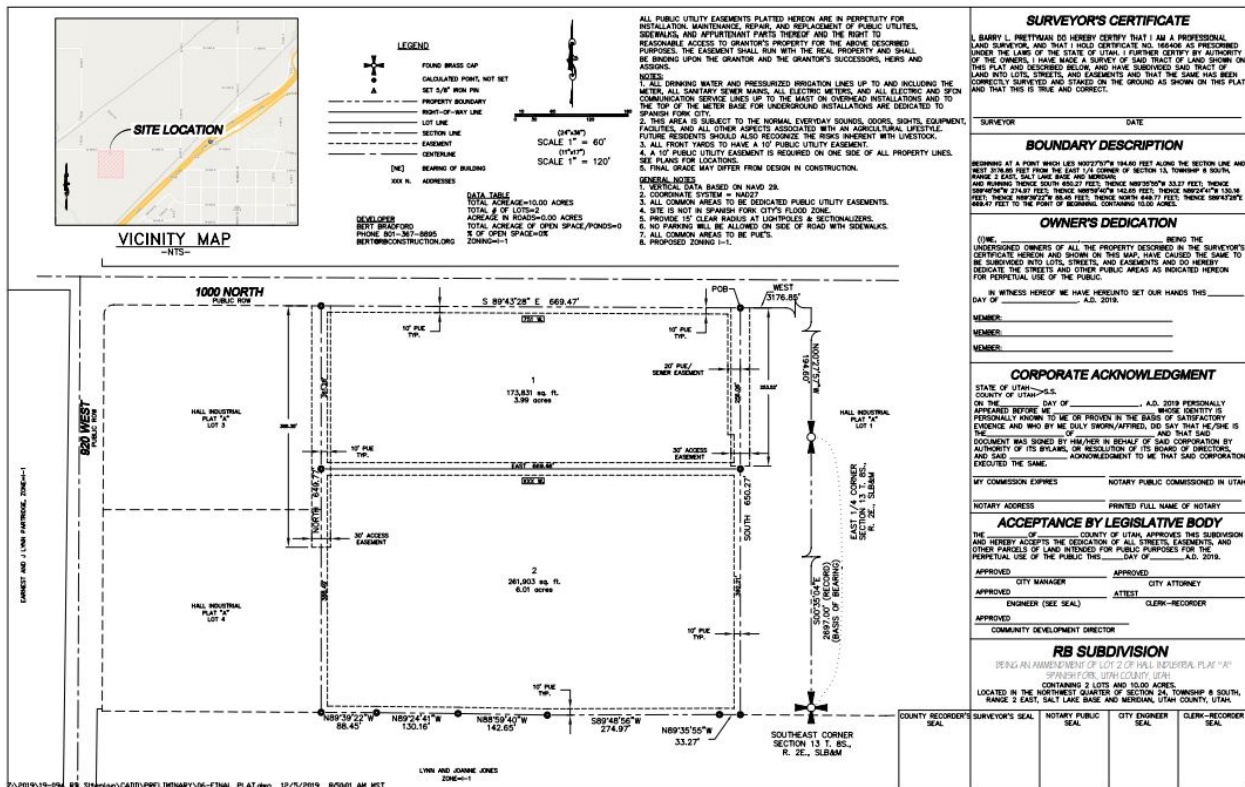
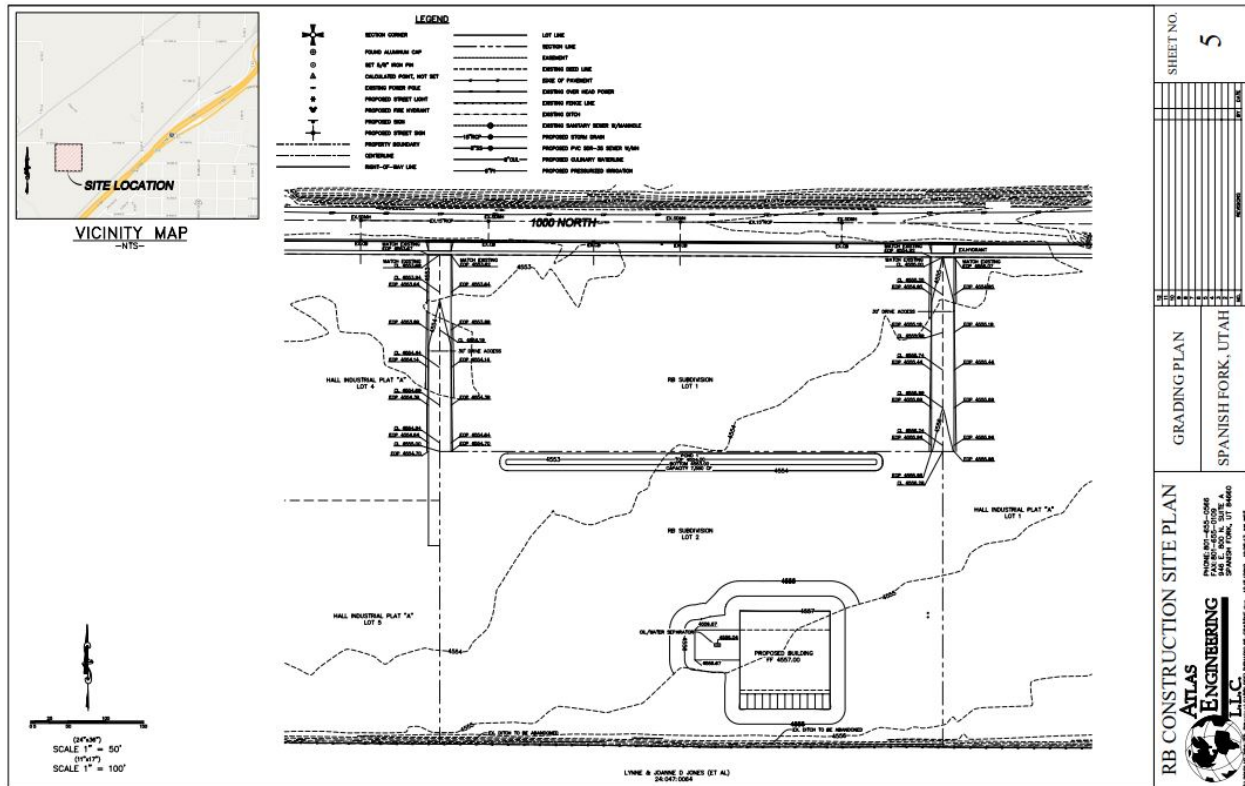
ATLAS
ENGINEERING
LLC

PHONE: 801-655-0566
FAX: 801-655-0109
946 E. 800 N. SUITE A
SPANISH FORK, UT 84601

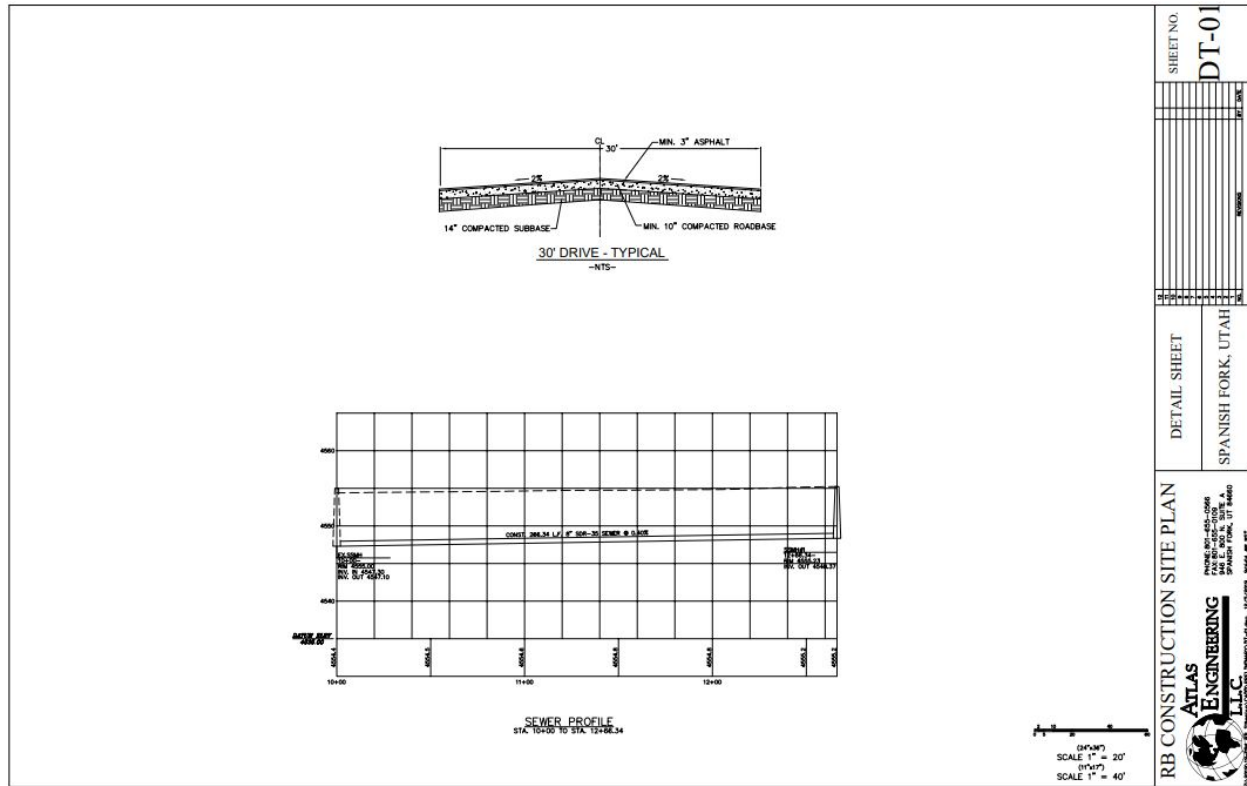
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January 15, 2020



DAC-SWENSON, LC ANNEXATION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26,
TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASIN & MORGAN

WAYNE H. SWENSON
SHARON L. SWENSON TRS
PARENT 76-09-0014

GRAPHIC SCALE
(1 IN. = 40 FT.)
1:160 = 40' R.

NORTH

BLAKE M. NIELSEN
BRIANNA H. NIELSEN, JJ
PARCEL 76-09-0048

AREA =
1,152,912.18 SQ. FT.
26.46722 ACRES

SPANISH FORK
COMMUNITY DEVELOPMENT

1400 WEST STREET

8000 SOUTH STREET

1200 WEST STREET

EXISTING SPANISH FORK CITY BOUNDARY

POINT OF BEGINNING

LEVEL OF FOCUS, INC.
1534 EAST 1150 SOUTH
SPANISH FORK, UTAH 84660
(801) 378-5441

UTAH COUNTY, UTAH

SCALE: 1" = 80 FEET

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO SPANISH FORK CITY, UTAH.

BOUNDARY DESCRIPTION

COMMENCING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 8000 SOUTH STREET AS DEFINED BY THE EXISTING STATE ROAD COMMISSION RIGHT-OF-WAY MONUMENTS, SAID POINT BEING ON THE SPANISH FORK CITY BOUNDARY AS DEFINED ON THE LELAND ANNEXATION RECORDED AS MAP 4824 OF UTAH COUNTY RECORDS, SAID POINT BEING LOCATED NORTH 01°19'00" WEST 1388.03 FEET; THENCE NORTH 89°50'20" EAST 1527.9 FEET FROM THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASIN & MORGAN; THENCE ALONG SAID 8000 SOUTH STREET NORTHERLY RIGHT-OF-WAY LINE, SOUTH 89°50'20" WEST 1388.03 FEET; THENCE NORTH 01°19'00" WEST 322.86 FEET; THENCE NORTH 01°19'00" EAST 684.58 FEET; THENCE EAST 659.92 FEET; THENCE SOUTH 00°00'00" WEST 328.54 FEET; THENCE NORTH 89°50'20" EAST 704.30 FEET TO SAID SPANISH FORK CITY BOUNDARY; THENCE ALONG SAID SPANISH FORK CITY BOUNDARY, SOUTH 684.58 FEET TO THE POINT OF BEGINNING.

AREA = 1,152,912.18 SQ. FT. OR 26.46722 ACRES

UTAH STATE PLANE COORDINATE SYSTEM
BASIS OF BEARING = GEODETIC ZONE

DATE 03-13-17

UTAH COUNTY RECORDER

COUNTY SURVEYOR APPROVAL

THIS PLAN HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTRY PLAN PURSUANT TO UTAH CODE ANN. 17-23-20 AS AMENDED.

COUNTY SURVEYOR
CARY RUTLEY

DATE

APPROVED BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE HAVE REVIEWED A PROPOSED ANNEXATION TO A MUNICIPALITY OF THE STATE OF UTAH, AND THAT A COPY OF THE ANNEXATION HAS BEEN FILED FOR THE PUBLIC RECORDS. ALL OF THE ANNEXATION HAS BEEN REVIEWED AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTRY PLAN PURSUANT TO UTAH CODE ANN. 17-23-20 AS AMENDED.

DATE

ATTEST

BOUNDARY COMMISSION

REPLY: ANNEXATION ADOPTED BY LEGISLATIVE BODY OF SPANISH FORK CITY ON

BOUNDARY COMMISSION ACTION

ANNEXATION READY TO RECORD

NO PROTESTS RECEIVED

APPROVED BY COMMISSION

RECEIVED BY COMMISSION

APPROVED AS TO FORM

COUNTY ATTORNEY

ANNEXATION PLAT

DAC-SWENSON, LC ANNEXATION

Swenson Annexation Approval Request

January 15, 2020 Planning Commission Meeting.

Located at 1900 South 1700 including approximately 26.47 acres.

The proposal involves annexing a vacant 26.47-acre property and zoning that property Rural Residential at the time of annexation.

Key Issues

1. Compliance with State Law.
2. Utility deficiencies.

Recommendation

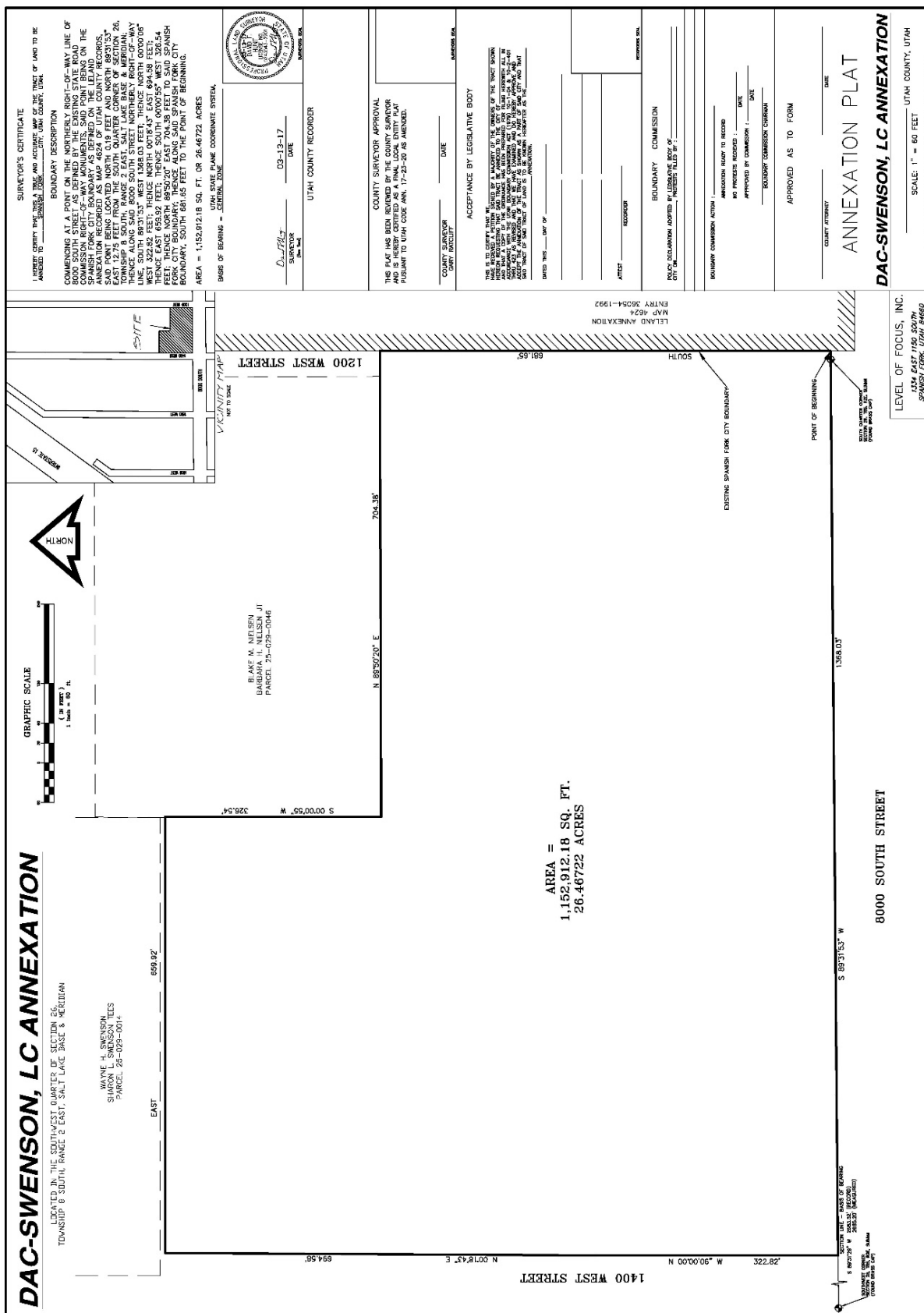
That the proposed Annexation be approved with Rural Residential zoning based on the following findings:

Findings

1. That the subject property is located within the City's Annexation Policy.
2. That the property is within the City's Growth Boundary.
3. That, with the construction of a wastewater lift station, the necessary utilities for the development of the annexation area will be in close proximity to the subject property.
4. That staff believes the wastewater lift station will be constructed within the next few years.

Exhibits

1. Annexation Plat.
2. Annexation Feasibility Study.



Spanish Fork City

Annexation Feasibility Report



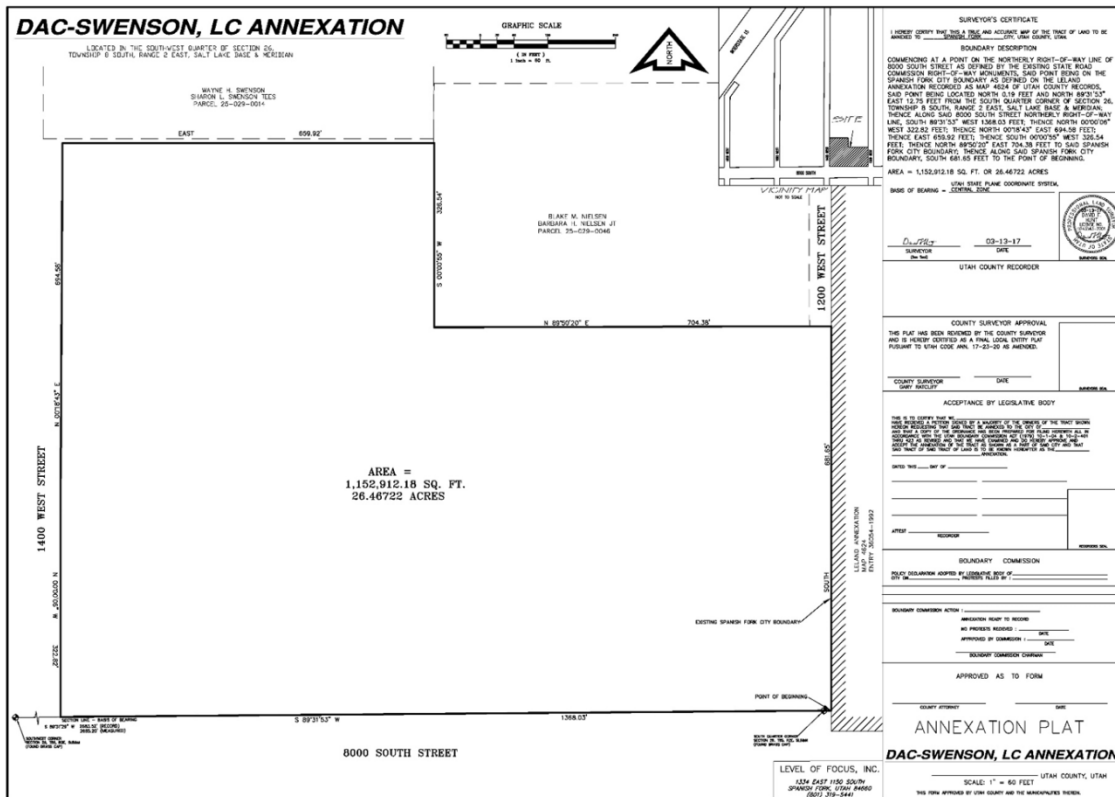
Agenda Date: January 21, 2020 City Council Meeting

Staff Contacts: Dave Anderson, Community and Economic Development Director

Reviewed By: Development Review Committee

Subject: Proposed DAC-Swenson Annexation

Annexation Map



Development Review Committee recommendation date: December 18, 2019

Planning Commission recommendation date: January 15, 2020

City Council meeting date: November 20, 2018

Section 1

In accordance with 15.3.08.030 (B) of the Municipal Code, the following items are addressed in Section 1 of the Annexation Report:

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

The proposed annexation is found within the City's Growth Boundary.

2. Present and proposed land use and zoning.

The property is currently zoned Residential Agriculture 5 (RA-5) in Utah County. It is proposed that the property be incorporated into the Rural Residential (R-R) zone. The property was most recently used for agricultural activities. There are no buildings on the property. The only existing structures are livestock stalls and fencing.

3. Present and potential demand for various municipal services.

The topography surrounding the area in question puts it outside the reach of Spanish Fork's current sewage infrastructure. The property will require an adjacent lift station to provide necessary services. Section 2 below provides additional details on sewer facilities.

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

The annexation area is located approximately 0.8 miles to the west of the nearest water mains on S Mill Road. Section 2 below provides detailed information regarding proximity to existing utilities. The annexation area is located approximately 1 mile (straight line distance) southeast of American Leadership Academy. The closest park to the annexation property is the Spanish Fork Sports Park, located approximately 1.4 miles to the northwest of the property. The nearest shopping area within the City is downtown Main Street, approximately 2.1 miles to the northeast.

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

The annexation area will require an adjacent, pressurized lift station to provide wastewater services to the area. The City has already purchased property directly east of the area for the establishment of the lift station. The time table for the building of this station and subsequent service extension to the annexation area is dependent upon necessary funding. Additionally, the construction of any new utility services will be the responsibility of the property owners or the developer to fund.

6. Potential Impact on existing and proposed streets.

It is anticipated that the development of the annexation area will not have a substantial impact on the surrounding streets. Development on the Salem/Benjamin I-15 exchange would provide access to

the freeway without adding additional traffic congestion that currently exists on Spanish Fork Main Street.

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

The proposed annexation is located within the City's Growth Boundary and it does not create an island or peninsula that would make the provision of services difficult for the City.

8. Estimate of potential revenue verses potential service costs.

In most cases, annexations do not bring revenue to cities. Specifically, if the proposed annexation were for residential use, such as 100 apartments, the residential use would not generate revenue for the City. However, if the annexation properties were a commercial use, there would be potential to bring in revenue for the City. If the annexation properties were to bring in revenue, it most likely would not have a significant impact.

9. Requirements imposed by State Law.

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

Section 2

In order to evaluate the City's ability to provide municipal services to the proposed annexation, this section of the report outlines major utility issues but does not represent all of the utility issues that may arise during the development process.

Conformity to Master Plans for public utilities and facilities:

The proposed annexation would conform to the existing water, sewer, pressurized irrigation, and storm drain Master Plans until the property is developed, at which time Master Planned utilities would need to be installed.

Drinking Water:

Drinking water is available through Salem City, approximately 130 feet from the annexation area. Connection to this water main is dependent on future investigation into connecting into Salem's utility systems.

Sanitary Sewer:

Drinking water is available through Salem City, approximately 130 feet from the annexation area. Connection to this water main is dependent on future investigation into connecting into Salem's utility systems. Additionally, development of the annexation property will require connection to Spanish Fork's future lift station, due to its location and surrounding topography, allowing the properties within the annexation are to connect with Spanish Fork City utilities.

Storm Water:

Storm water facilities would not need to be installed until the properties develop. Then, LID and other requirements would take effect.

Pressurized Irrigation:

Drinking water is available through Salem City, approximately 130 feet from the annexation area. Connection to this water main is dependent on future investigation into connecting into Salem's utility systems.

Streets:

Street frontage may need to be improved as the property develops.

Parks and Trail:

The Spanish Fork Trails master plan shows a trail on 8000 S. The developer will incorporate the trail design in the preliminary plat subdivision.

Power:

The developer would be responsible for all costs associated with bringing City electrical facilities to the site from 900 South. Alternatively, the proposed development is located approximately 130 feet from existing Salem electrical services. An investigation into connecting into Salem's utility systems will determine the feasibility of the proposed annexation property connecting to Salem City's power.

Communications:

SFCN has services in this area.

Gas:

Staff understands that Dominion Energy is providing service in the immediate vicinity of the proposed annexation. It is anticipated that Dominion Energy could serve any future development.

Presence of utility/facility needs or requirements:

Development of the annexation property will require connection to Spanish Fork's future lift station, due to its location and surrounding topography. This will allow properties within the area to connect with City utilities.

Presence of irrigation or other ditches and related facilities:

To our knowledge, there are no ditches or related facilities that need to be addressed with the annexation.

Public Safety evaluation:

The City does not anticipate that the annexation of these properties will generate the need for any additional public safety personnel.

Presence of Sensitive Lands or Watershed Protected issues:

To our knowledge, there are no sensitive lands or watershed issues with the annexation area.

Concept Plan's conformity with proposed zoning:

No concept plan has been submitted.

Annexation Agreement:

It is anticipated that there will not be an annexation agreement with this annexation.

TO: Spanish Fork City Planning Commission

FROM: Dave Anderson

DATE: January 15, 2020

RE: Proposed Change to the Development Enhancement Overlay

The language provided below describes proposed changes to Title 15 that would allow the City to approve the Development Enhancement Overlay for properties that are zoned Residential Office.

The Development Review Committee Reviewed this proposal on January 8, 2020 and recommended that it be approved.

15.3.20.060 Development Enhancement Overlay

This district is intended to provide an ability to develop properties within the **R-O Residential Office Zone**, C-O Commercial Office Zone, the C-2 General Commercial Zone, the C-UV Urban Village Commercial Zone, Industrial 1 Zone, and the B-P Business Park Zone which otherwise have a difficult time meeting the standards for those zones for any number of reasons, including, but not limited to, parking standards, landscaping standards, etc.

1. Permitted Uses: Uses permitted in the underlying zone are allowed with the Development Enhancement Overlay Zone.
2. Performance Standards: In those situations, when it has been found that a development cannot meet the requirements of development in the allowed zones, the Development Enhancement Overlay Zone may be requested and approved. The application will be analyzed on a case by case basis, paying particular attention to the provisions of the underlying zone which the Developer cannot meet.

The City Council has the discretion to impose conditions with the Development Enhancement Overlay Zone to mitigate negative impacts incurred by not meeting the standard requirements, which may include architectural requirements, color requirements, more intense landscaping, shared parking with adjacent uses, height requirements, signage requirements, lighting requirements, or others deemed appropriate in the specific circumstances to compensate for any deficiencies in the standard requirements. If the City Community Development Director deems it helpful, an appropriate study may be required of the Developer addressing the deficiency in the standards, why a more lenient standard works for the specific intended use, and how to compensate for the deficiency.

3. Application: In order to have the Development Enhancement Overlay Zone approved, a developer must submit an application, on a form provided by the City, spelling out the

requirements which cannot be met in the particular zone, why the requirements cannot be met, why the developer believes the requirements do not need to be met in this specific instance, how the deficiency will not adversely impact neighboring properties, and proposing conditions which will provide a solution.

4. City Findings: The City Council may approve an application for the Development Enhancement Overlay Zone, with conditions as outlined in subparagraph B, upon making the following findings:
 1. That the proposed use is an appropriate use on the specific parcel as compared with other possible uses;
 2. That granting the Development Enhancement Overlay Zone with modified restrictions will not cause a detriment to prospective patrons, to adjacent property owners, nor to traffic flows on the adjacent public streets;
 3. That adequate conditions have been incorporated into the Zone which will offset the easing of usual requirements;
 4. If a study has been submitted by the Developer, the Council accepts the study as accurate as far as addressing the more lenient standards and the impact it will have on adjacent property owners and the City.

TO: Spanish Fork City Planning Commission

FROM: Dave Anderson

DATE: January 15, 2020

RE: Proposed Addition of Aggregate Storage and Reclamation Overlay

The language provided below describes proposed changes to Title 15 that would allow the City to consider approving a new Site Plan for Sunroc to relocate the facility they operate on Arrowhead Trail to a site they own which is north of the airport.

The Development Review Committee Reviewed this proposal on January 8, 2020 and recommended that it be approved.

15.3.20 Overlay District Regulations

15.3.20.010 Airport Impact Overlay

15.3.20.020 Floodplain Hazard Overlay (Reserved)

15.3.20.030 Geologic Hazards Overlay (Reserved)

15.3.20.040 Surface Mining Overlay

15.3.20.050 Self Storage Overlay

15.3.20.060 Development Enhancement Overlay

15.3.20.070 Aggregate Transportation, Storage and Reclamation Overlay

15.3.20.060 Development Enhancement Overlay

This district is intended to provide an ability to develop properties within the C-O Commercial Office Zone, the C-2 General Commercial Zone, the C-UV Urban Village Commercial Zone, Industrial 1 Zone, and the B-P Business Park Zone which otherwise have a difficult time meeting the standards for those zones for any number of reasons, including, but not limited to, parking standards, landscaping standards, etc.

1. Permitted Uses: Uses permitted in the underlying zone are allowed with the Development Enhancement Overlay Zone.
2. Performance Standards: In those situations, when it has been found that a development cannot meet the requirements of development in the allowed zones, the Development Enhancement Overlay Zone may be requested and approved. The application will be analyzed

on a case by case basis, paying particular attention to the provisions of the underlying zone which the Developer cannot meet.

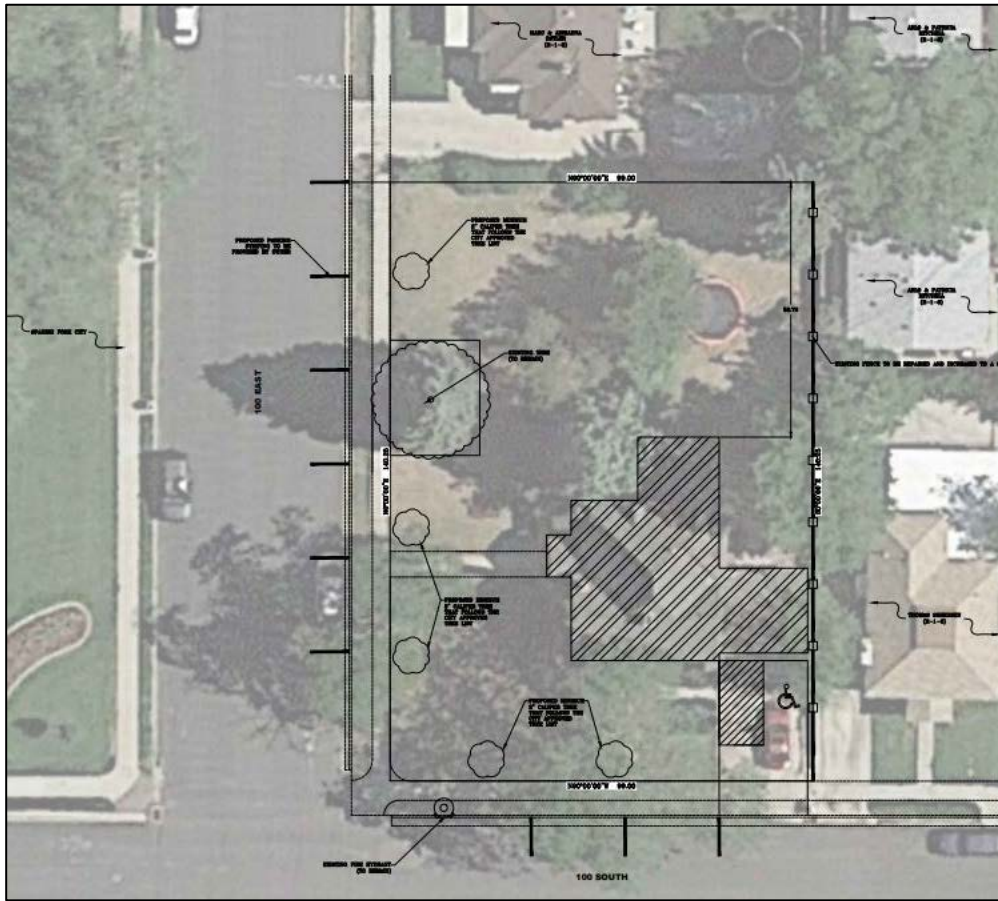
The City Council has the discretion to impose conditions with the Development Enhancement Overlay Zone to mitigate negative impacts incurred by not meeting the standard requirements, which may include architectural requirements, color requirements, more intense landscaping, shared parking with adjacent uses, height requirements, signage requirements, lighting requirements, or others deemed appropriate in the specific circumstances to compensate for any deficiencies in the standard requirements. If the City Community Development Director deems it helpful, an appropriate study may be required of the Developer addressing the deficiency in the standards, why a more lenient standard works for the specific intended use, and how to compensate for the deficiency.

3. Application: In order to have the Development Enhancement Overlay Zone approved, a developer must submit an application, on a form provided by the City, spelling out the requirements which cannot be met in the particular zone, why the requirements cannot be met, why the developer believes the requirements do not need to be met in this specific instance, how the deficiency will not adversely impact neighboring properties, and proposing conditions which will provide a solution.
4. City Findings: The City Council may approve an application for the Development Enhancement Overlay Zone, with conditions as outlined in subparagraph B, upon making the following findings:
 1. That the proposed use is an appropriate use on the specific parcel as compared with other possible uses;
 2. That granting the Development Enhancement Overlay Zone with modified restrictions will not cause a detriment to prospective patrons, to adjacent property owners, nor to traffic flows on the adjacent public streets;
 3. That adequate conditions have been incorporated into the Zone which will offset the easing of usual requirements;
 4. If a study has been submitted by the Developer, the Council accepts the study as accurate as far as addressing the more lenient standards and the impact it will have on adjacent property owners and the City.

15.3.20.070 Aggregate Transportation, Storage and Reclamation Overlay

This district allows for the operation of facilities that sell, transport, store, process, and reclaim aggregate materials for use and reuse in the construction industry. The primary function of these operations will be the transportation of aggregate and the maintenance of vehicles. The storage of aggregate material, both raw material and material that has been or will be recycled, and facilities to process that material, such as screens and crushers, shall be ancillary components of the operation.

1. Permitted Uses: Uses permitted in the underlying zone are allowed with the Aggregate Transportation, Storage and Reclamation Zone.
2. Application: Applications to establish an Aggregate Transportation, Storage and Reclamation District shall be processed in the same manner as that for other zoning amendments. The application shall be accompanied by a development plan including the following information:
 1. Legal description of the property.
 2. An area map showing adjacent property owners and locations of all buildings and existing uses within 600 feet of the property.
 3. Narrative and Site Plan for the proposed facility including phasing plans, proposed buildings or structures, landscaping, lighting, and other site improvements.
3. Performance Standards: The Aggregate Transportation, Storage and Reclamation District may be approved in the Industrial 1, Industrial 2 or Industrial 3 Zones and may not be approved within 1,000 feet of Main Street and 2,500 feet of Interstate 15. Only sites that are 40 acres in size or larger qualify for the Aggregate Transportation, Storage and Reclamation District. The City Council has the discretion approve or deny requests for the implementation of the Aggregate Transportation, Storage and Reclamation Zone. The Council may also impose conditions with the Aggregate Transportation, Storage and Reclamation Zone to mitigate any anticipated negative impacts of the operation. Particular care will be given when reviewing an application for the Aggregate Transportation, Storage and Reclamation Zone to make sure that truck traffic will have minimal impact on local streets, that the operation will be visually consistent with the surrounding area and that the operation will not impact surrounding properties with noise or dust.
4. City Findings: The City Council may approve an application for the Aggregate Transportation, Storage and Reclamation Overlay upon making the following findings:
 1. That the site can accommodate the proposed use without impacting adjacent properties.
 2. That adequate conditions have been incorporated into the Zone to ensure compatibility with surrounding uses and the future development of the area.



Ludlow Design Enhancement Zone Change Approval Request

January 15, 2020, Planning Commission Meeting.

Located at 103 East 100 South, including 0.32 acres.

The subject property is zoned R-O.

The applicant has requested that a Development Enhancement Overlay be employed to allow them to receive a building permit without providing off-street parking and without constructing a wall on the property's northern property line.

Key Issues

1. Can the Findings described in the Development Enhancement Overlay be made?

Recommendation

That the proposed Zone Change be approved based on the following findings and subject to the following conditions:

Findings

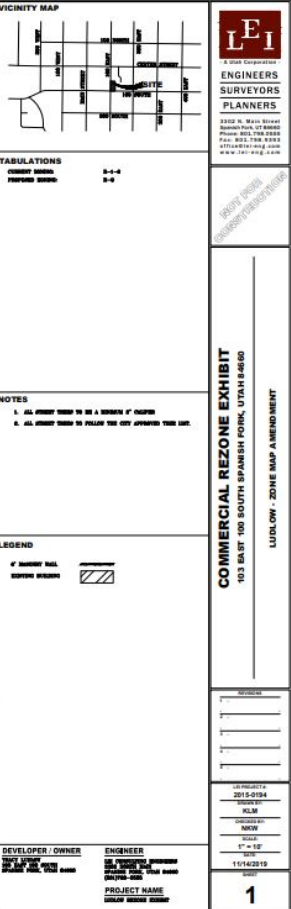
1. That the proposed use is appropriate for the site.
2. That the propose use with the proposed improvements would not adversely impact neighboring properties.

Conditions

1. That the applicant meet any conditions imposed by the City Council.
2. That the Development Enhancement Overlay text be amended to include the Residential Office Zone.
3. That the applicant receive Site Plan approval from the Development Review Committee.

Exhibits

1. Proposed 2019 Site Plan.
2. 2015 Zone Change Exhibit.
3. Site Photos.
4. November 9, 2015 and September 26, 2019 letters.
5. Development Enhancement Overlay text.







January 15, 2020



Fred & Tracy Ludlow
6901 South Perth Street
Aurora, CO 80016

September 26, 2019

RE: Parking at 103 East 100 South Spanish Fork, UT 84660

Request for Variance:

In 2015 we embarked on a path to expand the available best use for our rental house in Utah. The “Creer House” is not only a wonderful house that has been a home to many people for over a century, it is also a local landmark. The simple but beautiful design, excellent maintenance, and location just across the street from City Park all combine to make this house uniquely well known in the community.

As we worked with the city we also contacted all neighbors to work on a way to keep the look and feel of a single family home but to also allow this unique property to be available for light intensity professional space. In the fall of 2015 most neighbors were supportive of our plans. A few neighbors opposed our plans but upon further communications this opposition went away. At the end of the process the Spanish Fork City Council voted in favor of the zoning change to Home Office. The only remaining issue was concerning parking requirements.

Over the next 3-1/2 years we continued with repairs and upgrades both to the interior and exterior with an eye to supporting the goal of keeping this house fitting in with the neighborhood. We also refined our own requirements for tenants we would accept. Early in 2019 we felt ready to offer the house for lease. We expected the process to take several months but due to the wonderful condition and finding a tenant that specifically wanted the look and feel of a residential house, we were able to secure a long term (Three year) lease with a very low intensity professional use.

Our proposal is to convert our two standard off-street parking spots to one standard and one handicap off-street parking spots. The additional 3 spots are easily accommodated with on-street parking on both 100 East and 100 South. There are a total of six on-street parking spots available between the two streets so the use of 3 spots does not represent a strain on the available parking spots.

At this time we want to submit our parking proposal for review by the city. Our proposal for a variance is in accordance with 15.3.08.040 and will address the five findings the city requests to see for Variances to the Zoning Ordinance.

1. *Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.*

Literal enforcement of the Zoning Ordinance is a parking space for every 300 SFT of office space. In order to provide 8 off-street parking places we would need to add 6 spots which could completely consume the grass yard on the north side of the property. The area converted from green grass to asphalt would be approximately 5,400 SFT at a cost of approximately \$17,000 to \$20,000. The addition of this much impervious asphalt in place of fully landscaped yard and flower beds is not needed to accommodate the parking needs of this property. The removal of this yard would add to the rain water run off for the city and would add to the “heat island” effect in a residential area right across the street from the City Park.

2. *There are special circumstances attached to the property that do not generally apply to other properties in the same district.*

Our property is surrounded by single family homes with City Park directly across the street. A key attribute that the city council considered when approving the change in zoning was keeping the look and feel the same so as to continue to fit well with the surrounding houses and City Park. That was also of special concern to the neighbors. Everyone involved said that keeping the house and lot looking like a single family home was of primary importance.

In addition, by keeping the house fully functional as a residential house, the actual square footage used as office space was estimated by city engineer Mr. Small as only 1,430 – 1,500 SFT. This equates to 5 total parking spots of which we already have 2 spots.

3. *Granting the variance is essential to the enjoyment of a substantial right possessed by other property in the same district.*

The properties most affected by any additional off-street parking are the home to the immediate north of our property and City Park. We have had several discussions with the Faye family and they very much want the grass yard and flower beds to remain. In addition to property owners adjacent to the yard, visitors to the park we have spoken to have always expressed how much they love the Creer house and want it to remain looking just as it does now. It is also not uncommon for people to sit on our yard in the shade. This is not a practice we encourage but we also do not mind as long as they are respectful and pick up any of their garbage. We are happy to say that this is nearly 100% of the people. This is especially true during the Fiesta Day celebrations. We have always been good to let people walk across our yard and sit in the shade. We have shared this with our tenants and they have adopted this practice as well.

4. *The variance will not substantially affect the General Plan and will not be contrary to the public interest.*

We do not believe that providing a reasonable variance to our property will affect the General Plan for Spanish Fork City. This is a very specific property with unique attributes and features that support the variance we are requesting and are not generally applicable to other properties.

5. The spirit of the Zoning Ordinance is observed and substantial justice is done.

In the process of obtaining a change in zoning we addressed the concerns of the neighbors and city council members. The concern that was expressed most often and as most important was the desire to keep this unique and notable property in a condition that kept it consistent with properties around it as well as City Park. Everyone we spoke to was concerned that we were going to make it look like a commercial property with more asphalt, concrete, lights and signs. We assured everyone that our goal was to keep this property in a manner that supported the residential look and feel of the neighborhood.

We appreciate the Community Development Department of Spanish Fork City. At every step of the way the city has been helpful and professional. Please let us know if any further information is need. We look forward to hearing when the Appeal Authority schedules the public meeting to consider our request for variance.

Sincerely,

Fred & Tracy Ludlow



Date: November 9, 2015

Dave Anderson
Community & Economic Development Director
Spanish Fork City
40 South Main Street
Spanish Fork, Utah 84660

Dear Mr. Anderson,

Growing up in Spanish Fork, our group of neighborhood friends met each afternoon to play in the City Park and east park neighborhood. Football, tag, and always the favorite... hide and go seek. Through the years, new home developments have drawn families toward the "outskirts" of town and it has become less popular to reside in the city center. During a recent visit to complete some work on our home, it became evident that it was time to consider moving this home to the next "highest and best use" and transition it to professional office space.

Visible from Main Street, the historic City Offices and the popular City Park this recently restored 1800's Victorian landmark location serves as a community focal point and fits well within the scope of outlined area identified for historical redevelopment and revitalization. With population and commercial growth increasing recently in Spanish Fork, the timing is right to transition this property from single family residential to residential office space.

Our objective for the rezoning of 103 E. 100 South is to:

- Maintain the historical architecture and landscape as much as possible while accommodating the off-street parking and landscape requirements.
- Rezone from R1-6 to Residential Office (RO).
- Select professional services (boutique real estate brokerage, small title company, architectural or design office, law office, etc.) with minimal traffic impact to the neighborhood.
- Minimal change to the historic layout of the home, keeping the structural integrity while maximizing the ideal location in the heart of the downtown community and the community central business district.
- Promote our upcoming office space through community networking, channels and social media with the intent to highlight Spanish Fork City's goal to bring new business and historical "charm" back to the heart of the community.

Thank you for your assistance and application consideration. I look forward to working with you and the Rezoning Committee in a smooth transition.

Sincerely,

Tracy Ludlow
Ludlow & Co. Signature Properties
tracyludlow@gmail.com
720.339.3030

15.3.20.060 Development Enhancement Overlay

This district is intended to provide an ability to develop properties within the C-O Commercial Office Zone, the C-2 General Commercial Zone, the C-UV Urban Village Commercial Zone, Industrial 1 Zone, and the B-P Business Park Zone which otherwise have a difficult time meeting the standards for those zones for any number of reasons, including, but not limited to, parking standards, landscaping standards, etc.

1. Permitted Uses: Uses permitted in the underlying zone are allowed with the Development Enhancement Overlay Zone.
2. Performance Standards: In those situations, when it has been found that a development cannot meet the requirements of development in the allowed zones, the Development Enhancement Overlay Zone may be requested and approved. The application will be analyzed on a case by case basis, paying particular attention to the provisions of the underlying zone which the Developer cannot meet.

The City Council has the discretion to impose conditions with the Development Enhancement Overlay Zone to mitigate negative impacts incurred by not meeting the standard requirements, which may include architectural requirements, color requirements, more intense landscaping, shared parking with adjacent uses, height requirements, signage requirements, lighting requirements, or others deemed appropriate in the specific circumstances to compensate for any deficiencies in the standard requirements. If the City Community Development Director deems it helpful, an appropriate study may be required of the Developer addressing the deficiency in the standards, why a more lenient standard works for the specific intended use, and how to compensate for the deficiency.

3. Application: In order to have the Development Enhancement Overlay Zone approved, a developer must submit an application, on a form provided by the City, spelling out the requirements which cannot be met in the particular zone, why the requirements cannot be met, why the developer believes the requirements do not need to be met in this specific instance, how the deficiency will not adversely impact neighboring properties, and proposing conditions which will provide a solution.

4. City Findings: The City Council may approve an application for the Development Enhancement Overlay Zone, with conditions as outlined in subparagraph B, upon making the following findings:
 1. That the proposed use is an appropriate use on the specific parcel as compared with other possible uses;
 2. That granting the Development Enhancement Overlay Zone with modified restrictions will not cause a detriment to prospective patrons, to adjacent property owners, nor to traffic flows on the adjacent public streets;
 3. That adequate conditions have been incorporated into the Zone which will offset the easing of usual requirements;
 4. If a study has been submitted by the Developer, the Council accepts the study as accurate as far as addressing the more lenient standards and the impact it will have on adjacent property owners and the City.