

Adopted Minutes
Spanish Fork Planning Commission Meeting
January 3, 2001

The meeting was called to order at 6:30 pm by Chair Kevin Baadsgaard for a preliminary review of the agenda. At 7:00 pm regular business commenced.

Commission Members Present: Chair Kevin Baadsgaard and Commissioners Thad S. Jensen, Roy L. Johns, David E. Lewis, and Thora L. Shaw. Commissioner Paul Healey arrived at 7:03 pm.

Staff Members Present: Emil Pierson, City Planner; Richard J. Heap, Engineer/Public Works Director; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Boyd L. Thomas, Allan B. Thomas, Joseph Broderick, Nathan Jensen, Floyd McMullin, Karl L. Duffield, Jean C. Duffield, Pat Christianson, Frank Christianson, Glen Warner, Caroline Merrill, A. David Merrill, Clyde Roach, Rod Andrew, Marcie Andrew, Sharon Williams, Keith A. Williams, Cheryl Evans, Treva Reed, Phil Allen, Andrea Allen, Kathi Abraham, Floyd, Lynn Richardson, Paul Lofgreen, Fran Jones, Lynn S. Coray, Luella Farnworth, Jolene Baum, Don Baum, Sherlyn Baum, Allen Baum, Verl D. Shepherd, Sherrie Shepherd, Betty Hone, Doug Huntsman, Keri Huntsman, Sherman Bearson, Beverly B. Bearson, Carl Bowcut, Paul Robinson, Bryan Jex, Gary Kitchen, Debbie Kitchen, Amy Jensen, Chad Harward, Stev Adams, Jasmine Aileen Nutter, Penny McEntire, Merlin McEntire, Bill Fairbanks, and Melody Barber.

Agenda Review

City Planner Emil Pierson reviewed with the Commission each item on the agenda. No general discussion took place.

Minutes

Commissioner Shaw made a **motion** to approve the minutes of the December 6, 2000 meeting of the Spanish Fork Planning Commission as presented. Commissioner Lewis **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - 2000 East Zone Change

Commissioner Johns made a **motion** to open the public hearing at 7:01 pm. Commissioner Shaw **seconded**, and the motion **passed** with a unanimous vote.

City Planner Emil Pierson reviewed a proposed zone change initiated by the City at 2000 East 500 South. It is planned to change the zone on 65.44 acres from R-R, Rural Residential, to S-C, Shopping Center Commercial, and R-3, High Residential. The General Plan, as of October 2000, shows the

area as Shopping Center Commercial and Residential 5 to 12 units per acre. Property to the west is zoned R-1-8, to the east is 2550 East and a new church which is under construction. South of the property are long narrow lots zoned R-R, and to the north is U.S. Highway 6.

Mr. Pierson indicated staff would like to rezone the property at this time for the following reasons:

1. Zoning the area at this time will resolve concerns with a commercial/residential mix for future residents as the commercial zoning will be in place prior to future residents;
2. The property will have access and good views from U.S. Highway 6;
3. The General Plan has identified these properties to be commercial and High Density Residential;

The Development Review Committee reviewed this zone change on December 20, 2000 and recommended approval.

Mr. Pierson reviewed issues regarding the City's transportation plan. Access and transportation issues also dictate ideal locations for commercial areas. Mr. Pierson noted the necessary transportation element for the Shopko and K-Mart shopping centers, without which these shopping centers would not exist. He noted U.S. Highway 6 and Canyon Road are main corridors to the success of this commercial area. Because of the residential growth that is planned in Spanish Fork, these main transportation corridors and commercial areas are needed.

Mr. Pierson indicated there is not a specific development proposed for the area at this time. This area has been master planned for commercial use as early as 1996. As residential development occurs along the east bench, there will be a need for more commercial areas closer to the residential area, but not affecting the homes. Mr. Pierson noted multi-family use is planned adjacent to the proposed commercial to enhance the commercial use and buffer the single family homes.

Chair Baadsgaard opened the meeting for public input.

Ms. Amy Jensen indicated she is a relatively new resident in the area. She has done some research and would like to express several concerns. Ms. Jensen requested a continuance of the issue to enable residents additional time to review and discuss the proposal. She feels the notice that was sent out was incomplete as all the residents were not notified.

Mr. Pierson stated City ordinance requires all residents within 300 feet of a zone change to receive notice. He suggested residents check the accuracy of County records since that is where the City obtained the addresses and names of residents.

Ms. Jensen continued, stating she understands planning for the area has occurred over a period of time, but most homeowners have moved to the area within the last year. She questioned if some type of disclosure regarding the master plan should have been given to residents prior to purchasing their property. Ms. Jensen stated if she had been aware of the plan, she would not have moved to the area.

Chair Baadsgaard noted the City's General Plan is a public document. He stated it is the responsibility of the public to make themselves aware. He reiterated the reason the zone change is recommended now is to lessen the impact on future residential development.

Ms. Jensen requested data regarding the transportation plan for the City and if 600 South is planned to be a major collector. She also asked for information regarding any traffic studies that have been done for the area. Ms. Jensen noted safety concerns with high volume traffic areas as well as the commercial area in general.

City Engineer Richard Heap stated 600 South will not connect to 2000 East. 750 South is designated as a minor collector road to connect with 2000 East and up to U.S. Highway 6. The connection from the major collector to U.S. Highway 6 will handle traffic from Woodland Hills. Mr. Heap stated the City realized they would need more than two accesses to U.S. Highway 6, but UDOT will only allow for one more connection. The new connection, planned at 2000 East, is designed directly between the two existing Highway 6 connections. It was noted the new access must come in perpendicular to Highway 6.

Mr. Pierson noted all roads have to be constructed to City standards with collectors having a park strip between the sidewalk and the road for pedestrian safety. He also stated the City will address safety concerns for commercial area prior to any development approval.

Ms. Kathy Abraham noted she is within 300 feet of the proposed zone change and asked why she was not notified of the change to the General Plan in 1996. Commissioner Thora Shaw was serving on the City Council in 1996. Ms. Shaw stated the 1996 General Plan amendment was advertised in the City utility bills, large ads were noticed in the Spanish Fork Press, as well as notices in the Daily Herald and Deseret News. Numerous public meetings were advertised and held during that time period.

Ms. Amy Jensen continued to address the Commission and asked why the zone change needs to take place now since it will not be developed at this time. Commissioner Shaw stated commercial areas are vital to the future of the City. She noted these commercial areas need to be protected, and changing the zone at this time will make future residents aware of the commercial area.

It was suggested for the commercial area to be located to the north of the railroad tracks and Highway 6. Mr. Pierson reviewed the City's growth boundary which runs along Highway 6. Growth is not planned outside the growth boundary for many years.

Ms. Jensen again requested the issue be tabled to allow the residents time to find people with credibility to help the residents state their case. She stated residents need substantial statistics from the City to show the commercial area is something they will not have to worry about.

Resident Carl Bowcut addressed the size of the commercial area. He was told in 1996 there were some developers looking at the area who felt the property was not large enough. Mr. Bowcut feels the City is trying to make the zone change larger to appeal to the larger commercial developers. He stated

residents who live there might not want that size of commercial property. Mr. Pierson stated the increased size give the opportunity to create a bigger buffer for the existing residential homes. Mr. Bowcut asked why the 20th East connection is being curved. Mr. Heap indicated a curved road provides smoother traffic flows. Mr. Bowcut stated he has been told in the past by City staff that zone changes would not take place unless there was a developer interested in the property. He indicated he would prefer a mini-mart in the area rather than a Super Target.

Ms. Luella Farnworth owns one of the properties to be rezoned and expressed opposition to the change. She indicated the 20th East connection (curved road) will go right through her orchard. Half of her property is designated as commercial, and the other half residential. She asked if the City would build her a bridge to access her house. Ms. Farnworth also expressed concern about her property taxes increasing with the commercial zone.

Mr. Dave Merrill stated he has a contrary view in that he supports the idea of commercial development in the area. He feels it is wise to spread out the commercial zones in the City. Spanish Fork needs to attract commercial use if the City is to grow. Mr. Merrill noted in Orem the Fred Meyer shopping center has been a benefit to the community as a whole and property values in the area have not decreased.

Mr. Doug Huntsman owns property near the proposed zone change. He voiced agreement with Mr. Merrill's comments supporting the commercial area. Concerns were expressed that the 20th East Connection will go through Ms. Betty Hone residence. Mr. Huntsman asked how the City will address this issue. He expressed support for the new connection to Highway 6, stating it is essential for the City to have additional collector roads to get increasing traffic out to Highway 6.

City Engineer Richard Heap stated the City Council will give direction on how to negotiate issues regarding obtaining the right-of-way near Ms. Hone's residence.

Commissioner Roy Johns told residents in order for the City to progress, commercial areas such as this are necessary. A healthy retail tax base is crucial to promoting City facilities and services. He stated the Commission needs to think of the long term benefit for the City and the citizenry as a whole.

Ms. Andrea Allen noted there will be three places where the proposed road will cross the irrigation ditch in the area. All homes fronting Canyon Road have water rights. She asked what could be done to the area if the commercial zone change was not approved. Mr. Pierson answered the current zoning of Rural Residential would remain. He also noted any irrigation ditches in the area would likely have to be piped during development.

Ms. Nicole Matthews lives on 1800 East. She is not opposed to commercial development, but stated she moved her family from Orem to get away from the commercial areas. Ms. Matthews indicated she is willing to travel 25 minutes to shop in another City because she does not want to live in a commercial area. She feels residents are satisfied with the current commercial areas in Spanish Fork.

Commissioner Johns asked how Ms. Matthews expects Spanish Fork to survive without Commercial

development. He reiterated a tax base is needed to support increasing residential growth. If the City does not grow commercially as well as residentially, property taxes will have to be raised. Ms. Matthews stated she had a bad experience with how Orem City handled commercial development near the University Mall. Commissioner Shaw noted Spanish Fork City has been very fair with property acquisition in the past.

Commissioner Thad Jensen sympathized with Ms. Matthews concerns. He stated he used to live in Orem when it was all orchards. Commissioner Jensen noted growth is inevitable, and the City has close to 1,000 residential units approved, but yet to be built. By the time the building is complete, the population will be approximately 25,000 and larger roads and more access will be needed as well as a larger tax base to support the City.

Commissioner Dave Lewis indicated one of the reasons Orem City had to condemn residential property was because they did not plan for the future and additional commercial was needed. He stated Spanish Fork City is trying to plan for the future and eliminate situations such as those that happened in Orem.

Mr. Bill Fairbanks from Carter Construction purchased property nearby to build homes. He stated he watched Orem take out homes to widen roads, and the City did not do it to be mean. He is favor of the 20th East connection to Highway 6 and feels there will be other homes built to buffer existing homes from the commercial area. Mr. Fairbanks feels future residents in the area will be fully aware of what is happening before they purchase their homes. Since the zone change is being initiated by the City and without a developer, he asked why not zone all properties how they are master planned so everyone is clear about the intended use of the property.

Mr. Paul Robinson asked questions regarding property he owns near K-mart, outside the City limits. Chair Baadsgaard indicated Mr. Robinson's property was not being reviewed at this public hearing.

Mr. Nathan Jensen expressed concerns with increased traffic and decreased property value. He feels the development should be placed on the north side of U.S. Highway 6 as it would be a natural boundary between residential and commercial use.

Ms. Cheryl Evans has lived on 1700 East for 23 years. She noted for the newer residents that Spanish Fork was a lot more rural 23 years ago. Ms. Evans is in favor of more commercial uses in Spanish Fork and stated she is tired of not being able to buy a stick of lumber in this town. She noted there has been a lot of recent growth with new residents who do not realize this area has been planned for commercial use for many years. Ms. Evans asked residents what they will do when growth comes to their neighborhood and there is no plan to deal with it. She commended the Planning Commission for trying to plan for growth.

Mr. Floyd McMullin clarified that some proposed commercial areas along Canyon Road are being eliminated. He asked what types of buffers will be planned between commercial and residential use. Mr. Pierson stated City ordinance requires a masonry wall between residential and commercial use.

Mr. Bryan Jex owns the westerly piece of property to be included in the zone change. He stated he would prefer his property all zoned commercial rather than being partial commercial with a residential buffer.

Ms. Jasmine Nutter lives on 500 South. She stated her mom wants to know if the water pressure will be affected by the commercial development because her water pressure is already extremely low. She also expressed concerns with increased traffic. City Engineer Richard Heap stated recent testing indicates the water pressure in the area has increased to approximately 30 lbs of pressure since a new water main has been installed. He made a note to recheck pressure in the area.

Mr. Kent Jex owns residential property to northwest of the proposed zone change. He feels the issue should be tabled until residents understand it better. He likes the idea of having new and wider roads as well as close shopping areas. Mr. Jex asked if the area is big enough for a strip mall. Mr. Pierson indicated the property has been through extensive planning to ensure some type of shopping center would work in the area.

Ms. Margie Butler stated she has concerns regarding the road alignment. She asked why the 20th East connection has to go through her mother's property (Luella Farnworth).

Ms. Amy Jensen reiterated traffic concerns and requested copies of any traffic studies done in the area.

Mr. Phil Allen lives on Canyon Road. He stated he is opposed to the commercial zone change because he feels there are other areas in town that would be better suited for commercial use. He suggested the City improve existing commercial areas before developing new ones. He cited Guy's Bike Shop and Smith Auto as commercial areas that have been successfully improved.

Ms. Sherrie Shepherd lives next to Ms. Betty Hone. She has lived in the area for 36 years and purchased her property to be a rural area. Ms. Shepherd is opposed to the increased traffic and the zone change.

The public input portion of the meeting was closed as no more public input was received. Chair Baadsgaard opened the meeting for discussion from the Planning Commission.

Commissioner Johns stated if the zone change is denied, the 20th East connection will still have to be constructed to minimize traffic issues.

Commissioner Shaw noted many residents on the east bench have requested a commercial area which is closer to their homes.

Chair Baadsgaard reviewed the findings from Spanish Fork Municipal Code 17.12.070 which are required to be met in order to approve amendments to the zoning ordinance. The first finding requires the amendment to be consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan. Consensus from the Commission was the proposed zone change is

consistent with the City's General Plan.

The second finding for amendments to the zoning map, states that consideration has been given to include any conditions necessary to mitigate adverse impacts on nearby properties. Commissioner Lewis does not feel the Commission has received enough information to place conditions on the zone change. He stated he is in favor of postponing the zone change, especially since there is no deadline or developer interested in the property.

Commissioner Shaw noted the City Council will be having a planning retreat in February. She asked if the Council should address this issue at their retreat.

Commissioner Johns made a **motion** to table the 2000 East Zone Change until the March Planning Commission meeting and request that the City Council review the issue at their retreat, then schedule a work session with the Planning Commission to review their feelings. Commissioner Shaw **seconded**. Discussion took place regarding the motion

Commissioner Healey disagreed with the motion. He stated it is the Planning Commission's job to make a recommendation to the City Council. He feels referring the issue to the City Council at their retreat is just like saying "City Council, we can't make a decision". Commissioner Healey feels if the City Council is going to discuss the issue at their retreat, they ought to have an opinion from the Planning Commission.

Chair Baadsgaard called for a vote on the motion. The **motion failed** with a vote of 2;4. *Commissioners Jensen and Shaw were in favor of the motion, with Chair Baadsgaard, Commissioners Healey, Johns, and Lewis opposed.*

Commissioner Lewis made a **motion** to table the 2000 East Zone Change until the February Planning Commission meeting. The motion **died** for lack of a second.

Commissioner Healey made a **motion** to recommend the City Council's approval of the 2000 East Zone Change from R-R, Rural Residential to S-C, Shopping Center Commercial, and R-3, High Residential as the zone change is consistent with the General Plan and conditions will be placed on development to mitigate any adverse impacts to nearby areas. The motion **died** for lack of a second.

Commissioner Lewis made a **motion** to table the 2000 East Zone Change until the February Planning Commission meeting after more study has taken place. Commissioner Shaw **seconded**, and the motion **passed** unanimously.

Public Hearing - 1200 North Zone Change

The Commission reviewed the 1200 North Zone Change on 15.71 acres adjacent to the City's North Park at 1200 North 200 East from R-3, High Residential to C-2, General Commercial. Since October 2000 the General Plan has shown the entire area to be General Commercial. The property owners are

Keith and Sharon Williams; and Frank and Pat Christianson.

Property owner Keith Williams suggested the City wait to change the zone until a developer is interested in the property.

Commissioner Lewis asked the purpose of rezoning the parcel at this time. Mr. Pierson stated the City would like to rezone the area to commercial to minimize an undesirable residential development on the parcel zoned R-3.

Commissioner Healey stated staff is obviously uncomfortable with the current zoning of the property. He asked the Christianson's if they were in favor of the zone change. Ms. Pat Christianson said she would like it zoned all commercial or all residential, but not split as it is now. Mr. Williams stated he kind of likes the potential the difference in zoning gives.

Mr. Lewis made a **motion** to recommend approval to the City Council of the 1200 North Zone Change of 15.71 acres from C-2, General Commercial, and R-3, High Density Residential to C-2, General Commercial in it's entirety, as it is consistent with the general plan, and conditions will be placed upon the development, when developed, to mitigate adverse impacts to adjoining and nearby properties. Mr. Healey **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Mr. Pierson asked for clarification on what the Commission would like researched regarding the 2000 East Commercial Zone Change. The Commission suggested staff lay out a sample of various building footprints to determine if the area is sufficient in size or needs to be decreased. They requested numbers on what kind of population base would be needed to support a commercial area this size. Possible conditions to mitigate adverse impacts of commercial against residential and increased traffic, especially along 750 South, were also requested. It was felt a buffer for the south side of the Jex subdivision was of primary concern. Commissioner Lewis also requested examples, in writing, of recent property acquisitions by the City.

Closure of Public Hearings

Ms. Shaw made a **motion** to close the public hearings at 10:34 pm. Mr. Lewis **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Mr. Johns made a **motion** to adjourn the meeting of the Spanish Fork Planning Commission at 10:35 pm. Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.