

Adopted Minutes
Spanish Fork Planning Commission Meeting
February 7, 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 Paul Healey, David E. Lewis, Roy L. Johns, Thad S. Jensen, and Thora L. Shaw.

Staff Members Present: Emil Pierson, City Planner; Richard J. Nielson, Assistant Public Works Director; Nate Crow, GIS Specialist; Gina Peterson, Deputy Recorder; and Pam Bradley, Planning Secretary.

Citizens Present: Fawn Christopher, Amy Jensen, Penny L. McEntire, Kent Jex, Gary M. Kitchen, Carl Bowcut, Robert D. Matthews, Betty Hone, Keri Huntsman, Doug Huntsman, Donald Nay, Treva Reid, Jean C. Duffield, Kal Duffield, Richard R. Meyer, Sue Robinson, Loretta Gledhill, Bob L. Moore, Joe Richins, Luella Farnworth, Stan Michelsen, Ann Michelsen, Darron Allred, Verl Shepherd, Sherrie Shepherd, Sherman Bearnson, Beverly B. Bearnson, Janis Nielsen, *Spanish Fork Press*; Melody Barber, Marcie Andrew, Phil Allen, Andrea Allen, Richard A. Evans, Paul Bartholomew, Shelley LeFevre, Peter Hansen, Theresa Hansen, Brenda Evans, Ray Swenson, Carol Swenson, David Brady, Roger Archibald, Scott Wells, Jackie Mitchell, Paula Esplin, William F. Bryson, Karl Guymon, Margie Butler, Lynn Richardson, Debbie Kitchen, Patience Bernards, Dennis Bernards, and Seth LeFevre.

Minutes

Ms. Shaw made a **motion** to approve the minutes of the January 3, 2001 meeting of the Spanish Fork Planning Commission as corrected. Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

Dallin Subdivision Waiver - Flag Lot

Mark Dallin is requesting a subdivision waiver to develop a flag lot at 467 East 100 North in the R-2, Medium High Residential zoning district. Mr. Dallin proposes to construct a single family home on the 9,300 square foot flag lot. Access to the flag lot will be from 100 North on a 20-foot driveway. The driveway will be paved and have a 6-inch curb.

The Development Review Committee reviewed the request and recommended approval subject to conditions.

Mr. Johns made a **motion** to approve the Dallin Subdivision Waiver for a flag lot at 467 East 100 North subject to the following conditions:

1. The subdivision must meet all criteria shown on the plat;
2. The shed/garage on the side of the existing garage must be removed to allow for the 20' driveway to the flag lot;
3. Provide a water line/utility easement on the driveway;
4. Relocation of the secondary power line to the electric department's specifications at the expense of the developer;
5. The development must meet all plans and profiles approved by the City Engineering Department and the Utility Department.

Ms. Shaw **seconded**, and the motion **passed** with a unanimous vote.

2000 East Zone Change - R-R, Rural Residential to S-C, Shopping Center and R-3, High Residential

A zone change is being initiated by the City on 65.44 acres located at 2000 East 500 South. The property is proposed to be rezoned from R-R, Rural Residential to S-C, Shopping Center with a small portion being R-3, High Residential.

This issue was tabled from the January 3, 2000 meeting because the Planning Commission did not feel they had enough information to make a decision. Staff members have returned with further information as requested by the Commission.

Chair Baadsgaard noted the public input portion of this issue has been closed. He indicated the Commission has agreed to take comments limited to two minutes per person. City Planner Emil Pierson was given the floor to present additional staff comment.

The Commission requested the following items as a result of the January public hearing:

1. Sample layout of various building footprints to determine if the area is sufficient in size or needs to be decreased;
2. Population base that would be needed to support a commercial area this size;
3. Possible conditions to mitigate adverse impacts of commercial against residential. Buffering along the Jex subdivision was of primary concern;
4. Possible conditions to mitigate adverse impacts of increased traffic (especially along 750 South);
5. Experiences of past property acquisitions by the City.

Mr. Pierson gave an analysis of each of the Commissions concerns.

Request #1 - Sample layout of various building footprints to determine if the area is sufficient in size or needs to be decreased

Maps were included with the Commissioner packets showing the potential of how the area could be developed commercially. Until an actual proposal is submitted by a developer, the area will remain

vacant. The City is not planning to develop the 2000 East connection at this time. It is likely the roadway will not be constructed until development happens.

A rough guess of gross leasable space for this area would be 539,658 square feet. The remaining 989,298 square feet would be used for parking and roadways. Mr. Pierson noted this is a very rough estimate since the City does not know exactly when or how this area will develop.

Request #2 - Population base that would be needed to support a commercial area this size

Currently the City has 286 acres of developed commercial use. This represents 65% percent of the total 444 acres that are zoned commercial. The four zoning designations for commercial properties include: Commercial Office (C-O), Neighborhood Commercial (C-1), General Commercial (C-2), and Shopping Center (S-C).

Spanish Fork City can be considered a regional shopping area since residents from Mapleton, Woodland Hills, Salem, Elk Ridge, Payson, Santaquin, Nephi, Benjamin, Lakeshore, Birds Eye, and even people from Helper and Price shop in Spanish Fork.

A recent study completed by Lindon City states:

- A neighborhood commercial area, which is 40,000 square feet of leasable space, would require support from at least 5,000 people, and could serve up to 40,000 people. The radius of the service area would be 2 miles [this encompasses all of Spanish Fork City].
- A community shopping center, with an average leasable area of 150,000 square feet, requires support from 40,000 to 150,000 people. The service area for a community shopping center has a radius of approximately 4 miles [this encompasses all of Spanish Fork, Mapleton, and into Springville, Salem and Woodland Hills].
- The largest type of shopping center, the regional shopping center, generally consumes 30-50 acres of land, with an average gross leasable area of 400,000 square feet [encompassing the southern end of Utah County].

A comparison of different size cities shows how commercial uses could be needed in the future.

City	Population	Total commercial (acres)	Size of city (acres)	% in commercial
Spanish Fork	20,700	444	8,432	5.27%
Layton	60,294	1,136	13,209	8.60%
Orem City	91,000	3,360	11,610	28.94%
Sandy City	102,544	2,265	14,566	18.30%
Provo City	114,900	3,651	27,520	13.27%

* Also consider other cities constraints (i.e. demographics, topography, proximity to surrounding cities etc.)

An area this large would draw shoppers from south Utah County and beyond. When considering the population growth in this City and neighboring communities, it makes sense for the City to plan ahead. In the Nebo Community Vision study area, which encompasses the ten Utah County cities south of Provo, the population is expected to nearly double in the next 20 years from 74,882 to 139,027. Spanish Fork is expected to increase to 32,098 residents in the next 20 years. The City's current population is approximately 20,700.

Requests #3 and #4 - Possible conditions to mitigate adverse impacts of commercial against residential. Buffering along the Jex subdivision was of primary concern. Possible conditions to mitigate adverse impacts of increased traffic (especially along 750 South)

Buffering between the commercial and residential developments might include:

- Construction of townhomes on the west side of 2000 East. This would require a small driveway and parking area behind the buildings. Ten feet of landscaping and a wall would be required.
- Small neighborhood commercial uses along with ten feet of landscaping and a masonry wall. This use would be similar to the Jim Nielsen Commercial Center where World Gym and Domino's Pizza are located.
- Mixed use development - small commercial uses on the bottom level with multi-family uses on the upper levels creating a walkable community.
- Additional landscaping - 25 feet with a berm instead of ten feet.
- 2000 East could be required to have an island with trees in the middle of the street to reduce the amount of light leaving the site.

Because the City is unsure about the specific development to take place at the site, it is difficult to consider the best buffering for residential homes at this time. If the site develops as a strip mall as anticipated, the parking area would be closest to the residential homes.

Mr. Pierson felt another buffer for the site could be to create a walkable community with buildings built along 2000 East. He cited examples such as the Riverwoods Shopping Center in Provo. Buildings would be constructed close to the road with landscaping on the outside and parking located in the middle.

The Commission's concerns regarding buffering of 750 South were then addressed. The General Plan considers 750 South a minor collector similar to 1100 East, 1400 East, and 1700 East. These existing streets have homes fronting the road with no additional buffering. A possible example to buffer 750 South might include construction of an island in the middle of the roadway. This would buffer the residents from half of the roadway. A roundabout would also be encouraged at the intersection of 750 South and 2000 East.

Commissioner Shaw clarified that 750 South will not be a major collector road. Assistant Public Works Director Richard Nielson stated a minor collector contains 66 feet of right of way and is designed to handle approximately 1,000 homes.

Request #5 - Experiences of past property acquisitions by the City

The City takes the following steps when purchasing property:

1. The property owner is notified of the City's interest in purchasing the property;
2. Two separate appraisals are conducted on the property. The City and the property owner each have an appraisal done;
3. After appraisals are reviewed, the City and the property owner reach an agreement of how much the property is worth and a fair price is paid;
4. Eminent domain is only used when property is needed by the City for the betterment of the community and the property owner is unwilling to discuss terms of the sale. Situations could include obtaining easements and rights-of-way. Fair market value is still paid for the property.

Examples of recently purchased property are the Community Network Building site purchased from the Simonsen's, and two residential homes purchased for use by the Public Safety Building from James & Carolyn Laird; and Gwen Lance.

Chair Baadsgaard opened the meeting for brief public comment.

Mr. Carl Bowcut, 2110 East 750 South, stated the residents were never informed there would be a two minute time limit on each comment. Mr. Bowcut spoke regarding the size of the commercial area. He stated the area is five acres less than Provo Towne Centre mall. Mr. Bowcut feels this zone change would abandon existing merchants and not be consistent with the efforts of Envision Utah. Considering the size of the property, he feels more research is needed.

Mr. Floyd McMullin, 1855 East 500 South, stated the City's general plan states typically five to fifteen acres will be used for large shopping centers. He feels the zone change will be approved, if only because the City needs an additional access to U.S. Highway 6. Mr. McMullin feels the City is trying to entice a major developer to the area who will pay the costs of constructing the road. He is largely concerned with the size of the proposed commercial area.

Mr. Gary Kitchen, 713 South 1800 East, noted the City's General Plan actively promotes the K-mart shopping center as a regional shopping area. He feels this zone change would be inconsistent with the General Plan and the uses in the K-mart shopping center should be intensified and built up. He feels other alternatives are available to get increased traffic to Highway 6. Mr. Kitchen was given notification that his time limit had expired.

Commissioner Lewis requested to hear more of Mr. Kitchen's comments. He stated the Commission is helping plan for the future of Spanish Fork with millions of dollars of property involved, and the Commission owes the residents more than five minutes. Chair Baadsgaard noted Mr. Kitchen presented a detailed report which was included in the Planning Commission packets.

Commissioner Lewis made a **motion** for Mr. Kitchen to explain the details of his "Sufficient Cause Diagram" determining if Spanish Fork needs a new commercial site. [Note: this information was submitted with the Planning Commission packets.] The motion **died** for lack of a second.

Ms. Amy Jensen addressed the Commission next. She expressed appreciation for the work that has gone into studying the proposal and stated the citizens are trying to answer questions to make sure the commercial area will be a benefit to the community. She noted inconsistencies in the General Plan's goals and the proposal. Ms. Jensen does not feel potential traffic impacts have been thoroughly addressed, noting the traffic study she received was six years old. Ms. Jensen spoke with Mr. Jim Cox at UDOT who said the 2300 East "T" intersection will be inconsistent with UDOT's goals of only creating four way intersections. She also talked with an individual that did appraisals on property near Fred Meyer in Orem. This appraiser told her the construction of Fred Meyer drastically affected the property values with an adverse impact of at least 10%.

Mr. Joe Richins, 1683 East 750 South, expressed concern with safety and the size of new roads. He feels proper notification did not take place, and more study is needed.

Ms. Luella Farnworth, 2210 East 750 South, objects to the 20th East connection going through her property. She met with City Engineer Richard Heap earlier and offered the alternative of the road going along the east fence line of her property. Mr. Heap has stated the alternative could be feasible. Ms. Farnworth stated the current street plan will affect her well and septic tank. She also request her property not be zoned commercial.

Commissioner Shaw requested more detailed information from staff members regarding the road. Mr. Nielson stated as part of the approval for the 20th East connection, UDOT is requiring the City to relocate the 1750 South connection to Highway 6. He also noted the 20th East connection was proposed as a "T" intersection by Spanish Fork City, and then approved by UDOT. A four way intersection is not feasible due to the proximity of the railroad tracks. Mr. Nielson indicated the Engineering Department has reviewed Ms. Farnworth's suggestion, and are amenable to constructing the road in front of her house as requested.

Ms. Farnworth indicated she would also prefer her property remain residential. Mr. Pierson stated Ms. Farnworth's property does not have to be rezoned if the road alignment is amended.

Mr. Donald Nay, 714 South 1500 East, reviewed goals of the City's General Plan as it relates to commercial and residential use. He noted that 336 East Bench residents came together and opposed the 1400 East commercial zone change on Canyon Road. He feels the request was not granted due to opposition of the residents. Mr. Nay stated it is unlikely that the housing adjacent to the proposed commercial area will be anything other than low income, multi-family homes. He referred to the Affordable Housing Element in the General Spanish which indicates Spanish Fork City already has a surplus of affordable housing. He requested the zone change receive more study.

Mr. Pierson defined moderate income housing as housing that is occupied or reserved for people with a gross household income equal to or less than 80% of the median gross income. He stated an entry level home would cost around \$140,000 today. Mr. Pierson feels construction of an upscale multi-family area can be achieved through a development agreement and the use of high quality building materials.

Mr. Dennis Bernards, 667 South Birch Drive, stated the Commission should realize Spanish Fork is not Provo and comparisons should not be made to this area and the Shops at the Riverwoods. He feels if Spanish Fork residents wanted the Provo atmosphere, they would live there. Mr. Bernards noted the General Plan designates the East Bench for primarily residential use. He feels this zoning amendment will change the entire character of the East Bench.

Mr. Robert Matthews, 553 South 1800 East, voiced his opposition to the zone change. He stated the Constitution allows citizens to enjoy personal property rights. He feels the City is morally wrong to take property against another's will.

Commissioner Johns reiterated the City is in need of additional access to Highway 6 to help reduce traffic in the neighborhoods. He stated the City has had numerous complaints from neighbors in the area regarding traffic. Commissioner Shaw also noted that zoning the property commercial at this time will ensure future residents are aware there is a potential commercial development near their home.

Commissioner Shaw indicated her interest in revisiting the motion from Commissioner Lewis regarding comments from Mr. Kitchen. She stated the role of the Planning Commission is to designate property uses and ensure road systems are in place to accommodate growth. Ms. Shaw noted the Planning Commission is not the body that addresses income for the city, although once Walmart opens in Springville, the City's tax revenue will decrease.

Commissioner Lewis made a **motion** to hear Mr. Kitchen explain the details, for a maximum of fifteen minutes, of his "Sufficient Cause Diagram" determining if Spanish Fork needs a new commercial site. Commissioner Shaw **seconded**. Discussion took place on the motion.

Commissioner Healey feels if the report has been read by the Commission, it does not need to be reviewed. Commissioner Shaw stated Mr. Kitchen's explanation will also benefit of the residents in attendance. Commissioner Jensen feels there should be uses other than residential on East Bench and would not like further comment.

Chair Baadsgaard called for a vote on the motion. The motion **carried** with a **majority** vote of 4;2. *Commissioners Jensen and Healey were opposed.*

Mr. Kitchen began his analysis of the issue, providing sample questions he feels should be asked and tasks that should be undertaken prior to a zone change. In his example, a city's expenditures are growing faster than it's revenue, and there are no ways to control expenditure growth, therefore new revenue sources for the city must be developed. If sales tax revenues are a good source of income for the city, and the growth rate of sales tax revenues from existing businesses is not enough, then new sales tax revenue sources for the city must be developed. This leads to the search for a new commercial site. If adequate commercial property is not available, then a new commercial site must be made available and zoned. Mr. Kitchen feels strict analysis is needed to warrant this last step. He noted, from his analysis of the budgets from 1995 to 2000, Spanish Fork City's tax revenue is declining. Mr. Kitchen suggests if any new commercial use is brought in the City, it should help the existing tax revenue and not

dilute it.

Chair Baadsgaard asked generally, do the residents think the City is proposing the zone change because they want or need more commercial areas? He referred to minutes from last month's meeting where Commissioner Johns "*told residents in order for the City to progress, commercial areas...are necessary. A healthy retail tax base is crucial to promoting City facilities and services.the Commission needs to think of the long term benefit for the City and the citizenry as a whole.*" The Commission is setting aside commercial areas for future use. The General Plan has designated this area for commercial use. Chair Baadsgaard feels retail stores and parking would be a more suitable use than houses against Highway 6. He also noted the Commission is recommending body and all final decisions are made by the citizens elected representatives.

Commissioner Lewis understands a tax base is needed to run a City. He agreed with Mr. Kitchen's reasoning that there should be a logical, scientific, data substantiated way to come to decision. He questioned if the City has thoroughly and effectively analyzed the existing commercial areas and if these areas are being used at their maximum capacity.

Commissioner Shaw commented the zone change does not propose the City should abandon other commercial areas in town. The City has, and will continue to introduce methods to help existing commercial areas. She cited the Main Street Beautification as one example.

Chair Baadsgaard emphasized the City does not have any pressure from a developer to change the zone. The Commission is planning for the future to minimize interference in residents lives.

Commissioner Shaw made the following findings required for changes to the zoning ordinance and zoning map. The 2000 East zone change, as proposed, is consistent with the policies of the General Plan as it will provide conveniently located commercial areas to serve residents of Spanish Fork and the surrounding areas as stated in the Land Use Section, Letter G. The conditions outlined by staff will be given to mitigate adverse impacts to adjoining properties.

At Commissioner Healey's request, Mr. Pierson reviewed the potential uses for the property, including sample building footprints.

Mr. Pierson expressed concern with statements that the City is taking citizens property against their will. He indicated the road will not be developed until property owners want to sell. The City will follow it's standard procedure for acquiring the property. Mr. Pierson reiterated this property will be reserved for long-term future use. Cities that plan for their future do not have to condemn property in the future.

Mr. Pierson stated the City does support local businesses, particularly through their support of the Chamber of Commerce. He noted Spanish Fork City has the lowest city property tax in the County due to good planning and foresight in commercial areas.

Commissioner Johns asked residents present if they support businesses in Spanish Fork. He noted

several people at the public hearing commented they shop in other cities.

Ms. Farnworth asked questions regarding the development of the 20th East connection. Will the City wait to develop the road until a developer is willing to provide the funding? Mr. Nielson indicated if residential development on the East Bench continued to increase and the commercial area was vacant, the City would have to address construction of the road. Development of the road is not planned at this time. He noted traffic issues will increase with growth.

Commissioner Lewis does not believe the zone change is consistent with the policies of the General Plan, specifically that this property is 65 acres, and not the “typically 5 -15” as stated in the General Plan. He feels a specific zoning designation for a regional shopping center should be created.

Commissioner Shaw 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 with the following findings:

1. The amendment is consistent with the General Plan, and;
2. The following conditions will be placed on the zone change to mitigate any adverse impacts to nearby properties:
 - A. The property on the west side of 2000 East be developed as:
 - i. Multi-family use to face 2000 East with parking in the back to act as a buffer, or
 - ii. Single family homes facing west with a six foot wall and landscaping along 2000 East.
 - B. The commercial property will be developed as a walkable development similar to the Shops at the Riverwoods in Provo City. Buildings will be constructed along 2000 East and the parking will be located in the middle with a mix of uses.
 - C. A landscaped island will be constructed in the middle of 2000 East and 750 South with trees and pedestrian lighting.
 - D. The 750 South road will be amended to avoid splitting the Luella Farnworth property. The zoning for Ms. Farnworth’s property will remain unchanged with a R-R, Rural Residential zoning designation.

Commissioner Healey **seconded**, and the motion **carried** with a **majority** vote of 5;1. *Commissioner Lewis was opposed.*

Adjournment

Commissioner Johns made a **motion** to adjourn the meeting of the Spanish Fork City Planning Commission at 8:44 pm. Commissioner Healey **seconded**, and the motion **passed** with a unanimous vote.