

**Adopted Minutes**  
**Spanish Fork Planning Commission Meeting**  
**March 7, 2001**

The meeting was called to order at 6:30 pm by Chair Kevin Baadsgaard for 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 Shaw.

Staff Members Present: Emil Pierson, City Planner; Richard Heap; City Engineer, Gina Peterson, Deputy Recorder: Nate Crow, GIS Specialist and Pam Bradley, Planning Secretary.

Citizens Present: Alex Beseris, Craig Gasser, and Brian McFadden.

**Minutes**

Ms. Shaw made a made a **motion** to approve the minutes of the February 7, 2001 meeting of the Spanish Fork Planning Commission as corrected. Mr. Johns **seconded**, and the motion **passed** with a unanimous vote.

Ms. Shaw made a **motion** to open the public hearing at 7:06 p.m. Commissioner Healey **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - Food-4-Less Conditional Use Permit (S-C)**

Food-4-Less is requesting a conditional use permit for a fueling station in the S-C, Shopping Center Zone. If granted Food-4-Less would like to construct a gas station and future car wash on property owned by CDI, Ltd. at 815 East U.S. Highway 6. The plan proposes a single person cash kiosk and a canopy that covers 2,688 square feet. There will be one 30,000 gallon fiberglass double insulated tank. The fuel pumps will be accessible 24-hours a day by credit card, but the kiosk will operate between the hours of 7:00 a.m. to 10:00 p.m.

The meeting was opened for public comment.

The commission discussed procedures in the case of a fuel spill. Mr. Brian McFadden of Flemming Companies discussed storm drainage and accidental spill precautions.

Mr. McFadden gave details regarding the Food 4 Less Conditional Use Permit. He discussed the future car wash possibilities. It was mentioned that access can be made early morning or late at night for deliveries as needed. Mr. McFadden reviewed the national trend for utilizing fueling facilities in conjunction with grocery stores. Fuel stations are provided as a service to grocery consumers.

Commissioner Lewis asked what security precautions will be provided for the gas station attendant. Mr. McFadden detailed standard security precautions.

Commissioner Johns expressed concern with increased traffic on Chappel Drive. Mr. McFadden indicated they are marketing existing Food 4 Less customers, and they do not foresee a significant increase in traffic. Ms. Shaw expressed concern with the narrow ingress/egress near Burger King onto Chappel Drive . She indicated this is the entrance most used by the citizens. The Commissioners agreed the Burger King access needed improvement.

Mr. Craig Gasser is the owner of three lots which front U.S. Highway 6, adjacent to Burger King. He was also the original developer of the shopping facility. He stated he is aware of traffic concerns and was aware that this was parking lot for semi trucks and they were able to make due with the one access by Burger King. He has been involved in the development of over forty shopping centers and their management and he does not foresee a negative impact to the shopping center, just more of an inconvenience. He feels a restaurant, which is a permitted use and not subject to a conditional use permit, would generate much more traffic than the fueling station.

Mr. Heap noted that Chappel Drive is owned by the City and is a public street. Commissioner Shaw stated there is a problem now and it is a possibility to correct this now. Commissioner Healey stated that citizens use this often and it is not easily accessible. Mr. Heap stated that if the access were five feet wider it would be more operative.

Mr. Pierson stated that this is conditional use and could have to meet conditions placed on it by the Planning Commission. Mr. Gasser stated he would research and see if it is possible to widen the access. Mr. Gasser asked why this was not required when Food 4 Less was originally approved.

Mr. McFadden reiterated the majority of sales would be customers already in the shopping center.

Much discussion took place on widening the access.

Mr. Heap stated there is formal agreement with UDOT for the ingress/egress. We would have to see if UDOT has a problem with widening.

Chair Baadsgaard closed the public input portion of the meeting.

Ms. Shaw recommended adding conditions to the approval regarding widening of the access, including authorization from UDOT. Mr. McFadden stated this requirement could ultimately kill any type of business that may come into the shopping center.

Mr. Heap stated that he did not think UDOT would have a problem with widening the access, although it could take time to get their approval.

Mr. Pierson suggested that they make a traffic study and they present again to the Planning

Commission.

Mr. Gasser mentioned in good faith he will work with Mr. Heap, and if allowed by UDOT they will make efforts to widen this.

Mr. Jensen made a **motion** to close the public hearing at 8:26 pm. Mr. Healey **seconded**, and the motion **passed** with a unanimous vote.

Mr. Lewis questioned if the Planning Commission has legal authority to require approval from UDOT as a condition.

Consensus from the Commission was that the site is not adequate access from Chappel Drive to Expressway Shopping Center .

Ms. Shaw made a **motion** to approve the Conditional Use Permit with the following findings:

1. The proposed use is consistent with the General Plan and the Zoning District S-C does allow for a automotive service station and car wash facility through a Conditional Use Permit process.
2. That the fueling facility will not be materially detrimental to the health, safety or welfare of the residents because of the conditions that will be placed on the use.
3. That the site is adequate in size and shape to accommodate the fueling facility.
4. The site does **not** have adequate access to the Expressway shopping center which is adjacent to Chappel Drive and U.S. Highway 6. To mitigate this concern the access north east of Burger King must be increased a minimum of five feet per recommendation from City Engineer Richard Heap.
5. That the conditions placed on the Food-4-Less fueling station should resolve any anticipated detrimental effects from this use.

and subject to the following conditions placed upon the development:

- 1 Increase of landscaping on the east and south side of property to City Planner's specifications.
2. Cross access easements provided on the northwest of the property line adjacent to Burger King and that Burger King approve the cross access easements.
3. If the closest fire hydrant is more than 200 feet away, a new hydrant must be installed.
4. Power issues resolved to Electric Department's specifications.
5. Re-fueling of the station tanks to be between the hours of 10:00 p.m. and 6:00 a.m.
6. Approval from UDOT that the access north of Burger King be widened a minimum of five feet.

Commissioner Johns **seconded** the motion. Discussion took place on the motion

Commissioner Lewis made a **motion** to amend the main motion, condition #6, that if UDOT does not grant approval for widening of the access, the Conditional Use Permit will still be granted. The motion **died** for lack of a second.

Chair Baadsgaard called for a vote on the main motion. The motion **carried** with a **majority** vote of 5;1. Commissioner Dave Lewis was opposed.

### **Presentation by Envision Utah**

Mr. Alex Beseris from Envision Utah gave a presentation on walkable residential and commercial developments.

### **Adjournment**

The meeting adjourned at 9:45 pm.