

**Adopted Minutes  
Spanish Fork City Planning Commission  
March 5, 2003**

The meeting was called to order at 7:00 p.m. by Chair Lewis.

Commission members present: Chairman David E. Lewis; Commissioners Roy L. Johns; Thora L. Shaw; Paul Bradford; Thad S. Jensen; and Ted Scott.

Staff Members Present: Emil Pierson, City Planner; Richard J. Heap, City Engineer/Public Works Director; Marlo Smith, Engineering Secretary.

Citizens Present: Scott Huff, Eric Baum, Chris Mortenson, Jennifer Huff, Sherman Huff, Tony Lewis, Chris Twitty, Tanelly Twitty, Glen Dudley, Kristin Dudley, Todd Brammall, Chris Salisbury, Brock Johansen, Chad Lindholm, Jenna Giles, Chris Wadsworth, Brett Esch, Patty Esch, Scott Crandall, Rayola Alligood, William Alligood, Archie Atwood, Darlene Atwood, Rich Smith, Keri Andrus, Brian Andrus, Matt Schockley, Dave Hutchings, Adina Jones, Paul Milani, Bill Tooke, Brett Harris, Gordon Jones, Todd Stewart, Jeremy Fly, Kelly Woodbrey, Dennis Paxman, Jared Pace John Landry, Elizabeth Binks, Joshua Binks, John Peabody, Jeff Simonsen, Yolette Warner, and Shirley Baxter

**Agenda Review**

The Planning Commission reviewed the staff reports for each item on the agenda.

**Preliminary Activities**

Chair Lewis discussed conduct of meeting for public hearing also televised

**Pledge of Allegiance**

The Pledge of Allegiance was led by Chair Lewis

**Minutes**

Commissioner Shaw made a **motion** to approve the minutes of the February 5, 2003 meeting of the Spanish Fork Planning Commission with noted changes. Commissioner Johns **seconded**, and the motion **passed** with a unanimous vote.

Commissioner Jensen made a **motion** to move into the public hearing portion of Planning Commission meeting. Commissioner Scott **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearings - Salisbury Development Rezone Request - 1170 South 2420 East - R-R to R-1-8**

Mr. Pierson asked the Planning Commission to discuss the agenda items 2a and 3a together, since they pertain to the same development.

Mr. Pierson stated that Chris Salisbury of Salisbury Development is requesting to change the zoning on .45 acres from Rural Residential (R-R) to Medium Residential (R-1-8) at 2420 East 1170 South. The property is shown on the General Plan as Residential 3.5 to 5 units to the acre. At this time the property is vacant. Mr. Salisbury is also requesting to amend the Rock Cove Preliminary Plat to include three (3) lots on this property. Discussion took place regarding other developments in this area. The lots will be similar in size with the other lots located in the Rock Cove Subdivision.

The Development Review Committee meeting motion was discussed.

Chair Lewis asked if the developer had any comments. There were none.

Commissioner Johns stated that he likes the look of 2420 East continuing to the end.

Chair Lewis asked if there was any public comment. There was none.

Commissioner Shaw made a **motion** to approve the Salisbury rezoning of .45 acres from Rural Residential (R-R) to Medium Residential (R-1-8) at 2420 East 1170 South with the following findings and condition(s):

- That the zone change is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan; and
- That consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Condition(s):

1. A Final Plat cannot be submitted until the storm drain on the East Bench is upgraded and the building restriction for the area is lifted.

Commissioner Bradford **seconded** and the motion **passed** unanimously.

### **Recommendation - Amended Preliminary Plat**

Commissioner Johns made a **motion** to approve the Rock Cove Preliminary Plat Amendment. Commissioner Jensen **seconded** and the motion **passed** unanimously.

### **Public Hearing - Gardner Rezone Request - 1440 South 1400 East - R-R to R-1-9**

Mr. Pierson stated that Mike Gardner is requesting to change the zoning on 4 acres from Rural Residential (R-R) to Standard Urban Residential (R-1-9) at 1440 S 1400 E. Mr. Gardner is planning to subdivide the property into 9,000+ square foot lots in the future. This property is shown on the General Plan as Residential 2.5 to 3.5 units per acre.

Discussion took place regarding the storm drain restriction on the East Bench, Mr. Pierson stated that a subdivision waiver could be allowed. Discussion took place regarding the recommendation from the Development Review Committee meeting.

Discussion with Mr. Gardner took place regarding his request to rezone the whole area at this time. All utilities are stubbed into the lots. The concept plan for this area will mirror Leifson Estates.

Chair Lewis asked if there was any public comment.

Dave Hutchings - 1515 S 1170 E - Mr. Hutchings asked if the zoning is R-1-9 how big will Mr. Gardner's current lot size be. Chair Lewis stated it will need to conform to the R-1-9 requirements which would require 9000+ square feet.

Commissioner Jensen made a **motion** to approve the rezoning of 4 acres located at 1440 South 1400 East from Rural Residential (R-R) to Standard Urban Residential (R-1-9) with the following findings and condition(s):

- That the zone change is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan; and
- That consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Condition(s): None

Commissioner Scott **seconded** and the motion **passed** unanimously.

### **Public Hearing - Community Housing Conditional Use Permit**

Mr. Pierson stated that Community Housing Services is requesting conditional use approval to construct a Senior Retirement Center in the Low Urban Residential (R-1-12) zoning district at 1400 East 1440 South. Everyone within 300 ft was notified as per City Ordinance. Addresses and names were sent as per the ownership records of Utah County. Mr. Pierson told the public if they were not notified to contact Utah County to correct their records. The public hearing notice was published in the Daily Herald 14 days before the public hearing. Mr. Pierson reviewed the senior retirement center and how this facility will be used for individuals 62 and older.

Community Housing Services have received a HUD grant for the facility and it can only be used for affordable housing for senior citizens. HUD also attached a 40-year time limit. This building could not be used for individuals that are not considered as seniors because the zoning does not permit apartments.

Mr. Pierson discussed the building design and construction materials as well as the zoning ordinance and presented a slide show of the neighborhood. He also discussed the layout of the units, fencing, landscaping, trash enclosure, storage building, and the location of the building on the lot. Mr. Pierson stated that if two-story homes were built at 30 feet to mid-point it would block all views. There are two LDS churches very close by, both of which are around 30 feet in

height.

Development Review Committee recommendation and conditions were discussed.

The Planning Commissioners discussed the 40-year lock down on HUD grant.

Discussion on the Matthews Assisted Living Center took place, it has 34 units half are assisted and the other are residential. Discussion took place regarding the homes in the area around Matthews Assisted Living Center. Their property values have not decreased because of the facility.

Community Housing Services discussed the type of residents who will be living in the center. Affordability was also a factor in deciding the site where it would be built.

Chair Lewis discussed the rules of a public hearing. Discussion of letters included with the packets to the Planning Commissioners or City Council was read by all the Planning Commissioners.

Chair Lewis stated the rezone was approved because it is consistent with the General Plan. The conditional use permit is being discussed at this meeting. Chair Lewis explained that some uses are permitted within the R-1-12 zone and other uses are permitted with attached conditions. Chair Lewis stated that a conditional use permit cannot be denied. However, the Planning Commission is allowed to make conditions for the benefit of the area. Chair Lewis stated that after the conditions are put in place the applicant can agree with the conditions or not agree and not continue with the project and an appeal can be made to the City Council. Also, anyone within 300 feet can also appeal to the City Council.

Mr. Pierson read the public comments for the citizens that could not be present at the meeting:

Adina Jones - She is present at the meeting, Mr. Pierson will not read her comment.

Debbie Cobern - Disgusted with the City Councils decision to rezone and she is against the project.

Connie Smith - She owns a lot in Fox Run and is concerned that it will create extra traffic and doesn't like the complex by a school. But she does think it will be a good opportunity for service.

Lisa Jolley - Concerned with the complex bringing in crappy people who will kidnap kids.

Blaine Ashby - Commented on wrong use, and the traffic congestion.

Todd Brammall - 1238 E 1710 S - Runs nursing homes in Utah County. Utah State is placing moratoriums for nursing homes because of the excess beds being available. New nursing homes are required to have one parking stall per unit. Discussion regarding the parking ordinance. Mr.

Brammall stated that he is glad the building will meet the look of the neighborhood. Senior Citizens program is wonderful in Spanish Fork but thinks Community Housing should look at an area closer to Kmart or downtown shopping area, then the driving would be only a few blocks for the elderly.

Chris Wadsworth - 1473 S 1230 E - Discussed his view of the lack of planning from City Council and City staff. Mr. Wadsworth asked the Planning Commission to have the City or anyone from Community Housing Services explain to the residents how they will benefit from the units being in their neighborhood. Mr. Wadsworth explained the advantages to tenants in the units if they were located in other areas of town with other amenities ie. library, stores and doctors offices. Concerns about the devaluation of their homes were discussed.

Chair Lewis asked if Mr. Wadsworth had any evidence to show that it would devalue the homes. Mr. Wadsworth had no proof at this time.

Commissioner Bradford stated that the areas the residents want the complex moved to has enough multi-units already and is already to congested. Commissioner Bradford asked why the residents think it is okay to move the complex to another area of town and the complex is a good idea as long as it is not in their neighborhood. Commissioner Bradford discussed the handicap home located at 400 N 700 E, stating all neighbors signed a petition. The handicap home was approved and there was no property value difference and no problems with the home in the area. Mr. Wadsworth stated to not put the senior living complex anywhere in Spanish Fork if it will affect anyone in the City. Chair Lewis stated that the general plan was approved by Spanish Fork City residents. Discussion took place regarding the last general plan revisions.

Gordon Jones - 1564 E 1620 S - Stated on the planning commissioners cannot meet the 5 required findings by fitting in 41 units per acre. The area already has high density senior living. Mr. Jones wants to know why is staff so supportive? Mr. Jones commented that only 1/3 of units have ever been showed. How come there isn't a view of the whole building? Mr. Pierson stated that an elevation of whole building in located in the packets.

Josh Binks - 1392 E 1360 S - Mr. Binks provided an Appraisal letter that contained a professional opinion that a large apartment complex will negatively affect the areas property values.

Eric Baum - 1219 E 1400 S - Commented on the buildings character. Mr. Buam would like to see two buildings made to look like a twin home. Mr. Baum would also like to see only one story.

Paul Milani - 1273 E 1360 S - Commented about his three small children that go to Canyon Elementary, one of his children is autistic. The increase in the traffic is his concern. Mr. Milani stated that the churches in the area are not lived in. The safety of the children needs to be looked at because it would be adding the number of cars in the area. Mr. Milani feels that if it were closer to a hospital would be a better solution because the low income may have more health problems.

Chris Twitty - 1424 E 1240 S - Concerned with the health safety or general welfare. The traffic increase is a huge concern. Cross guards or crosswalks would need to be put in this area. Mr. Twitty asked if he lived in one of these units what about the transportation available to me. United Way and senior citizens center offer some assistance, but not enough. There is no two story homes near this area. Pedestrian or walking ways should be a condition. Where is the proof from the applicant that not all citizens living here will have vehicles? There is not enough room in the parking lot. The applicant should prove this center will not affect the neighborhood. Chair Lewis stated that proof from applicant is given by showing the size, parking requirements, and meeting the development standards. Chair Lewis stated that the planning commission needs proof from residents to help reduce detrimental effects that just voicing concerns isn't enough. They must prove that it is detrimental.

Brian Andrus - 1341 E 1440 S - Concerned with the twin homes in area all have for rent signs. Matthews Assisted Living Center looks great. There wouldn't be as many complaints if the proposed center looked like Matthews. Mr. Andrus envisions people will park on street because there would not be enough parking. What about after the 40 years, who would live there? Only 3 homes in area are two story. Mr. Andrus showed where he lives and that the only thing he will see is the proposed building. He wasn't nice to elderly people when he was growing up and he can't see by that the elderly would want to live by an elementary school. Mr. Andrus doesn't want an empty building. Mr. Andrus doesn't want the planning commission to make a decision tonight. Look at worst case scenario, all residents will drive there and the visitors would be parking in the street. Mr. Andrus was told by the developer that twinhomes would be the only multi-unit living in the area. Mr. Andrus feels the proposed building could go anywhere in city and wants to know who's job it is to make sure this is the best area in city. Mr. Andrus would like to see single family homes or buildings that look like single family homes in this area.

Commissioner Shaw discussed Matthew's Assisted Living Center not being detrimental to the area.

Chair Lewis stated that the traffic concern and the height and design of the building has been discussed many times and to please exclude these concerns in the following comments.

Todd Stewart - Concerned with the City Planner presenting the development and not the applicant. Chair Lewis stated that Mr. Pierson was hired for meeting with the developers and then presenting the development to the Development Review Committee, Planning Commission and the City Council. Mr. Pierson stated that he works for both the developer and the residents and that he has received numerous phone calls and letters concerned with many things for example the height is a concern so he takes pictures of only two story homes in the area and shows different views of area. Mr. Pierson is neutral, he is to only present his findings not his opinion. Chair Lewis stated that Mr. Pierson has reviewed the ordinances with the developers.

The Public spoke out about not looking at their concerns when making decisions. Commissioner Shaw discussed the public hearing for the general plan and that the citizens were the ones who wanted the option for conditional uses.

Patty Esch - Stated that she has met with Mr. Pierson and that he has been very helpful to her. She discussed Hearthstone(Matthews Assisted Living Center). The proposed facility wouldn't have common dining room, skilled nursing care. Ms. Ash would like Community Housing Services to state why it would be a nice asset in their neighborhood.

Dennis Paxman - 1518 E 1510 S- Questioned why the building will be stick frame and not metal. Is there a sprinkler system in the building? Mr. Lander stated there is a sprinkler system.

Kristen Dudley - 1368 E 1440 S - Ms. Dudley handed in a petition that contained 93 signatures against the project. Ms. Dudley stated she is representing the 93 signatures and they would like to make a formal protest on all conditions that will be put on Community Housing Services. Ms. Dudley stated that at the City Council meeting they were told that this is only a rezone on the property. But now her opinion is that the City is bound by Utah State Law to allow this facility and if not, the City could be sued for violating the law. Ms. Dudley also is concerned with who determines when the resident becomes a danger to themselves or to others?

Ms. Dudley's suggestions for the Conditional Use Conditions are as follows:

1. Community Housing Services would be required to provide playground equipment to the Park Side subdivision park. This would eliminate the children having to walk across 1400 East to go to the school playground to play.
2. Community Housing Services provide on site staff and the staff would be the required to have a crossing guard for the school.
3. One story buildings above ground in separate units. Three building to look like twin homes.
4. Maximum of 26-30 units with parking stalls for every unit and allow parking stalls for visitors so no parking on the streets.
5. Spanish Fork to re-evaluate property taxes. Chair Lewis stated that Utah County evaluates property taxes. Ms. Dudley stated then have the City talk to Utah County.
6. Sidewalk, curb and gutter be required along 1400 E to 1240 S. Mr. Lander stated that this is already proposed and will be done with the building.
7. Ms. Dudley would like Community Housing Services plant trees in the Park Side Subdivision Park.

Michael Ward - Concerned about the County losing the property taxes on this property and throughout the following years it will draw from other sources requiring property taxes in Spanish Fork raising. Within 2/10 of a mile on 1400 E there are 4 intersections and 4 single family driveways that hundreds of children cross daily. Mr. Ward is familiar with a program between insurance companies and possibly the State of Utah called 55 alive that request Seniors over 55 to go down alternate roads that aren't as busy. So this would make the seniors drive down neighborhood streets instead of collector roads like Canyon Road because it is so busy. Mr. Ward thinks the city may need a traffic light at 1400 E Canyon Road. The traffic light at 1100 E Canyon Road is a good place for a light and is a similar intersection. Commissioner Johns stated that UDOT controls traffic lights not Spanish Fork City and sadly that UDOT

requires major accidents or deaths before they would take this into consideration. Mr. Ward would like to see a condition to restrict the number of occupants that can have cars. Discussion on possible problems with traffic and children. If the Developers want to be good neighbors why are they strong arming to get this development in. Architectual design does not comply with the surrounding neighborhood.

Archie Atwood - Concerned about walk way by Mike Gardner's property. It will become a shaded sidewalk and will be icy in the winter. People park on 1400 E by walkway to pick up children. Likes this area but concerned about cars backing out with little children in the area.

John Peabody - He has worked with geriatrics and his concerns are on stipulations of primary residents but not on secondary residents. Background checks will be done this is a good thing. Other issues discussed on traffic and aesthetics of building.

Craig Mortensen - He is the resident closest to Hearthstone Manor in Fox Run. He will be looking at the proposed development. With the fence around Hearthstone Manor the building looks good. The proposed "L" shaped building doesn't match other buildings in the area.

Kelly Woodbrey - 1483 S 1420 E - He lives two lots down from the proposed building. He stated the neighbor right next to it said he will sell if this development builds here. Mr. Woodbrey wants to know if Mr. Gardner has other suitors he could sell to?

Bruce Hall - Mr. Hall stated that as a developer when he has developed higher densities he is held to higher standards. He thinks that Community Housing Services should be also. Architectural appeal on 1400 East should have appeal on all areas. Mr. Hall owns property in Birdseye and the treatment center in that area has changed. Mr. Hall would like to see a guarantee that the use of the building will not change.

Mr. Pierson stated that it could never be a residential treatment center because it must be on a two acre parcel. Also, that a conditional use permit runs with the parcel indefinitely.

Yolette Warner - 1344 E 1360 S - Ms. Warners husband is serving in the military, she is coming for his sake. He is concerned about property values, landscaping and the upkeep of the building. Safety of children and other people in center are a concern. Her Grandma had alzheimer before she was put into a home. The neighbors said she was disruptive with wandering, driving and violent outbursts.

Chair Lewis asked what would be the difference if a neighbor had a parent move in with them.

Brad Esch - Asked if there will be grass? There will be landscaped areas around building. There is also a patio area available. Discussion about sidewalk on 1400 E North of 1240 S. Mr. Pierson stated there will not be sidewalk until that area develops.

Matt Shockley - 1376 E 1360 S - Concerned with the security of the building. Will entrances be locked? Concerned that if someone breaks into the building, can residents handle it themselves?

Would like to see condition put in place to secure entry ways. Enticement is helpless vulnerable people living in this unit. Discussion on exterior of building. Would like to see inside of building use upmost high quality materials. Asked what is the difference with conditional use compared to restricted covenant. Mr. Pierson stated that restricted covenant are mandated by Home Owners Associations and the city cannot govern. Conditional Use is enforced by the City.

Chair Lewis asked to speak to the representatives. Mr. Lander and the Planning Commissioners discussed the list of concerns. HUD will not allow unit numbers to be reduced. Separate buildings to be broken down? Cost for three elevators six sets of stairs makes the cost to high. Discussion of traffic and parking study.

Commissioner Shaw stated that the residents are regular citizens not horrible people. A Condition can be placed to require of sound mind to live in this complex. Commissioner Shaw discussed that people of this age didn't have retirement benefits. If they don't have any assets the only source of income is Social Security that isn't a lot to depend on. There is a need for this type of living in this community.

Comments of depreciation of property values. Chair Lewis stated the point has been well mentioned that's why conditions are put in place on a development. Discussion on restrictions for building materials took place.

A 5 minutes recess was taken.

*Chair Bradford left the meeting.*

Chair Lewis stated that there has been a lot of comments to help the planning commission understand major concerns of the area. Chair Lewis suggests to table item until next months meeting.

Commissioner Jensen made a **motion** to table the Community Housing Services Conditional Use Permit at 1470 South 1400 East until the April 2, 2003 meeting. Commissioner Scott **seconded** and the motion **passed** unanimously.

### **Public Hearing - General Plan Amendment**

Mr. Pierson asked Chair Lewis if this item could be discussed after the Staff Reports. Chair Lewis agreed.

### **Staff Report - Sonic Burger Subdivision Waiver**

Mr. Pierson stated that Tom Nagle is requesting Subdivision Waiver approval to create a new lot at the Shopko plaza. If approved Mr. Nagle will be constructing a Sonic Burger along Main Street. The site plan was approved by the Development Review Committee on February 19, 2003, with the condition that the applicant has the property subdivided.

Mark Simonsen addressed the site plan. Mr. Simonsen stated that he is excited to come to Spanish Fork. They are currently building one in Springville.

Chair Lewis asked Mr. Heap if the increased traffic has been assessed. Mr. Heap said the entry ways are adequate for this site.

Commissioner Johns made a **motion** to approve the Sonic Drive-In Subdivision Waiver at 1000 North Main subject to the following conditions of approval:

1. The electrical needs to be worked out with the electric department,
2. An access easement is required to be recorded, and
3. A sewer easement is also required to be recorded.

Commissioner Shaw **seconded** and the motion **passed** unanimously.

### **Public Hearing - General Plan Amendment**

Mr. Pierson discussed that over the last couple of months Staff has recognized a number of changes that warrant changes to the General Plan. These included changes to the Policy Declaration Boundary in the Annexation Policy Plan, lifting the utility Restriction, and expansion of the Growth Boundary and density changes in the northeast and southwest areas of the city. Staff has reviewed with the Planning Commission these changes over the last two months and is now asking for a motion to be made concerning the changes to the General Plan.

Chair Lewis asked for any public comments.

John Smiley - Asked the Planning Commission to look at the commercial zoned area by IFA. Mr. Smiley doesn't think the commercial area is big enough to allow a sale. Discussion took place regarding other commercial areas that would possibly develop first. Discussion on value of property. Discussion took place regarding road placement and cost. Discussion took place regarding cross hatch zoning.

Commissioner Shaw made a **motion** to give the General Plan Map Amendments a positive recommendation to the City Council subject to the following condition(s):

1. The corner of Del Monte Road and Arrowhead to be commercial or residential. With the density to be 2 ½ - 3 ½ units to the acre.

Commissioner Jensen **seconded** and the motion **passed** unanimously.

### **Adjournment**

Commissioner Johns made a **motion** to adjourn the March 5, 2003 Spanish Fork Planning Commission meeting. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote. The meeting was adjourned at 11:35 p.m.

