

**Adopted Minutes
Spanish Fork City Planning Commission
80 South Main Street
Spanish Fork, Utah
December 6, 2023**

Commission Members Present: Chairman Todd Mitchell, Commissioners John Mendenhall, Shauna Warnick, Joseph Earnest, Michelle Carroll, Mike Clayson.

Staff Members Present: Dave Anderson, Community Development Director; Brandon Snyder, Senior Planner; Mary Martin, Associate Planner; Jered Johnson, Senior Engineering Division Manager, Kasey Woodard, Community Development Secretary

Citizens Present: Craig Jacobsen, Jacob Rawlins, Lacey Hill, Shea Nielson.

WORK SESSION

Chairman Mitchell called the meeting to order at 6:00 p.m.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Commissioner Earnest led the pledge.

MINUTES

November 1, 2023

Commissioner Earnest moved to approve the minutes from November 1, 2023.

Commissioner Clayson seconded and the motion passed all in favor.

PRELIMINARY PLAT (Public Hearing)

CANYON VIEW MEADOWS REAPPROVAL

Brandon Snyder stated this is a straight forward approval, and stated this project was formally named Swift Creek. He stated the original approval has expired and now requires reapproval.

Commissioner Earnest asked if the City now requires park strip trees and it was stated this plan included a Street Tree Plan, as it was a condition of the original approval.

Commission Mitchell confirms there have been no changes to the original proposal and asked if this is a simple reapproval?

Dave Anderson stated he believes the phase plan has changed slightly, but that is the only change.

It was confirmed that there was no lot size, shape or count changes from the original approval.

Chairman Mitchell opened the public hearing at 6:07 p.m.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:07 p.m.

There was conversation regarding if the motion for approval would be legislative, and who the approving body would be. It was stated this motion is for a recommendation for approval by the City Council.

Commissioner Earnest **moved** to approve the Canyon View Meadows Reapproval based on the following findings and conditions.

Findings:

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

Conditions:

1. That the applicant meets the City's Development and Construction standards, Zoning requirements and other applicable City ordinances.
2. That the applicant addresses any red-lines.

Commissioner Mendenhall **seconded** and the motion **passed** all in favor.

TITLE 15 (Public Hearing)

Title 15 DAYCARE AMENDMENTS

Brandon Snyder discussed the amendment to the City Code. He feels this request is very straightforward and stated the City already has a definition of an Adult Daycare in the code, but there are no current zones listed that have it as a permitted or conditional use. He stated this language, provided by the applicant, would provide clarification to the existing language in the code to specify that adult daycares would be allowed to operate in the same zones as child daycares. He stated that in the memo, it was included that this is a use that the State also regulates.

Commissioner Warnick questioned if this is the same verbiage that the State Code also uses and it was stated that yes, this language is in line with the State code and if the applicant opened a facility, they would need to operate within the State regulations. It was stated that the use between child care centers and adult daycares are very different and the state regulations will not be the same for the different uses.

Commissioner Earnest asked if there is specific reasoning behind the four-hour block of time that the patient can be cared for and it was stated this is matching the existing Spanish Fork City code regarding disabled persons care facility regulations.

Commissioner Earnest then inquired if a facility preferred to offer a 3-hour care service and Commissioner Mendenhall stated that would likely fall under an outpatient facility regulation than a care facility.

Commissioner Warnick thanked the applicant for their service to the community.

Chairman Mitchell opened the public hearing at 6:12 p.m.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:12 p.m.

Ana Burgi questioned what kind of care is being provided from these facilities?

Jacob Rawlins approached the podium and stated the main type of patient that is being cared for at these facilities is typically dementia and memory care patients. He stated the patients utilizing the facility typically are not at the point of needing 24-hour care just yet. He stated when patients reach that level of care needs, they will be looking at nursing homes or an assisted living facility.

Commissioner Carroll asked if the primary purpose of the adult daycare is to provide relief to the caregivers during the day to allow for errands and other activities that would not be doable without the daycare and it was stated yes, this is the primary reasoning behind the use of an adult daycare.

Commissioner Warnick moved to recommend to approval of the Title 15 Daycare Amendments.

Commissioner Carroll **seconded** and the motion **passed** all in favor.

TITLE 15 (Public Hearing)

Title 15 Amendments

Dave Anderson rose to speak briefly about the proposed changes. He stated these changes can be found on the City website and are attached to the agenda for tonight's meeting and directed them to reach out to the Community Development department. He stated this amendment is taking existing regulations and putting them into graphic form in the hopes that it makes it easier to understand. He feels these modifications are a beneficial tool. He presented some of the graphics that are featured in the proposed amendments. He stated there are illustrations that provide residential lot setbacks in the more commonly used residential zones. He stated one of the next changes regards the recently added Infill Overlay zone. The next change he discussed was regarding accessory structures. He stated the illustrations provide a graphic view of where they can be placed that fit within the setback requirements. He then spoke briefly about ADU requirements and stated the newly added graphic will provide illustration. He stated all these graphics have been provided by Mary Martin in

the Community Development Department and he thanked her for her time she spent putting these illustrations together and he hopes that this can continue.

Commissioner Warnick inquired about if the City takes sight-lines into account as she had a friend involved in an accident because they were unable to see clearly and questions if the City talks to property owners about the site not meeting the regulations and Dave Anderson stated there have been occasions where the City will address it with the property owners as it presents a potential safety hazard. He stated as a City, we routinely will inspect and maintain City traffic signs to make sure they are not obstructed. He stated that oftentimes, site obstructions start out as landscaping that does not get maintained and grows tall and becomes a sight-line obstruction.

Jered Johnson stated that the City places the signs in the public right-of-ways and that if the City receives a complaint regarding any type of obstruction, they will send a Code Enforcement officer out to take care of it.

Commissioner Warnick is thankful that the City takes this approach and keeps these concerns maintained.

Dave Anderson stated that these things can sometimes be hard to police and this is why the City has regulations around setbacks and where things can be placed on a property. He stated this is why it is important for residents to obtain the proper permits for fences and other structures. He stated this is why the City does not charge a fee for a fencing permit, this helps to ensure that fences are placed where they should be and not pose a potential safety concern that may be harder to work backwards from after its already constructed. He stated the City is willing to work with applicants, but keeping safety concerns in place first. He spoke next on parking requirements and stated the City wants to limit allowing for developers to place parking in darker and more secluded areas on the property as this presents a safety concern and he stated the City is trying to push developers to place the parking closer and within a reasonable distance from the buildings entrance. He then spoke to what kinds of obstructions have prevented the desired customer parking from being up front and stated there are large machinery, displays or storage containers being placed in inappropriate spaces that take away from customer parking areas and that the City really wants to limit this practice to keep safety concerns up front. There was a brief discussion regarding the construction of Lowe's and the request to utilize a portion of their required parking for outdoor storage and display and it was

stated this would not be allowed under these Title changes and that would require a Development Enhancement Overlay today to meet the regulations.

Dave Anderson stated the next change is regarding mailboxes within new subdivisions, and stated there are new provisions that address ADU mailboxes and that will allow for additional boxes for homes that are adding ADUs. He estimated that each additional box is around \$50 and he feels it is a better investment to make up front vs how much it will cost to add them later.

Chairman Mitchell opened the public hearing at 6:40 p.m.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:40 p.m.

Commissioner Mendenhall moved to recommend to approval of the Title 15 Amendments.

Commissioner Warnick **seconded** and the motion **passed** all in favor.

CONSTRUCTION STANDARDS (Public Hearing)

Construction Standards Revision (23.01 & 23.02)

Jered Johnson rose to speak about the proposed revisions. He stated the first modification is to modify the Design Requirements in the general section, the second change is adding a street sign section, the third change is to add a section about masonry graffiti, the fourth change is Modifying secondary junction pedestal for SFCN, and the fifth change modifies 2" pressurized irrigation service. He stated these are mainly cleanup and basic housekeeping changes. He then gave a brief description of the changes.

Commissioner Warnick asked for clarification on what a ribbon road is and Jered Johnson explained that a ribbon road is a road that has asphalt and shoulders but does not have curb and gutter, and there is typically no utilities or storm drainage. It is just a travel road.

Chairman Mitchell opened the public hearing at 6:50 p.m.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:50 p.m.

Commissioner **Clayson moved** to recommend to approve the Construction Standards Revisions (23.01 & 23.02) to the City Council.

Commissioner Earnest **seconded** and the motion **passed** all in favor.

CONCEPT REVIEW

L&S COMMERCIAL CONCEPT

Dave Anderson stated the applicants are present. He feels this concept does not work and is looking for feedback from the Commissioners. He stated that this concept does not work from a zoning regulations perspective, specifically setback requirements. He would like the Planning Commissioners to decide if this concept is worth pursuing or not. He stated at this time, the City has differing setback requirements when Commercial developments abut properties that are zoned residential or being used residentially than when there is a Commercial project next to a property that is not being used residentially or zoned residentially. He stated that there is a greater setback when a commercial site is next to a residential use than when it is two commercial sites abutting one another. He stated there is a range from no setback requirements between commercial to commercial but can range up to 25 feet for commercial to residential. He then presented the concept map and stated the concept would have shared parking, and he feels this is an efficient use of the site. He feels that the idea of having a greater setback between less compatible uses makes sense. He stated this is not the first time the City has had issues arise from not recognizing the value of having the range of setbacks. He is asking the Commissioners if they feel the City should add more into the code to allow for more leeway for areas that there is speculation that will not develop residentially in the future.

Commissioner Mendenhall excused himself from the remainder of the meeting at 7:00 p.m.

There was a brief discussion regarding the zone and the current uses, and the neighboring residential homes.

Brandon Snyder stated there was discussion at the DRC with this project of adding language that would allow for exemptions or allowances granted for circumstances like this. He stated there was conversation on whether the general plan designation needed to be revisited, or revisit the zoning, or the municipal code and it was agreed that the Committee would like to hear the thoughts of the Planning Commission.

Dave Anderson spoke briefly about a couple of areas within the City that illustrate setbacks between residential and commercial use. He presented the setback space between the Maple Leaf and the residence to the west boundary of the development and stated that this spacing is preferable as nothing can be built in the space and it allows for landscaping to be placed.

Commissioner Earnest inquired if the code does not allow for the Planning Commission or City Council to provide a variance to the setback? It was stated that currently the City code does not allow for that.

Dave Anderson stated that something like that could be a solution if the Commissioners would like City staff to pursue this option.

Commissioner Earnest suggested treating this similarly to a Conditional Use Permit and look at it from a case-by-case basis. He notes that he is still surprised that the City code does not allow for this to be looked at by a case-by-case scenario if there is merit, hardship, or a compelling reason to look at it individually.

Lacey Hill and Shea Nielson rose to speak about the proposal.

Commissioner Warnick is in favor of the applicants approaching the neighbors to the north.

Todd Mitchell stated he is in favor of the cross entry.

Lacey Hill stated there is an easement on the lot that allows for both.

Commissioner Mitchell stated he generally likes this concept but feels there are a few remaining concerns regarding setbacks and preserving the neighboring residential

zones. He stated he would like to see building elevations to illustrate what the development would look like and if it fits in the area cohesively.

Commissioner Earnest feels this concept is workable if certain measures are included to preserve the neighboring residential zone. He feels gaining the feedback from the neighboring properties to the east

Chairman Mitchell moved to adjourn the meeting at 7:30 p.m.

Adopted: January 3, 2024

Kasey Woodard
Community Development
Secretary