



**NOTICE OF MEETING AND AGENDA
PLANNING COMMISSION
APRIL 23, 2024 AT 7:00 P.M.
City Council Chambers
110 South Main Street
Springville, Utah 84663**

The agenda will be as follows:

Call to Order

- Approval of the Agenda
- Approval of Minutes: April 9, 2024

Consent Agenda

The Consent Agenda includes items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. If there are no objections or comments, the item(s) will pass without further consideration

No Items

Administrative Session

1. Training

Legislative Session – Public Hearing

No Items

Adjournment

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

This meeting was noticed in compliance with Utah Code 52-4-202 on April 19, 2024. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendas-minutes. Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at www.utah.gov/pmn/index.html. Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.

IN ATTENDANCE

Commissioners: Genevieve Baker, Ann Anderson, Ralph Calder, Brett Nelson,
Hunter Huffman, Eric Graves, and Tyler Patching

City Staff: Josh Yost, Community Development Director
Carla Wiese, Planner II/Economic Development Specialist
Heather Goins, Executive Assistant

City Council: Jake Smith

CALL TO ORDER

Commissioner Nelson called the meeting to order at 7:04 p.m.

APPROVAL OF THE AGENDA

Commissioner Huffman moved to approve the agenda as written. Commissioner
Calder seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

March 26, 2024

Commissioner Anderson moved to approve the March 26, 2024 meeting minutes.
Commissioner Hunter seconded the motion. The vote to approve the meeting minutes
was unanimous.

CONSENT AGENDA

No Items

ADMINISTRATIVE SESSION

1. Welcome New Commissioners, Training

Director Yost welcomed the new Planning Commissioners, Eric Graves, Hunter Huffman
and Tyler Patching, and introduced the Planning Staff. He then had the new
Commissioners introduce themselves.

7:13 Director Yost said we are planning a retreat to get to know each other better. He
did a short training on Legislative vs. Administrative items. Director Yost also covered
Planning Commission Meeting Protocol.

Commissioner Baker arrived at 7:20 p.m.

Commissioner Nelson asked if a commissioner wants to ask a question, should they ask
the chair for permission to speak first or just ask. Director Yost said it comes down to
meeting management by the Chair.

Director Yost explained the Election of a Chair

2. Elect Chair and Vice Chair

21:00 Commissioner Nelson asked for nominations for Chair. Commissioner Anderson nominated Commissioner Nelson. Commissioner Graves seconded. The vote to elect Commissioner Nelson as Planning Commissioner Chair was unanimous.

Chair Nelson asked for nominations for Vice Chair. Commissioner Anderson nominated Commissioner Baker. Commissioner Huffman seconded. The vote to elect Commissioner Baker as Planning Commission Vice Chair was unanimous.

LEGISLATIVE SESSION:

1. Carla Amor requests an amendment to Springville City Code 14-5-113 Water Facilities to change the requirements for utility improvements in small subdivisions. - Carla Wiese

22:59 Carla Wiese presented Carla Amor's request for a subdivision of her lot and to amend Springville City code 14-5-113 - Subdivision ordinance. She wants to subdivide her lot to create a lot for her son. The code requires costly improvements to bring up to new standards for one lot. The administrative rule in Utah governs the engineers and it sets the minimum line size to 4 inches for culinary and 8 inches for fire hydrants. If it is just providing water for fire suppression then a 6-inch line is fine, but for fire suppression and culinary then it needs to be 8 inches. Ms. Wiese worked with engineering to come up with an ordinance that could be applied to new development. Ms. Amor's lot is close enough to existing fire hydrants that new lines wouldn't have to be put in.

Commissioner Calder asked Ms. Wiese to measure the distance from the home to the hydrant. It is 102 inches from the property. Director Yost said there are other hydrants around as well. Commissioner Huffman said it is dictated by the Fire Marshall, but it is typical to the corner of the lot. Director Yost said it starts in the IBC and then the Fire Marshall can make changes. Ms. Wiese was asked to measure to where the new lot would be. It was about 172 feet.

31:11 Director Yost said there may be concern about the way the ordinance is tailored to accommodate the applicant. The City Engineer has drafted the staff's recommendation on the ordinance and has determined that, under his discretion, this specific instance will be accommodated by the amendment that he's drafted. Director Yost said the Fire Marshall does the review. Commissioner Nelson asked if the Fire Marshall needed to review this. Director Yost said not the ordinance itself. Commissioner Calder asked if we need to be careful because if a house burned down because we took exception to our code, we are in violation. Director Yost said we can't answer that specifically, but he can confidently confirm that this case would be permitted under the ordinance as it is proposed to be amended. Commissioner Calder asked if it is drafted specifically for this. Director Yost said no, it's drafted for any applications that meet these criteria. The engineer tested these criteria to make sure it would work for this lot.

33:43 The Commissioners raised concerns about how many lots this would apply to and the Fire Marshall's involvement in drafting this ordinance. There are very few lots that this would apply to. Director Yost said we are not changing the fire standard, we are giving the City Engineer objective criteria to use to determine if we can let someone

subdivide without upgrading the adjacent infrastructure. The Fire Marshall looks at applications in the DRC process.

42:13 (ES) Commissioner Graves said if he understands the amendment, it covers 'as long as no additional fire suppression is needed'. Director Yost said in this case, Ms. Amor's property will meet these criteria so we don't get her through the process and then give her another roadblock. Commissioner Graves said in any request moving forward would have to meet the fire suppression. Director Yost pointed out whether are we being fair to the applicant. Commissioner Graves said that helps the city not get into issues with the Fire Marshall. Commissioner Calder clarified we are approving the ordinance, not approving her plat. Director Yost confirmed.

Commissioner Calder asked why the applicant is talking about this. Ms. Wiese said that she helped draft the ordinance. Director Yost said she made the application, and the City Engineer had concerns with the broadness of their initial proposal so they worked together to craft a proposal that both parties are comfortable with. It is still Ms. Amor's application. Her version is here but it was too broad. She met with Chris Wilson, the City Engineer and Ms. Wiese and was aware of the proposed alternative to her amendment.

45:30 (ES) Chair Nelson invited Carla Amor to speak. She pointed out that the City has a plan in 3 years to change the waterline to 8 inches anyway, so why make her pay for it? Utah is 45th in the nation for housing prices. Why and what can we do to help our kids? She is not trying to make money from it. If she gives them the land, it takes the lot cost off a home. This is the base reason for doing this. It is hard to keep up the lot. And if we are worried about fire, then a house is better than the weeds. It is a lot to mow now. A home is a better use of the land. In fire considerations, she could build an ADU there right now and not have to go through this process. The problem is she would have to inhabit the house. Logistically it doesn't make sense. It is a beautiful area and my neighbors are in favor of it. She appreciates their concern.

49:27 Chair Nelson opened the public hearing at 7:54 p.m. Seeing no speakers, Commissioner Baker moved to close the public hearing. Commissioner Calder seconded. The public hearing was closed at 7:54 p.m.

Commissioner Hunter asked staff why the number in the ordinance was changed from three lots maximum instead of two. Ms. Amor said she put it at three because she didn't know what she was doing and if someone else had a larger lot, they could subdivide it into three lots. Commissioner Huffman said that is why he brings up the question. If someone has a 3-acre lot and wants to subdivide into three 1-acre lots, would it fall under this code? Ms. Wiese said we wanted to limit the instances to force the developer to bring it up to current specs.

Commissioner Calder asked if the city is going to upgrade that line. Director Yost said it is on the capital improvement plan. Commissioner Calder said it was part of the engineer's assessment. Director Yost said that is not one of the criteria for the ordinance. Commissioner Baker said when she applies for the subdivision, then it would be related because it is a specific spot and would still follow criteria. Director Yost said it is part of the discussion because it is frustrating to the applicant to say this is going to be done, but if she acts now, she will have to pay for it. There isn't a way to work around

that. We determined the future capital facilities plans were not the criteria we wanted to use, but it is true in this case.

52:54 Commissioner Anderson moved to recommend adoption of the amendment to Springville City Code Title 14 Chapter 5 Article 1 Section 113 as presented by the city engineer. Commissioner Huffman seconded. The vote to recommend approval of the legislative item was unanimous.

2. Eternal Springs, LLC requesting to amend the Springville City Code, 11-4-301 Land Use Matrix to permit Senior Independent Living in the Neighborhood Commercial (NC) zone. - Carla Wiese

53:26 Carla Wiese, City Planner, presented. We do not currently allow any type of residential in the Neighborhood Commercial zone. We allowed publicly owned senior housing as a conditional use and assisted living facility. The petitioner owns one of them. We previously did a rezone of the property where there were two separate zones on the parcel and changed it to be all NC. That amendment was approved by the Planning Commission and the City Council. The applicant wants to do senior independent living. We put conditions so it would be a conditional use. In doing that, we tightened up our definition of senior independent living.

Chair Nelson asked about the conditional use and the concerns. Ms. Wiese said senior independent living equals age-restricted senior living. Chair Nelson asked if we are confident that will meet that condition. Ms. Wiese said it will because it limits it to those age 62 years or older that don't need living help. A multi-family developer wouldn't provide those services. The services have some type of emergency care. We are requiring that it is co-located with assisted living for emergency care.

1:00:07 Commissioner Baker asked about colocation. Ms. Wiese said it would be located adjacent to or on the same property to prohibit any workarounds. Commissioner Calder asked if collated is defined as co-owned. Director Yost said no. You could add a requirement in the motion that they are owned and operated by the same entity. Liability and insurance would change for one facility to provide that for another. Director Yost said that isn't typically a service provided in senior independent living. We are addressing that we have an existing provider who would like to provide a wider continuum of care to people who may be approaching the point where they need some assistance with daily activities but don't need more intensive care.

1:07:54 The conditional use will guard against misapplication. We can tighten up the requirements. Chair Nelson asked if Stonehenge owns Ashford. Ms. Wiese said no, emergency care could be provided by the assisted living.

Commissioner Graves asked if the contractual arrangement between the facility and this new proposal is necessary or could they contract or reach an arrangement with Stonehenge, if the entities split and aren't part of the adjacent property. Or have a certain amount of care of facilities provided. 1:04:32 Director Yost said there may be some confusion. The definition states that a facility that does not require assistance for daily living, there is no requirement they provide that skilled care. We simply wanted to make that an option in the NC zone without opening it up to people opening a multi-family development under the guise of single independent living.

Commissioner Graves asked to look at the zoning map. Commissioner Huffman asked about the co-located and if that is entirely necessary if they are still meeting the definition in our city code. Ms. Wiese said it was more a service that Ashford would be providing so it would be an ideal location. Seeing the need, they moved forward with this.

Commissioner Baker said this is just for the NC zone, which doesn't allow independent living. But it does allow assisted living, so this is a narrow condition for them to provide that service in the NC zone, but it needs to have assisted living, so it doesn't open up independent living all over.

Commissioner Graves asked about the two different zones that are shown on the lot. Ms. Wiese explained this zone change was previously made and it is now all the NC zone. We haven't had a GIS person to update it on the map.

Commissioner Calder said they are asking for something that isn't allowed in the NC. And we are talking about amending the code. Ms. Wiese said it wouldn't have been able to be done in the residential zone either. 1:09:20 Commissioner Calder said if someone wants to do a 55 and older, is co-location what would prohibit that? Commissioner Huffman said the stipulation is 62 and older. Ms. Wiese said they would also have to get a business license as a senior independent living and not an apartment or multi-family complex.

Director Yost asked Ms. Wiese to show the land use matrix. Commissioner Graves asked how many units are being proposed. Ms. Wiese said we will know when they come for site plan approval and we will decide on the review. Commissioner Calder asked why we aren't doing a conditional use. Director Yost said because it isn't permitted in the zone at all. We have to add it in and then they can apply for a conditional use. People used to think it was we could deny a conditional use, but state law says no. The only difference is we can mitigate the adverse effects of the use by imposing reasonable conditions inside the conditional use permit. Ms. Wiese has done a good job in closing holes in the definition and then making some very specific conditions in the specific use in the conditional use criteria.

Commissioner Nelson said there were good items that could be put into the motion.

1:13:36 The Petitioner, Greg Nield, was invited to address the Commission. He owns Eternal Springs, LLC, which owns the land. Ashford has been open for 8 years now. The independent living units we call cottages are 1,300 square feet, 2 bed 2 bath, with a single car garage. Some people drive, a lot don't. For the elderly, it is an easier transition. From the assisted living standpoint, we can cook meals and give them to the independent residents. In terms of emergency care, a nurse would be in the independent resident's cottages, that would be a rare occasion, such as if they fell. If they need more care, we have them move to assisted living. Both properties are owned by different entities but we both own each entity, which Rob and he own. Commissioner Calder asked how you propose if you decided to sell that someone, it doesn't turn the cottages into family living space. Director Yost said from the city side it will be handled with the business license and Title 11. If these turned into just rental housing uses, we could enforce on based on both elements from the code or if the owner said they would sign something saying they would provide services.

Commissioner Graves asked if there has been an instance where the city has dealt with this. Director Yost said it is in the CCNR's.

Commissioner Calder asked about the building just off 400 S on South Main. Director Yost said that is not a licensed facility and we don't have any licensing control over that. Commissioner Nelson said it is a county thing. Director Yost said it is owned by the county. Commissioner Calder talked about the concept for that. Elderly sisters could live there and be safe. It became unsustainable. It's the down-the-road thing that is hard. Director Yost said as he understands, we are not requiring these things, and the applicant didn't follow through. We put this in a code, and we have recourse. Commissioner Baker said this gives us something to fall back on.

Greg said we are not able to subdivide these cottages.

Commissioner Nelson asked for a public hearing. Commissioner Baker moved to open the public hearing. The public hearing was opened at 8:26 p.m. Seeing no speakers, Commissioner Graves seconded. The vote to close the public hearing was unanimous.

Commissioner Graves asked if this is proposed. Commissioner Baker said the red part is proposed. Commissioner Graves asked what purpose would A serve in the new NC zone. Director Yost said it limits the places where this use can be done. We want to preserve the NC zone for NC use. This use doesn't meet that zone. We felt it was appropriate to note that there are very few locations in the city that meet this criteria. Commissioner Graves said it is the limiting factor. Commissioner Nelson said does this help with manipulation or we don't want a lot of these facilities around. Director Yost said we are using a blunt instrument to say it is OK in this and similar instances but not generally. Commissioner Baker said it is to keep residential from encroaching into that NC Zone. Commissioner Graves said he doesn't see this happening in other cities having collocation requirements. Director Yost said just in the NC zones. In the other zones where it's permitted, it's subject to those other conditions generally it's not a use that is widely permitted in the city or use that these are typically dealt with through just age-restricted rights.

Commissioner Graves asked if we eliminate A, could it be done with just that? Director Yost said the demand is growing, and we don't want it to take over our neighborhood commercial areas. When we look at the new general plan, we will look in depth. It may look less on prohibiting or allowing uses and use nuance instead of the black and white of our code.

Commissioner Calder said we want to make it transitional because we would otherwise automatically deny it. Having it co-located, makes a transition and the co-location is making this work. Director Yost said if you are comfortable with these criteria, and any suggestion in the motion, move it forward, otherwise deny.

Commissioner Baker asked if there is a limit on size, occupants or units. Director Yost said we think of ways it could go wrong and that isn't one. Practical consideration of size, but theoretically we could be burned by getting a license for one room and then someone builds 200 units.

1:29:46 Commissioner Huffman asked if that could be done under a development agreement to better dictate the number of uses. Director Yost said it could, but only if that use wasn't already permitted. We want to avoid not allowing something in the zone and not using a development agreement because spot zoning is something we want to avoid.

Ms. Wiese looked at the up to 10% of units may operating as assisted living units (inaudible). Commissioner Baker said that is more conditional and could be converted to assisted living from independent living, so people don't have to move. Commissioner Calder asked if there is a ratio of beds to doors. Greg said in the current assisted living we have 81 units and the same number of residents. We would like to max the number of units there, about 25. Director Yost said it would be subject to commercial site plan requirements. Greg said we don't have to have an independent living facility that is 2-3 stories. Some cities have it that way. We build a more attractive product.

Commissioner Nelson asked for Commissioner input. Commissioner Baker said that is something to consider. They don't plan for multi-story but someone else could. Director Yost said it would be subject to any other building restrictions in the NC zone. Commissioner Baker said it has the potential to be a lot of units.

Commissioner Calder asked does it make sense to do a single level. Director Yost said he isn't concerned just that it is well designed. He would be comfortable with a continuance with direction. We don't have to craft those on the fly. Commissioner Baker likes the idea of continuing.

Commissioner Baker moved to continue this item for the staff to be able to look at some options for limiting the size or number of units of independent living. Commissioner Anderson seconded the motion. The vote to continue the Legislative Session item was unanimous.

Commissioner Calder said he wants to talk to the applicant about this. He thinks that if what we're saying by continuing it is we're trying to prohibit future other types of plans but it probably allows for the applicant to consider that we've moved. He thinks this is a good idea and that maybe he can do some due diligence or something like it. He is in the same boat as everybody else is so that's why he would ask him how many units they plan on to get the idea of what is going to work for them so we can avoid any future challenges.

With nothing further to discuss, Commissioner Graves moved to adjourn the meeting. Commissioner Anderson seconded the motion. Chair Nelson adjourned the meeting at 8:45 p.m.