



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.



MINUTES

Planning Commission
Regular Session
Tuesday, April 9, 2024

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.

50 Director Yost explained the Election of a Chair
51

52 ***2. Elect Chair and Vice Chair***

53 21:00 Commissioner Nelson asked for nominations for Chair. Commissioner Anderson
54 nominated Commissioner Nelson. Commissioner Graves seconded. The vote to elect
55 Commissioner Nelson as Planning Commissioner Chair was unanimous.

56
57 Chair Nelson asked for nominations for Vice Chair. Commissioner Anderson nominated
58 Commissioner Baker. Commissioner Huffman seconded. The vote to elect
59 Commissioner Baker as Planning Commission Vice Chair was unanimous.

60
61 **LEGISLATIVE SESSION:**

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

65 22:59 Carla Wiese presented Carla Amor's request for a subdivision of her lot and to
66 amend Springville City code 14-5-113 - Subdivision ordinance. She wants to subdivide
67 her lot to create a lot for her son. The code requires costly improvements to bring up to
68 new standards for one lot. The administrative rule in Utah governs the engineers and it
69 sets the minimum line size to 4 inches for culinary and 8 inches for fire hydrants. If it is
70 just providing water for fire suppression then a 6-inch line is fine, but for fire suppression
71 and culinary then it needs to be 8 inches. Ms. Wiese worked with engineering to come
72 up with an ordinance that could be applied to new development. Ms. Amor's lot is close
73 enough to existing fire hydrants that new lines wouldn't have to be put in.

74
75 Commissioner Calder asked Ms. Wiese to measure the distance from the home to the
76 hydrant. It is 102 inches from the property. Director Yost said there are other hydrants
77 around as well. Commissioner Huffman said it is dictated by the Fire Marshall, but it is
78 typical to the corner of the lot. Director Yost said it starts in the IBC and then the Fire
79 Marshall can make changes. Ms. Wiese was asked to measure to where the new lot
80 would be. It was about 172 feet.

81
82 31:11 Director Yost said there may be concern about the way the ordinance is tailored to
83 accommodate the applicant. The City Engineer has drafted the staff's recommendation
84 on the ordinance and has determined that, under his discretion, this specific instance
85 will be accommodated by the amendment that he's drafted. Director Yost said the Fire
86 Marshall does the review. Commissioner Nelson asked if the Fire Marshall needed to
87 review this. Director Yost said not the ordinance itself. Commissioner Calder asked if we
88 need to be careful because if a house burned down because we took exception to our
89 code, we are in violation. Director Yost said we can't answer that specifically, but he can
90 confidently confirm that this case would be permitted under the ordinance as it is
91 proposed to be amended. Commissioner Calder asked if it is drafted specifically for this.
92 Director Yost said no, it's drafted for any applications that meet these criteria. The
93 engineer tested these criteria to make sure it would work for this lot.

94
95 33:43 The Commissioners raised concerns about how many lots this would apply to and
96 the Fire Marshall's involvement in drafting this ordinance. There are very few lots that
97 this would apply to. Director Yost said we are not changing the fire standard, we are
98 giving the City Engineer objective criteria to use to determine if we can let someone

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

101
102 42:13 (ES) Commissioner Graves said if he understands the amendment, it covers 'as
103 long as no additional fire suppression is needed'. Director Yost said in this case, Ms.
104 Amor's property will meet these criteria so we don't get her through the process and
105 then give her another roadblock. Commissioner Graves said in any request moving
106 forward would have to meet the fire suppression. Director Yost pointed out whether are
107 we being fair to the applicant. Commissioner Graves said that helps the city not get into
108 issues with the Fire Marshall. Commissioner Calder clarified we are approving the
109 ordinance, not approving her plat. Director Yost confirmed.

110
111 Commissioner Calder asked why the applicant is talking about this. Ms. Wiese said that
112 she helped draft the ordinance. Director Yost said she made the application, and the
113 City Engineer had concerns with the broadness of their initial proposal so they worked
114 together to craft a proposal that both parties are comfortable with. It is still Ms. Amor's
115 application. Her version is here but it was too broad. She met with Chris Wilson, the City
116 Engineer and Ms. Wiese and was aware of the proposed alternative to her amendment.

117
118 45:30 (ES) Chair Nelson invited Carla Amor to speak. She pointed out that the City has
119 a plan in 3 years to change the waterline to 8 inches anyway, so why make her pay for
120 it? Utah is 45th in the nation for housing prices. Why and what can we do to help our
121 kids? She is not trying to make money from it. If she gives them the land, it takes the lot
122 cost off a home. This is the base reason for doing this. It is hard to keep up the lot. And if
123 we are worried about fire, then a house is better than the weeds. It is a lot to mow now.
124 A home is a better use of the land. In fire considerations, she could build an ADU there
125 right now and not have to go through this process. The problem is she would have to
126 inhabit the house. Logistically it doesn't make sense. It is a beautiful area and my
127 neighbors are in favor of it. She appreciates their concern.

128
129 49:27 Chair Nelson opened the public hearing at 7:54 p.m. Seeing no speakers,
130 Commissioner Baker moved to close the public hearing. Commissioner Calder
131 seconded. The public hearing was closed at 7:54 p.m.

132
133 Commissioner Hunter asked staff why the number in the ordinance was changed from
134 three lots maximum instead of two. Ms. Amor said she put it at three because she didn't
135 know what she was doing and if someone else had a larger lot, they could subdivide it
136 into three lots. Commissioner Huffman said that is why he brings up the question. If
137 someone has a 3-acre lot and wants to subdivide into three 1-acre lots, would it fall
138 under this code? Ms. Wiese said we wanted to limit the instances to force the developer
139 to bring it up to current specs.

140
141 Commissioner Calder asked if the city is going to upgrade that line. Director Yost said it
142 is on the capital improvement plan. Commissioner Calder said it was part of the
143 engineer's assessment. Director Yost said that is not one of the criteria for the
144 ordinance. Commissioner Baker said when she applies for the subdivision, then it would
145 be related because it is a specific spot and would still follow criteria. Director Yost said it
146 is part of the discussion because it is frustrating to the applicant to say this is going to be
147 done, but if she acts now, she will have to pay for it. There isn't a way to work around

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

150
151 52:54 Commissioner Anderson moved to recommend adoption of the amendment to
152 Springville City Code Title 14 Chapter 5 Article 1 Section 113 as presented by the city
153 engineer. Commissioner Huffman seconded. The vote to recommend approval of the
154 legislative item was unanimous.

155
156 **2. *Eternal Springs, LLC requesting to amend the Springville City Code, 11-4-301***
157 ***Land Use Matrix to permit Senior Independent Living in the Neighborhood***
158 ***Commercial (NC) zone. - Carla Wiese***

159
160 53:26 Carla Wiese, City Planner, presented. We do not currently allow any type of
161 residential in the Neighborhood Commercial zone. We allowed publicly owned senior
162 housing as a conditional use and assisted living facility. The petitioner owns one of
163 them. We previously did a rezone of the property where there were two separate zones
164 on the parcel and changed it to be all NC. That amendment was approved by the
165 Planning Commission and the City Council. The applicant wants to do senior
166 independent living. We put conditions so it would be a conditional use. In doing that, we
167 tightened up our definition of senior independent living.

168
169 Chair Nelson asked about the conditional use and the concerns. Ms. Wiese said senior
170 independent living equals age-restricted senior living. Chair Nelson asked if we are
171 confident that will meet that condition. Ms. Wiese said it will because it limits it to those
172 age 62 years or older that don't need living help. A multi-family developer wouldn't
173 provide those services. The services have some type of emergency care. We are
174 requiring that it is co-located with assisted living for emergency care.

175
176 1:00:07 Commissioner Baker asked about colocation. Ms. Wiese said it would be
177 located adjacent to or on the same property to prohibit any workarounds. Commissioner
178 Calder asked if collated is defined as co-owned. Director Yost said no. You could add a
179 requirement in the motion that they are owned and operated by the same entity. Liability
180 and insurance would change for one facility to provide that for another. Director Yost
181 said that isn't typically a service provided in senior independent living. We are
182 addressing that we have an existing provider who would like to provide a wider
183 continuum of care to people who may be approaching the point where they need some
184 assistance with daily activities but don't need more intensive care.

185
186 1:07:54 The conditional use will guard against misapplication. We can tighten up the
187 requirements. Chair Nelson asked if Stonehenge owns Ashford. Ms. Wiese said no,
188 emergency care could be provided by the assisted living.

189
190 Commissioner Graves asked if the contractual arrangement between the facility and
191 this new proposal is necessary or could they contract or reach an arrangement with
192 Stonehenge, if the entities split and aren't part of the adjacent property. Or have a
193 certain amount of care of facilities provided. 1:04:32 Director Yost said there may be
194 some confusion. The definition states that a facility that does not require assistance for
195 daily living, there is no requirement they provide that skilled care. We simply wanted to
196 make that an option in the NC zone without opening it up to people opening a multi-
197 family development under the guise of single independent living.

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

203
204 Commissioner Baker said this is just for the NC zone, which doesn't allow independent
205 living. But it does allow assisted living, so this is a narrow condition for them to provide
206 that service in the NC zone, but it needs to have assisted living, so it doesn't open up
207 independent living all over.

208
209 Commissioner Graves asked about the two different zones that are shown on the lot.
210 Ms. Wiese explained this zone change was previously made and it is now all the NC
211 zone. We haven't had a GIS person to update it on the map.

212
213 Commissioner Calder said they are asking for something that isn't allowed in the NC.
214 And we are talking about amending the code. Ms. Wiese said it wouldn't have been able
215 to be done in the residential zone either. 1:09:20 Commissioner Calder said if someone
216 wants to do a 55 and older, is co-location what would prohibit that? Commissioner
217 Huffman said the stipulation is 62 and older. Ms. Wiese said they would also have to get
218 a business license as a senior independent living and not an apartment or multi-family
219 complex.

220
221 Director Yost asked Ms. Wiese to show the land use matrix. Commissioner Graves
222 asked how many units are being proposed. Ms. Wiese said we will know when they
223 come for site plan approval and we will decide on the review. Commissioner Calder
224 asked why we aren't doing a conditional use. Director Yost said because it isn't
225 permitted in the zone at all. We have to add it in and then they can apply for a
226 conditional use. People used to think it was we could deny a conditional use, but state
227 law says no. The only difference is we can mitigate the adverse effects of the use by
228 imposing reasonable conditions inside the conditional use permit. Ms. Wiese has done a
229 good job in closing holes in the definition and then making some very specific conditions
230 in the specific use in the conditional use criteria.

231
232 Commissioner Nelson said there were good items that could be put into the motion.

233
234 1:13:36 The Petitioner, Greg Nield, was invited to address the Commission. He owns
235 Eternal Springs, LLC, which owns the land. Ashford has been open for 8 years now. The
236 independent living units we call cottages are 1,300 square feet, 2 bed 2 bath, with a
237 single car garage. Some people drive, a lot don't. For the elderly, it is an easier
238 transition. From the assisted living standpoint, we can cook meals and give them to the
239 independent residents. In terms of emergency care, a nurse would be in the
240 independent resident's cottages, that would be a rare occasion, such as if they fell. If
241 they need more care, we have them move to assisted living. Both properties are owned
242 by different entities but we both own each entity, which Rob and he own. Commissioner
243 Calder asked how you propose if you decided to sell that someone, it doesn't turn the
244 cottages into family living space. Director Yost said from the city side it will be handled
245 with the business license and Title 11. If these turned into just rental housing uses, we
246 could enforce on based on both elements from the code or if the owner said they would
247 sign something saying they would provide services.

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

251 Commissioner Calder asked about the building just off 400 S on South Main. Director
252 Yost said that is not a licensed facility and we don't have any licensing control over that.
253 Commissioner Nelson said it is a county thing. Director Yost said it is owned by the
254 county. Commissioner Calder talked about the concept for that. Elderly sisters could live
255 there and be safe. It became unsustainable. It's the down-the-road thing that is hard.
256 Director Yost said as he understands, we are not requiring these things, and the
257 applicant didn't follow through. We put this in a code, and we have recourse.
258 Commissioner Baker said this gives us something to fall back on.
259

260 Greg said we are not able to subdivide these cottages.
261

262 Commissioner Nelson asked for a public hearing. Commissioner Baker moved to open
263 the public hearing. The public hearing was opened at 8:26 p.m. Seeing no speakers,
264 Commissioner Graves seconded. The vote to close the public hearing was unanimous.
265

266 Commissioner Graves asked if this is proposed. Commissioner Baker said the red part
267 is proposed. Commissioner Graves asked what purpose would A serve in the new NC
268 zone. Director Yost said it limits the places where this use can be done. We want to
269 preserve the NC zone for NC use. This use doesn't meet that zone. We felt it was
270 appropriate to note that there are very few locations in the city that meet this criteria.
271 Commissioner Graves said it is the limiting factor. Commissioner Nelson said does this
272 help with manipulation or we don't want a lot of these facilities around. Director Yost
273 said we are using a blunt instrument to say it is OK in this and similar instances but not
274 generally. Commissioner Baker said it is to keep residential from encroaching into that
275 NC Zone. Commissioner Graves said he doesn't see this happening in other cities
276 having collocation requirements. Director Yost said just in the NC zones. In the other
277 zones where it's permitted, it's subject to those other conditions generally it's not a use
278 that is widely permitted in the city or use that these are typically dealt with through just
279 age-restricted rights.
280

281 Commissioner Graves asked if we eliminate A, could it be done with just that? Director
282 Yost said the demand is growing, and we don't want it to take over our neighborhood
283 commercial areas. When we look at the new general plan, we will look in depth. It may
284 look less on prohibiting or allowing uses and use nuance instead of the black and white
285 of our code.
286

287 Commissioner Calder said we want to make it transitional because we would otherwise
288 automatically deny it. Having it co-located, makes a transition and the co-location is
289 making this work. Director Yost said if you are comfortable with these criteria, and any
290 suggestion in the motion, move it forward, otherwise deny.
291

292 Commissioner Baker asked if there is a limit on size, occupants or units. Director Yost
293 said we think of ways it could go wrong and that isn't one. Practical consideration of
294 size, but theoretically we could be burned by getting a license for one room and then
295 someone builds 200 units.
296

297 1:29:46 Commissioner Huffman asked if that could be done under a development
298 agreement to better dictate the number of uses. Director Yost said it could, but only if
299 that use wasn't already permitted. We want to avoid not allowing something in the zone
300 and not using a development agreement because spot zoning is something we want to
301 avoid.

302
303 Ms. Wiese looked at the up to 10% of units may operating as assisted living units
304 (inaudible). Commissioner Baker said that is more conditional and could be converted to
305 assisted living from independent living, so people don't have to move. Commissioner
306 Calder asked if there is a ratio of beds to doors. Greg said in the current assisted living
307 we have 81 units and the same number of residents. We would like to max the number
308 of units there, about 25. Director Yost said it would be subject to commercial site plan
309 requirements. Greg said we don't have to have an independent living facility that is 2-3
310 stories. Some cities have it that way. We build a more attractive product.

311
312 Commissioner Nelson asked for Commissioner input. Commissioner Baker said that is
313 something to consider. They don't plan for multi-story but someone else could. Director
314 Yost said it would be subject to any other building restrictions in the NC zone.
315 Commissioner Baker said it has the potential to be a lot of units.

316
317 Commissioner Calder asked does it make sense to do a single level. Director Yost said
318 he isn't concerned just that it is well designed. He would be comfortable with a
319 continuance with direction. We don't have to craft those on the fly. Commissioner Baker
320 likes the idea of continuing.

321
322 Commissioner Baker moved to continue this item for the staff to be able to look at some
323 options for limiting the size or number of units of independent living. Commissioner
324 Anderson seconded the motion. The vote to continue the Legislative Session item was
325 unanimous.

326
327 Commissioner Calder said he wants to talk to the applicant about this. He thinks that if
328 what we're saying by continuing it is we're trying to prohibit future other types of plans
329 but it probably allows for the applicant to consider that we've moved. He thinks this is a
330 good idea and that maybe he can do some due diligence or something like it. He is in
331 the same boat as everybody else is so that's why he would ask him how many units they
332 plan on to get the idea of what is going to work for them so we can avoid any future
333 challenges.

334
335 With nothing further to discuss, Commissioner Graves moved to adjourn the meeting.
336 Commissioner Anderson seconded the motion. Chair Nelson adjourned the meeting at
337 8:45 p.m.