



**PLANNING COMMISSION  
WORK SESSION  
Tuesday, May 23, 2017  
6:00 p.m.**

**Commissioners in Attendance:** Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

**Staff in Attendance:** Glen Goins, Community Development Director  
Laura Thompson, City Planner  
Lisa Bullock, Executive Assistant

**Council Representative:** Rick Child

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

Chairman Young asked if there were any questions on the agenda. There were no questions.

Director Goins informed the Planning Commissioners that item 3C on the agenda is a multi-park code amendment the City is seeking. There is another section that needs to be added to the item that was not ready at the time of tonight's meeting. Staff requested this item be moved to the June 13 meeting.

**APPROVAL OF MINUTES**

*March 28, 2017 and April 25, 2017*

No discussion on the minutes.

**CONSENT AGENDA**

No items to discuss.

## LEGISLATIVE SESSION

***Julie Smith seeking a proposed amendment to the Official Zone Map from the R1-8 Single-Family Residential zone to the R1-15 Single-Family Residential zone on property located at 711 East 400 North.***

Planner Thompson reviewed the request with the Planning Commissioners. The agenda has a typo on it of R1-10, but it should be R1-8 and not R1-10. The request is to change the zone from an R1-8 to an R1-15 zone. The property is three acres and cannot be further developed. The request is to make the property a single family home with a few horses on the property.

Staff is in support of this request.

***Springville City seeking to amend the Springville Development Code, Sections 11-3-402, Definitions; 11-4-301, Land Use Matrix; and 11-6-113, Off Street Parking in relation to requirements for Senior Independent Living Facilities.***

Director Goins reviewed the request with the Planning Commissioners. The request is a code amendment to eliminate, as a use from the code, senior independent living facilities. This request came about due to omissions in the code that are potentially detrimental to what the intent of the code is and allowing uses that were never intended. Director Goins provided the Planning Commissioners with some of the history of the code, the uses, age restrictions and other stipulations.

Due to the change in the code in previous years we now have a three-stage project that would receive double density of what the highest intensity zone in the City currently allows. If the project is developed fully it would amount to about 32 units per acre and Springville City does not have a zone that allows that. The project would be in a commercial zone and it was never intended to introduce a residential structure into a commercial zone. There was also a parking reduction introduced when the project was first approved for the senior population, which is not regulated.

The applicant that applied for these changes is aware of these issues and is present at tonight's meeting.

The City's concern is that if the applicant says he will cater to seniors and will serve them a meal each day, but anyone can rent the housing, then the potential exists to have 100% non-senior residential development in a commercial zone, with a density that is not allowed anywhere else in the city.

The Administration staff spoke with the former Community Development Director, Fred Aegerter, who confirmed that the unintended consequence was never contemplated or intended with the creation in the use of that code. The City's intent is to entirely remove it.

Commissioner Clay asked if the age restriction in other areas is due to the home owners association's restriction or the City's. Director Goins said it is the home owners associations and not the City's. In some cases it is a public agency such as the County.

City Attorney Penrod said there are certain rules that allow the City to have age restrictions. Attorney Penrod said the request does not currently have an age restriction; however, it is the City's position that this is still a senior family independent living facility and not any other type of housing. The City is concerned about the zone that it is in and that the zone allows for high density. The City Council directed Staff to bring this issue to the Planning Commission to review and consider removing it from the City Code.

Commissioner Ellingson asked if there was a reason why the density could not be changed with the age restriction included. Attorney Penrod responded by saying that at this point the City feels we should start at ground zero and then if we need to bring it back for the Planning Commissioners to review and discuss, we can do that.

Commissioner Ellingson asked if the intent of the request is to address this issue quickly to prevent a development that is pending. Attorney Penrod responded by stating that no, this is something the City has recognized they want to remove from the City Code. The City Council, underneath State law 10-9a-509, initiated proceedings to start a pending ordinance prohibiting approval of submitted applications moving forward.

Commissioner Clay feels the City needs to address this issue at some point because we will have a senior assisted living facility in our community at some point and need to have the age restriction in place and densities that are equivalent to our other residential areas.

Attorney Penrod stated that assisted living facilities and senior independent living facilities are two different types of uses. Commissioner Clay asked for some examples. Attorney Penrod responded by saying that Stonehenge and Ashford are both assisted living facilities. Currently Springville City does not have any senior independent living facilities. There was discussion around the various types of developments around the City.

Attorney Penrod said after reviewing the City's code, they are concerned about the extremely high densities for multi-family that could happen within a zone that doesn't allow for that type of high density.

## **ADMINISTRATIVE SESSION**

No items to discuss

With nothing further to discuss, Commissioner Clyde moved to adjourn the meeting. Commissioner Mertz seconded the motion. Chairman Young adjourned the meeting at 6:15p.m.



**PLANNING COMMISSION  
REGULAR SESSION  
Tuesday, May 23, 2017  
6:15 p.m.**

**Commissioners in Attendance:** Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

**Staff in Attendance:** Glen Goins, Community Development Director  
Laura Thompson, City Planner  
Lisa Bullock, Executive Assistant

**Council Representative:** Rick Child

**CALL TO ORDER**

Chairman Young called the meeting to order at 6:15 p.m.

**APPROVAL OF THE AGENDA**

Commissioner Clay moved to approve the agenda with the amendment to item 3c being postponed until the June 13 meeting. Commissioner Mertz seconded the motion. The vote to approve the agenda was unanimous.

**APPROVAL OF THE MINUTES**

*March 28, 2017 and April 25, 2017*

Chairman Young asked if there were any corrections to the minutes. There were no changes to the minutes. Commissioner Clyde moved to approve the March 28, 2017 and April 25, 2017 minutes. Commissioner Mertz seconded the motion. The vote to approve the meeting minutes was unanimous.

**CONSENT AGENDA**

No items to discuss.

**LEGISLATIVE SESSION:**

***Julie Smith seeking a proposed amendment to the Official Zone Map from the R1-8 Single-Family Residential zone to the R1-15 Single-Family Residential zone on property located at 711 East 400 North.***

Planner Thompson presented the request to the Planning Commission. The lot cannot be further subdivided due to offset requirements with the City's standards, engineering standards and specifications and there is a hillside slope that doesn't allow for a turnaround. Planner Thompson has been inundated by calls about this property because potential buyers are interested in the 3.75 acre lot.

The applicant would like to put in a single-family home on the property and maintain a few horses on the property. In the past there have been horses on the property and to the west of the property there is horse property where horses are currently on the property. Planner Thompson explained that the current zone for this property is an R1-8 and the request is to change the zone to an R1-15 which is the only single-family residential zone that allows for animals, other than the agricultural zone. There are requirements for livestock management which is one animal unit (1 horse) per 10,000 square feet. There are regulations of stable placement in regards to other residential properties, etc.

This lot comes with constraints of a fault line above it that cannot be further developed. There is also a storm water collection pond in the corner of the property that takes all of the storm water from the above lots which will have to be maintained by the lot owner.

Commissioner Baker asked if the lot to the west is in an R1-8 zone. Planner Thompson responded by saying that currently it is in the R1-8 zone. Planner Thompson said that there are wetlands property in the area that cannot be further developed.

The General Plan doesn't address the R1-15 zone, but does support the request in this location in Chapter 10.

Chairman Young opened a Public Hearing.

**Karen Ifediba  
450 South 100 East**

Ms. Ifediba asked if there were currently animal rights on the property. It is her understanding that if you have a property with animal rights in that area and the property is sold then the animal rights are no longer allowed.

The answer to Ms. Ifediba's question is that if the request is approved then the zone would become an R1-15 zone and animals would be allowed on the property.

Karen is concerned the City did not allow a zone change when another individual requested it for animal rights.

Attorney Penrod stated that just because a property is in the R1-15 zone, it doesn't automatically allow for animals, other restrictions must be met.

Commissioner Mertz moved to close the Public Hearing. Commissioner Clay seconded the motion.

The vote to close the Public Hearing was unanimous.

Commissioner Clay motioned to approve the request of Julie Smith seeking a proposed amendment to the Official Zone Map from the R1-8 Single-Family Residential zone to the R1-15 Single-Family Residential zone on property located at 711 East 400 North. Commissioner Clyde seconded the motion. The vote to approve the request was unanimous.

***Springville City seeking to amend the Springville Development Code, Sections 11-3-402, Definitions; 11-4-301, Land Use Matrix; and 11-6-113, Off Street Parking in relation to requirements for Senior Independent Living Facilities.***

Director Goins reviewed the request with the Planning Commissioners. Springville City is requesting to amend the code that currently contains a use for senior independent living facility which the use and language indicate that it is catered to and used by senior citizens. The text amendment would not allow for higher density residential areas in the commercial zones.

As the code is currently written, it requires senior independent living facilities to include apartments and communal areas, a dining room in which one meal per day is served, laundry facilities and other social activity areas. Each unit must have a bathroom and may contain a full kitchen, partial kitchen or no kitchen.

The current use is for senior living; however, as the code is written, it provides the option of a higher-density which could lead to a number of issues. The higher density would exceed what the City currently allows. There are no residential areas allowed in commercial or warehouse office zones. The parking requirements would also be an issue, which Director Goins explained to the Planning Commissioners.

There was discussion around assisted living centers and senior independent living centers, age restrictions, different requirements, etc.

Resolution 2017-7, that was included in the Planning Commissioner packets, is what the State code allows cities to declare its intent, legally and officially, as a pending ordinance. This means that if a city has a pending ordinance, from that time forth the city wouldn't allow that use until acted upon by the City Council on the proposal either for or against.

Commissioner Clyde asked if the sections will need to be renumbered on the ordinance. Director Goins said the Staff would make the clerical changes.

Commissioner Ellingson asked why Staff wants to remove it from the code instead of making changes to the code. Director Goins responded by saying that if you remove it from the code then

you wouldn't be able to allow any new submissions while the code is being reviewed and approved of or disapproved. This removal also allows the requests to be reviewed to determine if it is the best fit for the zones it is currently in. It allows for an objective review of the use.

A timeline of updating the code will be established by the Planning Commission and the City Council.

Chairman Young opened a Public Hearing.

**Matt Baker**  
**1748 Glendale Drive**  
**Orem**

Mr. Baker said the reason this emergency issue is being brought up is because of the specific development plan that has been submitted to the City. Mr. Baker provided some history of the development. Mr. Baker is partners with Steve Kelly, who is the developer the project, which the City is now trying to stop. Mr. Baker feels the request is being brought to the Planning Commissioners to stop the project immediately until it can be reviewed.

In 2014 Mr. Baker and Mr. Kelly came before the Planning Commission and brought forth the language in the current code that was eventually adopted. That language was taken from other cities in the state. The City Council felt it was appropriate and there was a need for it. At that time there was an age restriction in the language. The City Code had a lengthy discussion about this in 2014 when the language was originally reviewed. The City Council specifically stated that they did not want any age restrictions placed in the language. Based on the City Council's recommendations, the applicants rewrote the language. The City Council unanimously approved this type of use in the zones that were referred to. Based on the past three years and the approval of the City Council in 2014, the developers spent hundreds of thousands of dollars designing a project that met their requirements.

At this point the project has been phased and the first three phases of the project were approved by the City. The remaining phases of the project have not been approved and that's why the City has taken this emergency step to try and stop us from getting the rest of the development approved. Even though the project was approved and the language in the code was approved.

Mr. Baker provided some information on the Seville, which is a senior living center in Orem. This facility has never been age restricted by zoning. There current age and population is 84 years old. What this shows is that you don't necessarily need to have an age-restriction on housing.

He understands the City's concerns, but feels it is a little belated at this point.

Mr. Baker and Mr. Kelly's intent is to build and cater towards seniors with the amenities required (which is about \$2,500 per person). You will not find families moving into these types of facilities because of the fees associated with them.

Mr. Baker feels that what is really occurring is that the City is rushing to fix a problem that may never happen.

Mr. Baker fully endorses that the City has the right and need to review and change their code, but not to have an emergency meeting to have the language changed so the project is stopped in the middle of the project. Half of the project has already been approved. The last four phases of the project have the amenities that are required for seniors. In order to cater to seniors, the last four phases will need to be allowed.

Mr. Baker talked about the Outlook Apartments that is across the street, which is a multi-family. Mr. Baker feels their project is not inconsistent with the other projects in the area.

There are several independent facilities in Utah County and Salt Lake County that are not age restricted by zoning, yet they are still senior independent facility living and have seniors living in them.

One of the things the City indicated they did not want to be involved in was policing and checking the age of people living at the facility.

Mr. Baker has owned and operated home health and hospice facilities in the past

They took the City Council in good faith on their word when they removed the age restriction from the code in 2014 and are not trying to deceive anyone. The lender that Mr. Baker is working with will not allow age restrictions.

They have spent a lot of time and money based on the code as it was approved. To have the City change it at this point would have legal ramifications.

The City has the right to review their code and add age restrictions to reduce potential concerns or threats, but it's not appropriate to do in the middle of a project.

Mr. Baker is not aware of any other project that this requested change would apply to so he feels the code change is specifically for his project.

Commissioner Clyde asked for clarification on the project. Phases 1, 2 and 3 have been approved, but have not been started yet. Phase 4 will have the clubhouse, dining area, etc. and it has not been approved.

Commissioner Clyde asked what the estimated timeframe to start and complete the project would be. Mr. Baker would like to have the project started within six months. Commissioner Clyde asked what the estimated time is to start phase four. Mr. Baker responded by saying that after phases 1 through 3 are complete.

Mr. Baker stated that having been in the senior care industry, he feels the area needs this type of care facility, especially in south Utah County.



Commissioner Farrer asked if the investors said that no age restrictions can be put on the project. Mr. Baker stated that it is the lenders that do not want it age restricted. Mr. Baker is not sure why they require this and wasn't sure who the lender was at the time of the meeting. Commissioner Farrer does not understand why the lender is requiring that there be no age restrictions in order to approve the lending.

Attorney Penrod said that age 62 years or older are considered senior in many different city codes, but he would need to look into this further.

Chairman Young opened a Public Hearing.

**Karen Ifediba**  
**450 South 100 East**

Mr. Ifediba stated that she has been to all of the Planning Commissioner and City Council meetings since 1999 and she remembers the discussion around this issue. She stated that at no time was the Planning Commission or the City Council informed that the housing that was going to be established was going to be greater than the amount that was the maximum amount of housing allowed on a particular area of ground.

As they have been planning this and have discovered there is more density, then she can understand why this should be questioned and be of great concern.

She brought up the issue with the 451 S. Main Street. There are people living in that complex that are younger than 55 years old. She stated that the first floor is for felons, the second floor is for veterans and the third floor is for 55 year olds or older. She stated that there are problems in the neighborhood that were not there before the complex was built. She stated that one of the reasons this building was built was because one of the lenders or government agencies (whichever it was) said that there could not be any age limitations, but when it was passed through the City, it was passed with age limitations, which was ignored.

She said that she thinks if you have housing that is more than what the City has considered would be the appropriate amount of density then it should be stopped. She stated that she doesn't care if they have an example of the Seville in Orem and whether it is 30 years old or not. The City of Springville has the right to determine what the density is that they want to have, within the land use map that they have, within the zoning map they have — they have the right to fulfill that.

Mr. Baker stated that the age restriction becomes a little problematic when there are handicapped individuals, who are younger, who would like to reside in these facilities and need that type of support. If we start age restricting it then those with handicaps have difficulty living in these facilities, which is one of the reasons why it is nice not to have them age restricted. Younger people only live in these facilities if they really need assistance.

Commissioner Clay moved to close Public Hearing. Commissioner Clyde seconded the motion. The vote to close the Public Hearing was unanimous.

Commissioner Baker asked if we are able to remove the age restrictions from the code, discuss it further and then add it back into the code if needed. This would be a business item at a future meeting and Staff would be directed to have it ready to discuss.

Commissioner Clay motioned to approve Springville City seeking to amend the Springville Development Code, Sections 11-3-402, Definitions; 11-4-301, Land Use Matrix; and 11-6-113, Off Street Parking in relation to requirements for Senior Independent Living Facilities. Commissioner Baker seconded the motion. The vote to approve the request was unanimous.

This item will move forward to the City Council.

***Springville City seeking to amend the Springville Development Code, Sections 11-4, Zoning District Regulations; 11-6, Supplementary Regulations; and 11-7, Administration.***

Commissioner Baker moved to refer the request of Springville City seeking to amend the Springville Development Code, Sections 11-4, Zoning District Regulations; 11-6, Supplementary Regulations; and 11-7, Administration to the June 13 meeting.

Commissioner Clay would like to have a work session to discuss the request. He would like Staff research what other cities are doing to control unforeseen consequences and have several options to review to determine what would be best for Springville City.

Director Goins agreed that having a work session is a good idea in order to look at the issue at greater depth.

Commissioner Clay will not be available on June 13 so the work session will need to be there.

The Planning Commission decided to hold a work session on June 27 at 6 p.m. to discuss this request and asked that Attorney Penrod attend the meeting as well.

**ADMINISTRATIVE SESSION**

No items were discussed.

With nothing further to discuss, Commissioner Mertz moved to adjourn the meeting. Commissioner Clyde seconded the motion.

Chairman Young adjourned the meeting at 7:00 p.m.