

**Adopted Minutes  
Spanish Fork City Planning Commission  
40 South Main Street  
Spanish Fork, UT 84660  
February 2, 2022**

**Commission Members Present:** Chairman Pro Tem John Mendenhall, Shauna Warnick, Joseph Earnest, Michell Carroll. **Absent:** Todd Mitchell, Jesse Cardon.

**Staff Members Present:** Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Michael Clark, Staff Engineering; Walter Bird, Assistant City Attorney; Jackson Dille, Planning Intern.

**Citizens Present:** Rachel Summers, Jonathan Summers, Stan McShinsky, Heidi Wright, Carl Conrad, Sharon Conrad Bushman, Jared Morgan, Monte Bingham, Ryan Steadman, Jackie Larson, Jake Lasley, John Forsloff, Ross McNamara, Pat McNamara, Susan Rosenquist, Shirley Durfey, Spencer Hicken, Hannela Neuenschwander, Simon Kirshman, Vic Deauvono.

**WORK SESSION**

Chairman Pro Tem Mendenhall called the meeting to order at 6:00 p.m.

**PRELIMINARY ACTIVITIES**

**Pledge of Allegiance**

Commissioner Carroll led the pledge.

**MINUTES**

January 5, 2022

Commissioner Warnick moved to approve the minutes from January 5, 2022.

Commissioner Carroll seconded and the motion passed all in favor.

Brandon Snyder brought up that a notice had been sent out for the proposed Modera development, but the applicant is still gathering information for the proposal and asked that it be removed from tonight's agenda. The applicant hopes to be on the agenda in March.

**PRELIMINARY PLAT**

**J6 Industrial**

Brandon Snyder explained that the plat for J-6 is between the north boundary of the City and the airport. The applicant wishes to split the plat into three parcels.

Chairman Pro Tem Mendenhall asked if the applicant would like to speak.

Jared Morgan with GWC Capital stated this is phase two of the industrial park. They already have some exciting users lined up for the area. There are three separate users and the subdivisions are catered to their unique needs.

Chairman Pro Tem Mendenhall sought to clarify if they have people interested in each of the three proposed subdivided lots.

Jared Morgan said yes, there are three different users ready for each parcel.

Chairman Pro Tem Mendenhall asked if they have property to the east on the other side of the road.

Jared Morgan said, yes, they have 17 acres. They hope to close on more. He showed on a map which areas they currently control. They hope to own all 40 acres in the area and are pursuing property north of the state road.

Chairman Pro Tem Mendenhall asked if the individual companies will come with their own Site Plans for approval.

Jared Morgan said yes, those companies will come with a Site Plan later.

Commissioner Earnest asked if they have considered staff's conditions and recommendations

Jared Morgan said yes, he is a little concerned about the width of the state road but is fine with where staff is at. He stated that Spanish Fork asks for wide roads.

Commissioner Warnick said the wide roads will be needed for the heavy traffic seen in industrial areas.

Jared Morgan said the required roads are larger than those in the inland port, but he understands the need and they are happy to accommodate.

Brandon Snyder clarified to the Planning Commission that they are the administrative body for this decision.

Commissioner Earnest **moved** to approve the J6 Industrial Preliminary Plat based on the following finding and conditions.

Finding:

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

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant with either the Final Plat or a Site Plan application address and complete all onsite and offsite utility requirements and road improvements, including but not limited to: streets, storm water, sewer, power and culinary water. As necessary, extension and looping of culinary services may be required to go west of the airport to connect to the existing City utility services south of the airport.
3. That the applicant completes offsite power improvements that will need to be sized based on the ultimate use of the site.

4. That the applicant adds any required language to the plat for the airport easements and restrictions.
5. That the applicant addresses any red-lines.

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

## **ZONE CHANGE**

### **D-Land West**

Dave Anderson stated that the applicant is here for both Zone Changes on tonight's meeting. Staff does not support this Zone Change. It is one of the last properties in the area that is not developed. The zoning is currently R-1-9. Ivory Homes wanted more than single-family housing in the area and was denied. The City has felt that it is appropriate to just have single-family homes here. Staff thinks rather than R-3 zoning it would be better to have R-1-9 or R-1-12. They have gone through this process to give the applicant airtime with the Planning Commission. He then recommended that the Commission take a final action that will respect the applicants desire to have airtime with the City Council. He believes the applicant should have a Preliminary Plat ready before approval. He turned the time to the applicant, Vic Deauvono.

Chairman Pro Tem Mendenhall asked if any Commissioners had questions for staff.

Commissioner Warnick asked what the General Plan is for the area.

Dave Anderson said it is Low Density Residential.

Commissioner Warnick asked if R-1-9 would qualify as low density.

Dave Anderson answered that R-1-9 would be classified as Medium Density Residential.

Vic Deauvono mentioned his long history of building in the area. He built the Spanish Trails development, and has cared about doing quality wherever they build. Edge Homes will be the builder. They have projects along the Wasatch Front and are large builders. A couple blocks to the north there are other townhomes. When he bought this area, it had different zoning. He owned the land that the Justice Center was built on. He said the City came to him to do a trade for the land and he accepted the trade. He plans on beautifying the area by building a nice fence. They won't do townhomes even though he thinks they are beautiful. He is going to do smaller lots that are 50-60 feet wide and 80-90 feet deep. He asked Michael Clark to share a video.

Commissioner Earnest sought to clarify if the plan for the development has changed from the submission.

Vic Deauvono said no, but costs have been skyrocketing which is why they build smaller lots. They have talked about doing single-family houses all the way through. He says they are donating land and a fence for a walking trail that connects through the City.

Commissioner Carroll asked Vic Deauvono to use a pointer when he speaks.

Vic Deauvono said the fence along the trail will be transparent. The fence on the other side will be opaque and beautiful. He will change what shows as townhomes on the plan to single-family homes. They are currently growing crops there. He explained where there will be access points in the development. He asked the Commission to consider affordability. He then asked Michael Clark to show the homes in Spanish Trails. He is proud of how they have aged. He said he has conceded to the City that he will just build single-family homes.

He said the new homes will be higher quality than what was built ten years ago and will last. He again asked them to consider affordability with small lots.

Commissioner Earnest asked what size lots the small single-family homes will be.

Vic Deauvono said they will be 50-60 feet wide and 80-90 feet deep, like Spanish Trails.

Dave Anderson said around 5,000 square foot lots.

Commissioner Earnest asked how large the interior lots would be.

Vic Deauvono said 4.1 units per acre.

Dave Anderson said at R-1-9 it would be 3.5 units per acre.

Commissioner Earnest said the plan shows 30 single-family homes, that are 12,000 square feet, that would be more than 3.5 units per acre.

Dave Anderson clarified that the calculation includes road acreage.

Commissioner Earnest asked the total unit count since the plan changed.

Vic Deauvono said 64 units was the initial submission; they will lose eight to ten units to be around 54 units. He said it will be just like Spanish Trails.

Commissioner Carroll asked if they will keep the large single-family homes unchanged in the plan.

Vic Deauvono said yes, they will give the neighbors a beautiful fence. He said that they beautify areas. He again mentioned that costs have risen. He said Edge Homes builds faster than other companies.

Chairman Pro Tem Mendenhall opened the public hearing at 6:38 pm.

Chairman Pro Tem Mendenhall said they will hold each commenter to three minutes and ask people to not repeat previous comments. Staff and Commissioners will respond afterwards.

Jake Lasley lives just a few houses down from here. He and some neighbors are concerned about parking on 300 South. They would appreciate it if parking was contained within the development.

Stan McShinsky lives on 1050 West. He and some neighbors have concerns with density, he believes townhomes don't fit the area. He thought it would be good to move the road to 1170 West to cut through. He mentioned the rest of the trail has six-foot vinyl fences down to the river so the transparent fence wouldn't match.

Commissioner Earnest asked if the site currently has see-through fencing.

He said no, he thinks the townhomes would fit better against the fence.

Chairman Pro Tem Mendenhall closed the public hearing at 6:42 p.m.

Commissioner Warnick asked Michael Clark to pull up the General Plan for the area.

Commissioner Earnest said zoning to the west is incongruent with the General Plan which shows Low Density Residential. It is consistent with R-1-9 Master Planned Development. He asked Dave Anderson if there cannot be a lot less than 9,000 square feet in that type of development in that zone.

Dave Anderson said that is how it is with standard subdivisions. The City has a program called Master Planned Developments where some design criteria can be flexible. With that flexibility comes the opportunity to fit one or two more homes within a project. The average lot must meet the zoning standard. The property to the west was approved as a Master Planned Development which has an average lot size of 9,000 square feet.

Chairman Pro Tem Mendenhall said in this case the applicant is asking for even smaller lot sizes than the neighboring developments.

Dave Anderson clarified that the average lot size is not lower than 9,000 square feet but there are individual lots that are smaller.

Commissioner Warnick mentioned that there has been discussion regarding parking standards for high density developments and they are trying to solve that concern. She likes the idea of higher density along the trail and to the north.

Vic Deauvono said they can flip flop the small lot and large lot homes in the plan if that's desired. He said there haven't been any vehicle accidents in Spanish Trails. He asked the Commission to consider quality.

Commissioner Earnest agreed that quality matters.

Commissioner Warnick said they are starting to run short of low-density areas. She doesn't like to go higher density in an area that is zoned for low to medium density. There are many other dense projects in the City.

Commissioner Carroll asked how many units could fit on a parcel if it were R-1-9.

Dave Anderson said R-1-9 would allow for 25 homes on site.

Commissioner Earnest said when he is deliberating proposals, he likes to balance the needs and rights of neighbors, future property owners, and current property owners. He thinks it is very appropriate to have an R-1-9 Master Planned Development to give the developer some flexibility. He doesn't see anything wrong with 5,000 square feet but does not think this is the right spot for it.

Chairman Pro Tem Mendenhall said that he knows the applicant builds good homes but the density does affect the property around it. He thinks it's a good plan but does not match the area. Because it is the last development, they should match the existing surrounding neighborhoods. He knows people who live in the area and it's a beautiful neighborhood.

Vic Deauvono said small lots have been proven to work along the Wasatch Front. People object to sizing and not function. He asked them to consider it from a builder's perspective.

Chairman Pro Tem Mendenhall said he understands the points raised but the area is zoned what it is and should match its surroundings.

Commissioner Warnick said she agrees, the development at the proposed density is not the right place.

Commissioner Carroll **moved** to recommend to deny the D-Land West Zone Change to the City Council based on the following findings.

Findings:

1. That the proposal is not consistent with the General Plan Land Use Map.

2. That the R-1-9 or R-1-12 zones would be more consistent with the General Plan and surrounding neighborhoods.

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

#### **D-Land East**

Dave Anderson explained the site and said it is similar to the last item, but also different. This lot is sandwiched between the golf course and a neighborhood, so staff is more open to considering development here than the rest of the River Bottoms area. He will give an outline of the applicant's history with the site, but it does not need to be the foundation of a ruling. The property owner, Vic Deauvono, entered into a land exchange in which the proposed property was traded with the City for the property where the Justice Center was built. As part of the exchange and agreement there was consideration of some development. However, that should not be the biggest consideration. The plan is a combination of townhomes and single-family homes. It is typical for developments on golf courses to see higher density than typical suburban developments. Golf course-oriented development has been highly sought after. They have not yet gotten into the weeds with specific designs and plans. Dave Anderson stated he is interested in getting the Commission's thoughts and deciding what zoning is appropriate. The applicant has proposed to change the zoning to R-3 and build 80 homes. He mentioned some of the property has been identified by FEMA as a 100-year floodplain.

Commissioner Carroll asked him to show the floodplain on the map.

Commissioner Earnest asked why staff recommended denial.

Dave Anderson said the DRC thought 80 homes would be too much. There are specific design issues as well.

Commissioner Earnest said he is trying to understand the recommendation.

Dave Anderson said it is mostly because 80 homes are too many for the site.

Vic Deauvono said the design has changed.

Dave Anderson said the design does not capitalize on its adjacency to the golf course, they don't have view corridors in the plan.

Commissioner Earnest asked if he understands correctly, that staff is not against there being any development here.

Dave Anderson said that is correct. The applicant would like to understand what the Planning Commission and City Council are comfortable with regarding zoning before they spend money on plans.

Commissioner Warnick asked why golf course developments are typically elevated.

Dave Anderson said he meant elevated in terms of quality, not height. He said he believes Edge Homes could be able to deliver on high quality.

Commissioner Warnick mentioned that some homes in the area are very high quality. She asked what the General Plan was for the area.

Commissioner Earnest said the designation is Public Facility.

Dave Anderson said that is a carryover from when the City owned the property.

Chairman Pro Tem Mendenhall invited the applicant to speak again.

Vic Deauvono said he knows people in the area. He said the floodplain is not an issue because they have engineers and it is common to overcome that. He said there is a lot of history in the area. He said the area is eight units to the acre. He said the City came to him. He said there will be 18 single-family homes that will be luxury lots.

Commissioner Earnest asked how much square footage the homes will be.

Vic Deauvono said Commissioner Earnest can add it up if he wants.

Commissioner Earnest said the plan would result in lots of about 11,000-12,000 square feet.

Vic Deauvono said they will take six townhomes out and rearrange them. He said it will be beautiful and long lasting. It will not be as high density as other golf course communities. He mentioned that the pumphouse is not going away and they'll work with it. He showed the new plan and explained the changes. He again mentioned his trade with the City and the things he has done for the City. He said he believes it matches across the street and will have beautiful homes.

Vic Deauvono said he thinks he has done good work for the City in past products. He said please don't worry about density with townhomes.

Chairman Pro Tem Mendenhall asked how many units per acre there would be in the townhome section of the development.

Vic Deauvono said there would be six units per acre.

Commissioner Earnest asked if each unit has a two-car garage and driveway.

Vic Deauvono said yes.

Commissioner Warnick asked if the townhomes will be two stories or single-story.

Vic Deauvono said they will likely be two stories; any development will block views so there is no point in restricting height.

Commissioner Warnick mentioned the layout of the development on the north preserves the upper lots views.

Vic Deauvono said only the two-story homes in that development will keep their views, that is just the way it is.

Chairman Pro Tem Mendenhall asked how they are affected by the pipeline there.

Vic Deauvono said they are not affected.

Discussion ensued regarding irrigation pipes in the area.

Chairman Pro Tem Mendenhall made sure Vic Deauvono was aware to address the pipes in his construction plans.

Vic Deauvono said they are mindful of it.

Commissioner Earnest asked if the intention is to match the density of the development to the north.

Vic Deauvono said yes.

Commissioner Earnest asked about square footage of the homes.

Vic Deauvono said they can add basements.

Commissioner Earnest asked if they hit water.

Vic Deauvono said no, they had a state engineer look at it and there isn't water for about 20 feet.

Commissioner Earnest said the size of home is a good fit for the area.

Vic Deauvono said they will beautify the area.

Chairman Pro Tem Mendenhall asked about traffic flow in the area.

Vic Deauvono said the townhomes will be alley loaded. He said they will match the neighboring property.

Chairman Pro Tem Mendenhall opened the public hearing at 7:38 p.m.

Chairman Pro Tem Mendenhall again stated the rules for public comment.

Brandon Snyder mentioned a printed email the Commissioners were given of a local resident's concern with the proposal.

Shirley Durfey lives in one of the townhomes that fronts this proposal. She says she thinks they all knew this would be an eventuality. She said they don't care about the view of the golf course because they can't see it with the trees along the river bank. They bought property for views of the mountains and trees. They don't want that view blocked, not so much the view of the golf course. She wonders how many trees would be taken out along the river to make the golf course visible. She said currently there is no trail until you get to the church, it may be earmarked for a trail but there is no trail yet. She is worried about her property value. She is 72 and this is her legacy to pass to the children and doesn't want new neighbors to make her place look worse. She is also concerned about traffic. There are always cars parked along that stretch of road and River Bottoms Road is curvy and overgrown. There are not many connections to the rest of the City from here. She is worried about construction. When Strawberry Electric built the pipe there it shook their houses.

Spencer Hicken lives on the back row of the development north of this proposal. They bought knowing development would come. He expressed concern about the type of housing. They are not concerned about it for townhomes themselves but the ripple effect on roads, utilities, and parking. He says Utah is growing quickly and he is worried about not planning enough for growth. He gave the example of the fire in Saratoga Springs. He wants the City to consider ripple effects. He mentions there is a smart growth assessment the City can do. Just like Vic Deauvono, he wants it to be done right.



John Forsloff also lives nearby. He likes the second iteration of the plan. He said there is no play area there for young families. He is concerned about flooding with taking out trees. He is not sure about lighting there. He asked how long development will take.

Vic Deauvono said they build 20 homes at a time so it will take a few months. He also mentioned where the play areas will be in the development.

Hannela Neuenschwander said she lives on the backside as well. They had cracks in their houses a few years ago from the construction of the pipeline. She asked who will pay for new damage from shaking the homes in the area.

Rachel Summers lives on River Bottoms Road. She lives on a large lot. She is concerned that the narrow lots will necessitate high elevations. She mentioned that everything across the road is in the River Bottoms district. She read a section of the City's River Bottoms Vision plan that outlined scaling back growth in the area. She said even if there is development, high density is not correct for the area. She said if the R-3 zoning passes they could be building 120 homes which is way too much. She said the River Bottoms area is the jewel of Utah County and is different from other areas that are developing. She said this will be a precedent for other developers to develop in the River Bottoms. She said at night both sides of the street are completely packed. The garbage trucks do a five point turn on their driveway. She said she would like for there to be a traffic study. This is a small road. She thinks high density residential isn't appropriate here and hopes they follow the DRC in denying the proposal.

Jonathan Summers lives in the same home. The River Bottoms agreement says no development. He stated that the area has previously flooded.

Chairman Pro Tem Mendenhall clarified that that particular area did not ever flood.

Jonathan Summers said this is a onetime opportunity. The City needs to follow the River Bottoms vision and that the area is not set for high density development.

Chairman Pro Tem Mendenhall closed the public hearing at 8:02 p.m.

Chairman Pro Tem Mendenhall mentioned Shirley Durfey's comment and asked if there will be a trail along the river.

Michael Clark said there is no trail planned along the river.

Dave Anderson sought to clarify if there is a plan for a trail along River Bottoms Road.

Chairman Pro Tem Mendenhall said no.

Dave Anderson said with a development proposal they would study what exactly a trail would look like there. It would be influenced by zoning and neighboring property.

Commissioner Warnick mentioned the concern of the width of the road.

Michael Clark showed the road plans.

Dave Anderson mentioned that only half of the road improvements would be done along the development. No one should expect the road to be finished on both sides.

Commissioner Warnick asked why.

Dave Anderson said the property owner only has half the road.

Commissioner Earnest asked if utilities are good per Spencer Hicken's concern.

Dave Anderson said yes.

Commissioner Earnest asked Dave Anderson to speak to the forethought that goes into developments in the City.

Dave Anderson said the City makes sure to stay ahead of growth. They cannot get ahead of increased traffic. Traffic will increase regardless of development. Development improves roads.

Commissioner Earnest said the City cannot pre build roads because that would take a lot of taxes.

Dave Anderson said they are in the fastest growing county in the fastest growing state, there is good as well as bad with that growth, but certainly with utilities they are ahead of it.

Chairman Pro Tem Mendenhall spoke to the concern the Summer's had about flooding. He spoke about how the City had built up the road. He outlined the path of the flood. He spoke to how the river was dredged. The City must leave everything along the river alone except for what poses an imminent danger. He said the trees will only be removed if they have any impact on the integrity of the river. He doesn't think anyone would be in favor of removing trees.

Commissioner Earnest mentioned that John Forsloff talked about amenities. He said right now everything is very preliminary but that will be part of any development discussion.

John Forsloff mentioned it might be good to build a fence there to protect kids along the river.

Chairman Pro Tem Mendenhall said that might not be in the best interests of safety.

Commissioner Warnick said high quality development will typically increase property values.

Discussion ensued regarding subdivisions on the property to the north.

Commissioner Earnest asked Dave Anderson to speak to the River Bottoms boundary line.

Dave Anderson said he appreciates the concerns brought up. He said that to date nothing has been finalized. He is concerned about developers asking for an exception if an exception is made here. He said he personally thinks there is an obligation to accommodate some development on this site.

Discussion ensued regarding how many homes each zoning designation would allow.

Chairman Pro Tem Mendenhall said that there were certain things understood with previous agreements. He thinks this area is different from other areas of the River Bottoms. He would like to flesh out what exactly is appropriate for the area. He said this sliver of land has never been productive. It's a piece of ground that no one has known what to do with. He thinks the direction of the applicant is appropriate and fits the area. However, he wants to be specific about the way it is built. He thinks they need to be sure that the City Council and legal department and applicant are in agreement.

Vic Deauvono said that there was no way they could develop in the timeframe outlined in the previous agreement. He said no property values will go down. They like trees and won't take any down that they don't need to go down.

Commissioner Earnest asked Michael Clark to show the latest concept. His thoughts are similar to Chairman Pro Tem Mendenhall. He would like to see the development mirror the north. He wants Vic Deauvono to go back to the drawing board to get the plan to meet city code, know the square footage of the lots and show elevations. He thinks a good distribution of property rights is to mirror what is on the north. He said the River

Bottoms demarcation line can and should be the golf course. He thinks this is a good opportunity to build a beautiful product.

Dave Anderson said the Commission has three options: approve, deny, or continue. They could continue it to give the applicant the opportunity to have all those details ready for another Planning Commission meeting.

Commissioner Carroll said she agrees with previous comments. The sticking point right now is that it is in the River Bottoms area. She is not ready to approve.

Chairman Pro Tem Mendenhall said in order for floodplain designation to be removed they can mitigate it or engineer it out of the floodplain.

Vic Deauvono said that if they couldn't develop in a floodplain they never would have done Spanish Trails because it was in the floodplain.

Dave Anderson said hundreds of thousands of dollars were used on a levee to address FEMA concerns.

Commissioner Warnick said she agrees in many ways. She agrees it would be good to update the General Plan. She said listening to this makes sense. This slice does not fit with the rest of the River Bottoms. She said the rest of the River Bottoms is one home per five acres. She said the luxury lots ought to nod on the low estate density common throughout the River Bottoms. Commissioner Warnick is worried about violating the River Bottoms Vision. She thinks this is a good opportunity to make something beautiful.

Chairman Pro Tem Mendenhall said the lots contemplated here are large but limited by natural boundaries.

Commissioner Warnick again said she thinks it should transition into the River Bottoms area.

Commissioner Earnest asked if they should ask Vic Deauvono if they should continue or deny.

Chairman Pro Tem Mendenhall said he understands the lot sizes but thinks it would help to have this fleshed out to consider the proposal better.

Vic Deauvono said that he thinks they deserve to move forward to City Council.

Dave Anderson said in the spirit of moving things forward, the Commission should be as specific as they care to be for the benefit of the City Council.

Chairman Pro Tem Mendenhall said having it on the City Council agenda is advantageous to Vic Deauvono because then they hear his points.

Commissioner Carroll asked if the City Council denies the request can he come back with a different plan.

It was confirmed that he could.

Commissioner Earnest **moved** to recommend denial of the D-Land East to the City Council based upon a lack of information, and with the direction to the applicant that if the Commission had more information based on the second drawing presented tonight, this body is more inclined to approve it with something consistent with the understanding of what is presented specific to tonight's meeting meets City code, setbacks, zoning, elevations, floorplans, and the details they normally require for the approval of a Zone Change and they would like to see a Preliminary Plat with it; along with the findings provided in the staff report.

Findings:

1. That the proposal is not consistent with the General Plan Land Use Map designation.

2. That the proposal exceeds the density considered by former agreement(s), and that the prior agreement is void by its own terms.
3. That the River Bottoms Vision is under deliberation.
4. That a portion of the property is in the 100-year floodplain, and it may not be wise to develop that portion.

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

Chairman Pro Tem Mendenhall declared a five-minute break at 8:51 p.m.

The break ended at 9:01 p.m.

Chairman Pro Tem Mendenhall said we will replace agenda item number eight with the Monte Bingham concept review to accommodate those who have attended the meeting for that item.

## **OTHER BUSINESS**

### **Monte Bingham**

Dave Anderson said right now the General Plan in this area is Low Density Residential and the property is currently zoned R-1-12. He stated it might make sense to change the General Plan for the property. He explained the site is situated between Legacy Farms and 400 North with property zoned for commercial use to the east and residential to the west. There is a large power line that bisects the property. The proposal is for a single-family rental community, which would be a new concept in Utah County.

Commissioner Earnest asked what zone would need to be assigned to accommodate the density proposed.

Dave Anderson said the zone would need to be R-3.

Commissioner Earnest asked if it meets the standards of the R-3 zone.

Dave Anderson said not right now. Certain design elements would have to be reviewed.

Simon Kirshman thanked the Commission for moving them up the agenda. This is conceptual and they got feedback from the DRC. They recognize it differs from the General Plan. He said the homes will be for lease. They will not be owner occupied.

Commissioner Earnest asked if they have other properties like this in Utah.

Simon Kirshman said they are the first, there are some similar ones but not quite like this. The main concern about rentals is always disrepair. This site would be professionally managed. This type of development is common in Arizona and Texas.

Commissioner Earnest asked if everything will be maintained including snow and yards.

Simon Kirshman said everything, including backyards is managed. The church is building 400 homes in Riverton as a similar product. Simon Kirshman mentioned there might not be much of a chance but they want to explore it.

Chairman Pro Tem Mendenhall said the property adjacent will develop as commercial. The properties surrounding what they have is single-family. He has seen commercial property in Spanish Fork have higher density by it. Chairman Pro Tem Mendenhall said there are not a lot of large lots left in Spanish Fork City. He understands what drives high density development, and leasing is probably the right way to approach this, but it is not the City's problem to make the project profitable. The same powerline goes through many other developments and they have been able to build single-family home subdivisions.

Commissioner Earnest asked Simon Kirshman if his presentation was finished.

Simon Kirshman said they hope to get feedback, redesign the proposal, and then submit a General Plan Amendment.

Chairman Pro Tem Mendenhall said a year and half ago the property to the south had a similar proposal which was denied. It is a similar situation to this property. It may be an uphill climb.

Simon Kirshman said staff have given them no false hopes. They originally proposed townhomes for the site and then changed it to detached single-family homes based on staff feedback.

Commissioner Earnest greeted Monte Bingham and said he is excited the site will get developed. He might be willing to have smaller lots due to neighboring developments. One thought he has is that 400 North will have to get widened. Spanish Fork Parkway will hopefully connect soon. He is sympathetic to allowing higher density along 400 North. He thinks R-1-8 or R-1-9 is the highest density he could support there. He believes they should backfill with residences to better fit in with the area.

Dave Anderson said that what Commissioner Earnest is describing is the project next to Somerset Villas.

Commissioner Earnest said he can also see the site being all R-1-12 because that's what was expected.

Monte Bingham rose to say he bought the property to build multi-family homes there. The plan has since changed. He said views on home ownership have changed. People want to rent now and not have big lawns. He said he feels many people in Spanish Fork have children leaving to find places to rent. He thinks this plan would bring income to the City and fit the needs of the population. When they were annexed, they had talked about zoning the whole stretch along the road as commercial. He knows the nature of the area is changing. The density is higher than he is generally comfortable with but he thinks there's a need for that in Spanish Fork.

Chairman Pro Tem Mendenhall said he understands the comment on the younger generation. He thinks there are many spaces that are high density. They are trying to meet that need. Chairman Pro Tem Mendenhall hopes he has known since the Legacy Farms development that this may come. He doesn't like to see all the land paved over, but has kids and knows he is a part of why this is happening. Once something is zoned there needs to be a compelling reason to change the zone. Chairman Pro Tem Mendenhall thinks if they go to this concept, they would be creating an island. He understands the need but feels it is being met and this is not the place for it.

Jeff Richardson is a neighbor. He has a lot of respect for Monte Bingham. There has been a lot of concern about density. They are proposing 178 units. Spanish Fork Parkway will one day punch through, but until then traffic will not be alleviated. Traffic is really bad with school. The neighboring property is owned by the school district. He is concerned primarily about traffic. He thinks rental units will have more cars. He is not outright opposing, just raising concerns about it.

Commissioner Warnick is sympathetic to a lot of sides of the issue, when she feels conflicted, she likes to stick to the General Plan.

Dave Anderson appreciates Simon Kirshman coming to present. They have previously supported more density in the area. However, the neighboring proposal went up in flames 18 just months ago. He does feel busy intersections are a good place for high density, but the Zoning and General Plan designations are what they are.

Commissioner Earnest mentioned he is concerned about not wanting to spot zone properties.

Dave Anderson said there are multiple ways to go about it.

Commissioner Warnick said she is not opposed to the product, just doesn't favor it in this location.

Dave Anderson said he is risk averse and is leery of the idea of being the first community in Utah to have an all-rental subdivision. It has seemed to work well in other areas of the country though.

Chairman Pro Tem Mendenhall said this might be a great project but there are multiple issues with this site. He said right now he goes with location, location, location. This could make more sense in areas by the freeway that already have higher density. He likes the model but is not sure it is right for the property.

Commissioner Earnest said he does not want Simon Kirshman or Monte Bingham to invest time and money in figuring out more detailed plans because it would mislead them.

Dave Anderson asked the Commission how they feel about this product somewhere else. He asked if they want to deal with this as it comes up or clarify the feelings on it right now.

Commissioner Earnest said the crux of the issue is that the community would be as good as the management.

Dave Anderson said he is confident of the management; the upfront design is what would matter.

Commissioner Carroll said she likes the concept and that it provides a variety of housing options, but this isn't the area for it.

Commissioner Warnick said she also worries about parking.

Chairman Pro Tem Mendenhall said he would support this more if it were next to the tracks.

Commissioner Warnick mentioned there are two Commissioners not present tonight.

Simon Kirshman said City staff has not encouraged them, but they don't want to give up until they are shut down. He doesn't want to burn the City out and wants to have a good relationship, but he is curious if they could incorporate feedback, redesign, and come back.

Commissioner Earnest is curious what incorporating feedback looks like if not R-1-12.

Simon Kirshman said he is not sure. He would not like to burn bridges but wants to be tenacious.

Commissioner Warnick said she would vote to just allow R-1-12 development.

Commissioner Earnest said the property just to the north is zoned as R-1-15 so R-1-12 is already higher density than what could be.

Commissioner Earnest said he likes the product but not the location.

### **TITLE 15 (Public Hearing)**

#### **Title 15 Amendments**

Dave Anderson explained the need for changes in the language for Master Planned Developments in the R-3 and R-4 zones. This would make the R-4 and R-5 districts sync better with other districts and would clarify the role that Master Planned Developments can play in the R-4 zone. He went on to outline the changes made in the text.

Commissioner Warnick asked why street trees will be required in Master Planned Developments and not in standard subdivisions.

Dave Anderson said it is a baby step.

Chairman Pro Tem Mendenhall said he didn't find anything worrisome. He supports all the changes.

Chairman Pro Tem Mendenhall opened the public hearing at 9:59 p.m.

There was no public comment.

Chairman Pro Tem Mendenhall closed the public hearing at 10:00 p.m.

Commissioner Earnest asked Dave Anderson about the minimum size being 12 gross contiguous residential acres and amenity space. There is a minimum number of acres and he doesn't know why the cutoff is 12 acres.

Dave Anderson said there was a long process for creating a zone that allows that much density properly. He has had many conversations with capable development groups about what is needed to make high quality, successful high-density developments.

Commissioner Earnest mentioned 12 acres is enough to need a clubhouse and pools.

Dave Anderson said 200 is the magic number to have a successful high-density community. They want more than just repeat fourplexes. He is not sure 12 is always the right number, but that's where it came from.

Commissioner Earnest said the wording exists because the code is written to be general but amenable in extreme situations. Text Amendments can happen if there is a true need for an exception.

Chairman Pro Tem Mendenhall clarified that there would be criteria for that.

Dave Anderson said it has always been the culture to be open minded here.

Commissioner Earnest mentioned other cities stick much closer to the code.

Dave Anderson appreciated the Commission's open mindedness.

Commissioner Earnest asked about parking requirements. He asked what a home is defined as.

Dave Anderson said a home is a domicile. He said that it is right that the numbers don't add up for parking requirements. The need for guest parking can be done away with a two-car garage and driveway.

Discussion ensued regarding the language of the guest parking requirements.

Commissioner Earnest mentioned that there is a typo on page seven.

Commissioner Warnick **moved** to recommend to approve the Title 15 Amendments to the City Council as proposed.

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

### **Septic Tank Requirements**

Chairman Pro Tem Mendenhall opened the public hearing at 10:06 p.m.

There was no public comment.

Chairman Pro Tem Mendenhall closed the public hearing at 10:06 p.m.

Commissioner Earnest **moved** to recommend to approve the Septic Tank Requirements to the City Council as proposed.

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

### **GENERAL PLAN AMENDMENT (Public Hearing)** **Transportation Master Plan**

Michael Clark explained the proposed changes and how certain road proposals will help alleviate traffic on Main Street. The feasibility studies came back positive.

Chairman Pro Tem Mendenhall has some questions about which roads led where which Michael Clark answered.

Chairman Pro Tem Mendenhall asked if the City is just moving the goalpost If the City is to put new roads in, he asked what the masterplan is for the area between the two roads.

Dave Anderson clarified that this property does not fall into the River Bottoms preservation area.

Chairman Pro Tem Mendenhall said if the vision is not in place, enlarging a road will encourage development.

Dave Anderson said due to a lack of development he does not think these roads will ever actually get developed.

Chairman Pro Tem Mendenhall said he supports what has been brought forward tonight.

Chairman Pro Tem Mendenhall opened the public hearing at 10:27 p.m.

There was no public comment.

Chairman Pro Tem Mendenhall closed the public hearing at 10:27 p.m.



Commissioner Warnick **moved** to recommend to approve the Transportation Master Plan to the City Council as proposed.

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

### **CONSTRUCTION STANDARDS (Public Hearing)**

#### **Construction Standards 22-01**

Chairman Pro Tem Mendenhall opened the public hearing at 10:29 p.m.

There was no public comment.

Chairman Pro Tem Mendenhall closed the public hearing at 10:30 p.m.

Commissioner Earnest **moved** to recommend to approve the Construction Standards 22-01 to the City Council as proposed.

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

### **OTHER BUSINESS**

#### **Parking Standards**

This item was continued.

Commissioner Warnick moved to adjourn the meeting at 10:32 p.m.

Adopted: March 2, 2022

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Jackson Dille  
Planning Intern