

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

Commission Members Present: Chairman Jesse Cardon, John Mendenhall, Shauna Warnick, Joseph Earnest, Mitchell Carroll, Todd Mitchell.

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

Citizens Present: Dave Edwards, David Macdonald, Olivia Peterson, Scott Peterson, Jared Morgan, Maureen J. Rindlisbacher, Erika Davis, Colby Davis, Jackie Larsen, Theron Smith.

Chairman Cardon called the meeting to order at 6:02 P.M.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Commissioner Warnick led the Pledge of Allegiance.

MINUTES

February 2, 2022

Commissioner Warnick moved to approve the minutes from February 2, 2022.

Commissioner Earnest seconded and the motion passed all in favor.

CONDITIONAL USE PERMIT

500 South Verizon 2022 Cell Tower Modification

Brandon Snyder rose to explain that this proposal entails modifying and expanding the equipment on an existing tower. There is no expected impact on the surrounding area.

Chairman Cardon asked if this is different from other proposals for cell tower modifications that have come forward in the past.

Brandon Snyder said no, the proposal will just add additional antennas.

Chairman Cardon opened the public hearing at 6:05 P.M.

There was no comment.

Chairman Cardon closed the public hearing at 6:05 P.M.

Commissioner Earnest **moved** to approve the CUP based on the following finding and conditions.

Finding:

1. That the proposed modifications and expansion do not have an adverse impact on adjacent properties.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.

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

ZONE CHANGE

Expressway Plaza

Brandon Snyder explained the proposal and how it would improve the area. The site will have to be cleaned of any garbage and debris from its past use.

Commissioner Earnest asked if staff is confident that inspectors will be able to ensure there are no longer any issues with the site.

Dave Anderson said yes. They are reviewing a number of different projects that have potential contamination from previous uses. The City has a consultant to help with reviewing to make sure that they are keeping tabs on things the right way. The City will probably change their procedure on sites like this in order to make sure it is done right.

Chairman Cardon asked if they should make effective cleanup of the site a condition of approval to set the tone for future developments.

Commissioner Earnest asked if the City already has the teeth they need on the issue.

Dave Anderson said they already have this condition tied to the Site Plan approval.

Brandon Snyder said the procedure changes are being drafted as we speak.

Chairman Cardon opened the public hearing at 6:12 P.M.

There was no comment.

Chairman Cardon closed the public hearing at 6:12 P.M.

Chairman Cardon asked if the applicant had anything to add.

Theron Smith said they did not. He said they are aware they need to ensure cleanup of the site due to its previous use.

Commissioner Mendenhall asked if they knew what users would occupy the three units.

Theron Smith said, so far, they have a name for only one of the future occupants.

Commissioner Mitchell **moved** to recommend approval to the City Council based on the following findings.

Findings:

1. That the proposal is consistent with the City's General Plan Land Use Map.

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

ZONE CHANGE

300 North Duplex Addition

Brandon Snyder explained that this proposal was listed on a previous agenda, and was continued. The applicant requested the proposal be placed back on the agenda. The applicant is John Smiley and he has built other developments in the City. There are two existing buildings on site and John Smiley is seeking to add a third duplex in the back. This proposal came to the Planning Commission as a Concept Review in October.

Commissioner Earnest asked the height of the proposed structure versus the existing structure.

Brandon Snyder said he is not sure of the specific heights but knows they are similar. The Development Review Committee requested additional landscaping and the addition of street trees to the property's frontage. The concrete must be removed for the creation of park strips on site.

Commissioner Mitchell asked if the landscaped areas backing up to the homes will be separated or communal.

Brandon Snyder said they will be separated.

Commissioner Mendenhall appreciates the applicant doing everything they asked him to do back in October. He asked what would happen to the parking stalls on the property.

Brandon Snyder said some existing parking stalls will be removed, but a parking garage will be added.

Discussion ensued over parking and access on the site.

Commissioner Mendenhall asked what potential impact the water conservation laws currently being debated by the State Legislature could have on landscaping expectations in the City.

Brandon Snyder said that due to water conservation efforts it is possible that the landscaping could be something other than turf grass.

Michael Clark said it is possible to put in native plants to meet landscaping requirements.

Dave Anderson said they are waiting to see what the State Legislature brings them.

Commissioner Mendenhall said Michael Clark is right that there are multiple options for landscaping.

Commissioner Mitchell asked if the masonry wall has been replaced yet.

Brandon Snyder said no it has not.

Chairman Cardon opened the public hearing at 6:26 P.M.

Colby Davis lives just to the north of this property. He said there is a property dispute between him and John Smiley. He said John Smiley has stated verbally that the portion of their property lines that overlap belongs to him, but he has not seen this in any document.

Commissioner Mendenhall asked him to elaborate.

Colby Davis said when the dispute over the two-foot overlap came up, John Smiley said the two feet would go to Mr. Davis. There is also an access easement on Colby Davis' property that allows access from 400 North to the south. There is a permanent fence near the existing duplexes, so John Smiley accesses the property being developed through Colby Davis' property. He wants the masonry wall to be put in before development begins because he does not want construction equipment damaging his property. He wonders how a fire truck will access the proposed development. He could build on his property as well if John Smiley is allowed to build here.

Commissioner Warnick said he can apply to have the Infill-Overlay Zone applied to his property if he would like to develop it.

Colby Davis said they were told before that they couldn't develop their lot.

Chairman Cardon said staff will address questions after public hearing is finished.

Colby Davis said an adjacent development is causing noise issues and the City isn't doing anything about it. He isn't against the proposal, he just has these concerns.

Chairman Cardon closed the public hearing at 6:32 P.M.

Dave Anderson said some issues can be solved by the City while others can't. Property disputes are common.

Commissioner Warnick asked how property disputes are resolved.

Dave Anderson said they are resolved privately, and that it is something citizens resolve on their own.

Vaughn Pickell said the City has no legal opinion on local property disputes.

Dave Anderson said the City does not want to make the dispute worse by taking a side.

Commissioner Earnest said the responsibility is on the applicant to figure out the property dispute.

Dave Anderson said the applicant would have to change the proposed plan if the property line were to change.

Colby Davis asked about the power pole that is close to his property.

Discussion ensued regarding the placement of a utility line and wall near this disputed property line, and the responsibility that developers would have to work around these existing structures.

Commissioner Warnick mentioned that they still needed to address the concern regarding fire truck access and the easement leading to the property.

Dave Anderson said easements are also a private issue.

Colby Davis said his main concern is his property being violated.

Dave Anderson said the City shares his concern and also does not want his property to be violated.

Colby Davis said he has no problem with the idea of the proposed development; he just wants the property wall to be built first to protect his property from heavy construction equipment.

Commissioner Warnick asked if there is a timeline for completion for building developments.

Dave Anderson said building permits can last for a long time but it hasn't been an issue in recent years.

Commissioner Warnick sought to clarify that there is no timeline enforced by a fee.

Dave Anderson said it is hard to enforce anything like that.

Commissioner Warnick said she understood the concern of not having construction on property.

Commissioner Earnest said it is trespassing if construction crews don't get off Colby's property after being asked.

Vaughn Pickell said this is a private property issue, and it's not something for the City to get in the middle of.

Chairman Cardon said it is up to Colby Davis and John Smiley to resolve this.

Colby Davis said he wants a wall up prior to construction of the house. He believes the City is within its rights to require this.

Commissioner Mendenhall said it is not proper for the City to require that. It is not the position of the Planning Commission to tell a developer what process to follow in development. It is only possible to access the site through two places. It can be difficult to construct with a fence going in and he doesn't want to tell a developer they need to do that. It is not okay to take a side in this and for the City to mandate what one side must do. Colby Davis is welcome to do what he would like on his property. Tonight, they are looking at a zone change. He understands the concern, he just is not sure this is the proper avenue for action.

Commissioner Earnest said he doesn't want to interfere if there is a right, he is unaware of. If there is no right, it would be trespassing and Colby Davis can resolve the issue through legal means.

Dave Anderson said they will talk to John Smiley about putting the wall in first. He would be shocked if John Smiley did not freely offer that.

Brandon Snyder informed Colby Davis that the issue will also go to the City Council before an official action is taken.

Colby Davis said he just wants his interests protected.

Commissioner Earnest **moved** to recommend approval of the 300 North Duplex Addition to the City Council based on the following findings and conditions.

Findings:

1. That the proposal is consistent with the City's General Plan Land Use Map Designation.
2. That with additional details the proposal can meet the intent of the Infill Overlay Zone.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That the applicant replaces the concrete in the park strips with landscaping.

4. That street trees be provided every thirty (30) feet on the 300 North frontage.

Commissioner Warnick seconded and the motion passed all in favor.

Concept Review

Arrowhead Subdivision

Brandon Snyder introduced the proposal. The developer is looking for general feedback. The R-1-12 zoning was approved in 2017. One of the requests is to expand the area of the site that is zoned for commercial use.

Commissioner Earnest asked the current size of the commercial site on the proposal.

Brandon Snyder said the current proposal is two acres. He turned the time over to Jared Morgan.

Jared Morgan is with GWC. He is representing them and Sunroc tonight. Sunroc is a sister company of GWC. This site is important for Sunroc. Sunroc is currently operating on the site through a Conditional Use Permit. They are ready to relocate. There are 240 lots on the proposal for the site that went through in 2017.

Commissioner Earnest asked what the average lot size is for the proposed development.

Scott Peterson said the average lot size is the same as the requirements of that zone.

Jared Morgan said they are looking to rezone the site. He received constructive criticism from the Development Review Committee this morning. He is looking for the same thing tonight. They want to deliver a quality project. The views on this property lead it to be an exciting site. They are working closely with staff. There are multiple phases for the sites. There aren't any environmental issues there. He mentioned the site's vicinity to the large development across from Del Monte Road, Skye Meadows. Part of the rezone request is for a portion of the site to be R-1-9. The main changes are expanding the commercial site to be accommodating for a larger commercial user on the intersection. Jared Morgan stated that they have shifted the park to the south part of the development. There are 8 acres of park space proposed. If it is a City park, they are unable to count it towards density requirements. There are 127 lots in the R-1-9 zone and 71 lots in the R-1-12 lots in this proposal.

Commissioner Earnest asked about the park.

Brandon Snyder said the City could purchase it from the development. There are a lot of variables involved in that potential purchase.

Commissioner Mendenhall asked what the slope is in this area.

Scott Peterson said there is a nice bluff.

Commissioner Mitchell asked if it's possible to have the park count towards their density even if it is owned by the City.

Brandon Snyder said the City doesn't want it to be a regional park, but a neighborhood park. It may have more open space than ball fields.

Commissioner Earnest said the lots should be smaller due to rezoning.

Jared Morgan said they care greatly about the product. The largest difference between R-1-9 zoning design and R-1-12 design is the R-1-12 has a three-car garage. The difference in product is not significant to him.

Commissioner Warnick said the three-car garage is significant to many home buyers and it is not in high supply in Spanish Fork.

Commissioner Mitchell said he would not favor changing any section of the development to R-1-9. He understands the neighboring development has a section that is zoned R-1-9, but he agrees that three car garages are needed. He is not opposed to expanding the commercial portion of the development.

Chairman Cardon said it makes sense for the commercial lot to be bigger. He also agrees that the supply of R-1-12 housing is limited.

Commissioner Earnest said the company he works with is developing Fritzi. He thinks it's not bad to have R-1-9 zoning around a C-2 area, but agrees that R-1-12 is in low supply. He is conflicted on having R-1-9 zoning for a portion of the development. Del Monte Road could be a clear delineation between R-1-9 zoning and R-1-12 zoning, so he is conflicted.

Commissioner Mendenhall asked if staff had any other concerns.

Brandon Snyder said no, the main consensus is that this is a great place for R-1-12 lots.

Commissioner Mendenhall said he agrees it's a great spot for R-1-12 zoning.

Commissioner Carroll asked if there is any appetite for less R-1-9 zoning on this site rather than none.

Commissioner Mitchell said Commissioner Earnest may be interested in it.

Commissioner Earnest said he could be interested in a lot less.

Commissioner Warnick said she has no appetite for any R-1-9 zoning in this specific area. She believes the three-car garage really speaks to people.

Chairman Cardon asked if there were any more opinions on the concept.

Commissioner Mendenhall said overall it is a great project in a great location.

Commissioner Warnick moved to adjourn the meeting at 7:24 P.M.

Adopted: April 6, 2022

Jackson Dille
Planning Intern