

**Adopted Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, Utah
December 7, 2022**

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

Staff Members Present: Dave Anderson, Community Development Director; Brandon Snyder, Senior Planner; Michael Clark, Staff Engineering; Ana Burgi, Assistant City Attorney; Kimberly Brenneman, Development Coordination Manager.

Citizens Present: Fred Ludlow, John Bankhead, Thomas Sorensen, Jackie Larson, James Yates, David B, James Hylton, Tyler Voorhees, Brian Faye, Matt Riggs, Melyssa Riggs, Payton Matthews, Shane Williams, Cory Andersen.

WORK SESSION

No action taken in work session.

PLANNING COMMISSION MEETING

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

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Commissioner Earnest led the pledge.

MINUTES

November 2, 2022

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

Commissioner Mendenhall seconded and the motion passed all in favor.

ZONE CHANGE

ZONING MAP AMENDMENTS 2022

Dave Anderson addressed the Commission stating there are quite a few proposed amendments to the City's Zoning Map. The proposed changes are not essential but are practical for the current use to align with the

zone. For the majority of the proposals, the property is owned by the City, they are public parks. At times when a residential development is approved, a developer will construct a park or open space that is then dedicated to the City at time of completion of the subdivision. The park is a public park and the maintenance obligation of Spanish Fork City. Parks are allowed in residential zones, but changing the zone to Public Facilities aligns better with the current use and ownership.

Dave Anderson then outlined the proposed Zone Changes one by one as shown in the staff report memo attached to the agenda

Commissioner Mitchell asked why the Rocky Mountain power corridor south of Legacy Farms is not proposed to be changed to Public Facilities.

Dave Anderson stated that until ownership of the property is a public entity, it should not be changed.

Commissioner Earnest asked with regard to the proposed change for the few homes in the Legacy Farms subdivision if the zoning is based on any historical agreements with the Legacy Farms Development. He asked that staff review that particular proposed change to make sure there is not anything in the development agreement that would prohibit the change in zoning designation.

Chairman Cardon stated that there is an additional pedestrian path as part of the exhibit for 1923 East 280 South.

Chairman Cardon opened the public hearing at 6:27 p.m.

Tyler Voorhees addressed the Commission regarding the Voorhees Duplex Addition later in the agenda.

Chairman Cardon stated that this public hearing is for the proposals that were just presented for staff and there would be an opportunity for him to address the Commission relative to his application.

Chairman Cardon closed the public hearing at 6:28 p.m.

Commissioner Earnest **moved** to recommend the approval of the Zoning Map Amendments 2022 to the City Council as presented.

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

LUDLOW DEVELOPMENT ENHANCEMENT OVERLAY 2022

Dave Anderson addressed the Commission stating this property has a unique history and there has been a Development Enhancement Overlay approved and applied to the property previously. The approval allowed for a non-residential use without requiring site improvements, namely the onsite parking requirements. Since the time of approval, the business that was originally approved to utilize the property is no longer operating from the site. Another business occupied the site for a time, which ended up generating more traffic than initially intended. The applicant is to go through a re-approval of the Development Enhancement Overlay every time the business located on site changes. The proposed business would have 2-3 employees and would generate about 5 business visits a week. Dave Anderson feels this would be an appropriate use for the property.

Fred Ludlow stated that he and his wife have owned the property since about 2007. They used it as a residential rental for some time. Then, in 2015, the zone was changed to Residential Office. The new business proposed to occupy the space is a telehealth business and would have very little business traffic.

Commissioner Earnest asked if the employees are able to park in the garage.

Fred Ludlow stated that the business could if they wanted to.

Chairman Cardon opened the public hearing at 6:35 p.m.

Thomas Swenson is the neighbor to the east of the property. The issue with the site is parking. They had issues with the previous tenant blocking their driveway. As long as the business maintains the parking that is stated there should not be an issue.

Brian Fay, lives to the north of the property. He has not had any problem with the previous businesses. With living across the street from the park, they have cars parked on the street all the time. He appreciates not having a wall on his south property line.

Fred Ludlow stated that the previous tenants over-parked and he didn't realize there was an issue until after the fact. Since then, some cameras have been added to help monitor the parking so that it does not become a problem.

Commissioner Carroll asked if there is a note in the rental agreement regarding parking.

Fred Ludlow stated that there are parking limits in the agreement.

Chairman Cardon closed the public hearing at 6:39 p.m.

Commissioner Mendenhall stated he remembers the concern about the parking from the original proposal in 2020. There was also discussion about the wall at that time and he is glad to hear that not having the wall has been good. He is glad to see that this has worked well for the site.

Commissioner Earnest asked if there are proposed changes to the site at this time.

Dave Anderson stated that there are not.

Commissioner Earnest recommended to Mr. Swenson that if there is any issue with the parking, to reach out to the business or Mr. Ludlow; as Mr. Ludlow seems to have a desire to be a good neighbor.

Commissioner Mitchell **moved** to recommend approval of the proposed Ludlow Development Enhancement Overlay 2022 to the City Council based on the following findings and conditions.

Findings:

1. That any approvals are specifically tied to RejuvaRoom LLC as described in the letter by the applicant.
2. That the proposed use as described in the letter from the applicant is appropriate for the site.
3. That the proposed use with the proposed improvements would not adversely impact neighboring properties.

Conditions:

1. That the applicant meets any conditions imposed by the City Council.
2. That the applicant receives Site Plan approval from the Development Review Committee.
3. That the approval is tenant specific and when the business is turned over that any new uses of the site and the property will be reviewed again

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

VOORHEES DUPLEX ADDITION

Brandon Snyder addressed the Commission stating that this proposal had been on a previous Planning Commission agenda as a discussion item. The applicant is requesting the Infill Overlay zone be applied at 117 North 200 West. The previous discussion was related to improvements for not just the rear duplex but for the existing duplex on the site. The applicant has provided updated plans with the exterior material proposed as wainscot, hardy board and stucco to the existing duplex, which will match the rear duplex. The applicant will update the landscaping on the site. The applicant is also proposing to install a uniform vinyl fence around the property.

Chairman Cardon asked what would happen with the two trees that are in the front yard of the property.

Tyler Voorhees stated that the larger tree has already been removed.

Commissioner Earnest asked why the Infill Overlay is needed.

Brandon Snyder stated that the current zone allows for a single-family home. The existing duplex is legal non-conforming. For any additional units to be added to the property the Infill Overlay must be approved.

Tyler Voorhees stated that he was duplicating the property to the south that recently constructed a single-family home and duplex on one parcel.

Chairman Cardon opened the public hearing at 6:51 p.m.

Matt Riggs and Melysa Riggs live just south of the proposed property. Matt Riggs stated since the property to the south was approved to build the single-family home and duplex, he has had issues. He stated that the overhead power line was pulled from his home by construction equipment. Currently, he has water issues. There is water runoff from the south property to his property and feels his foundation is at risk. The improvements to the north with an additional structure and added parking, will create more water runoff from the north property to his property. His property sits lower than the property to the north.

Commissioner Mitchell asked if the property to the south raised the site.

Matt Riggs stated that every time the lawn is watered, he has runoff on his property.

Commissioner Mendenhall observed from the aerial map that the water runoff from the roof of the south property is possibly what flows to Mr. Riggs' property to his foundation. If there is settling to the foundation that could be from the added water to the property.

Commissioner Warnick asked if there are parking issues.

Matt Riggs stated that there are no parking issues with the property to the south. He stated that his concern is the water runoff, not parking.

Chairman Cardon closed the public hearing at 6:56 p.m.

Michael Clark stated that it is a water trespassing issue and staff has been directed by the Legal Department that it is a civil matter.

Dave Anderson stated the intended use of the Infill Overlay is to allow for improvements to a site that limits the impact to existing neighboring properties.

Commissioner Mitchell stated that a Site Plan should show site grading and the water being retained on the property.

Dave Anderson stated that is correct and there is also making sure the grading with the building permit is away from the house.

Commissioner Mendenhall stated the concern is creating more impervious surfaces. It takes someone with the credentials to address the drain water, like an engineer.

Matt Riggs stated he has lived in the home for 30 plus years and has not had any issues until the property to the south added the structures.

Michael Clark gave the example of a property owner building a home with gravel on the side as an RV pad. When the property owner comes in later down the road and pours concrete for the RV pad then a water runoff issue arises. Michael Clark stated there was a property owner that was building on a vacant lot in an existing neighborhood where the property sat lower than the road. In anticipation of water runoff issued from adjacent properties and the road, the property owner added two concrete inlet boxes in the driveway that an engineer stated would hold a 200-year storm.

Commissioner Warnick asked if there is a resource where a community member could call with an issue like this.

Michael Clark stated that in the springtime, his department does receive many calls about this and there is a staff member that will go and meet with the property owner to see if there is some assistance that can be provided.

It was reiterated that the water trespassing is a civil issue and the City is limited in resources to assist.

Commissioner Mitchell stated that the applicant should not be held liable for the lack of water retention from the property to the south, but that there should be heightened scrutiny and review to make sure that water runoff does not occur. Particularly when an Infill Overlay development is requested.

Dave Anderson stated that storm drain should not be an issue and that is one of the easier issues that can be solved.

Commissioner Earnest would like to add that maybe not losing sight of the forest for the trees. The Infill Overlay is an opportunity to invest in a community that helps the neighborhood as a whole, even for the properties that do not participate in the Infill Overlay.

Commissioner Carroll stated that she appreciated the improvements that Mr. Voorhees has done to the exterior based on the feedback of the Planning Commission in October.

Commissioner Warnick stated it is important to note that the property will be a rental. There are pros and cons to that.

Tyler Voorhees stated he does not want to create a water issue for the neighbor to the south. He has also worked with Spanish Fork power to have the power line raised on his property so that there are no issues with equipment catching on the power line. He also stated that he anticipates living in one of the units of the duplex once constructed.

Commissioner Earnest **moved** to recommend the approval of the Voorhees 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 meets any conditions recommended by the DRC and Planning Commission.
4. That the driveway is at least 20 feet wide and is concrete.
5. That heightened scrutiny by the City Engineering Department be given in regards to drainage and ensuring that adequate drainage measures be incorporated in the design.

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

Commissioner Warnick asked if the City would provide a packet to residents.

Dave Anderson stated that the City does assist but it is limited to what can be provided.

Ana Burgi stated that when this arises the best response is "This is a civil matter, you may need to contact an attorney."

TITLE 15 (Public Hearing)

TITLE 15 COMMERCIAL DOWNTOWN AMENDMENT (EVENT CENTERS)

Dave Anderson stated that Event Centers are currently not allowed in the Commercial Downtown Zone, which covers a few blocks of historic downtown. The applicant approached staff about a particular building downtown and the desire for an event center. The idea of adding an element like an event center to the area, to help make this part of the community viable and active. The city currently lacks businesses that get people downtown on weekends, or in the evenings. Staff is recommending Event Centers be allowed in the Commercial Downtown Zone with the requirement that one off street parking space be provided for every 300 square feet of floor space. The current Commercial Downtown Zone does not require any off-street parking.

Commissioner Earnest asked if Dave Anderson has any history as to why Event Centers were excluded from the zone initially.

Dave Anderson stated it predates his time and does not have history.

James Yates is not the applicant but is the applicant's real estate agent. He stated Event Centers are the types of uses that invest in the downtown area. The applicant will be investing thousands of dollars in the building. There are other businesses in the area that have similar occupancy loads, but are not held to a parking standard. There are currently about 20 stalls on the property and would be able to meet the proposed parking; although he does not believe this should be a requirement.

Payton Matthews is an employee of the applicant and stated the owners opened their first event center in Daybreak in 2020 and a second location in Sandy in 2021. This will be the owner's third location.

Commissioner Carroll asked what the nature of the events typically are.

Payton Matthews stated that they have many wedding events. They also have other events like fundraisers. The owners have maintained good relationships with their property management groups. The majority of

their events are at night. There are generally 1-2 daytime events a week. Of those daytime events, the majority are on Saturdays. In looking at their second location, Crescent Hall in Sandy and the parking for events, the owners feel this site provides the needed parking.

James Yates stated the applicant will spend about \$300,000 in improvements including a facelift to the exterior. He stated that he sees so much of the event business go north, and it would be nice to see Main Street more vibrant and a destination for traffic.

Chairman Cardon opened the public hearing at 7:44 p.m.

Jackie Larson stated she lives just off Main Street near the Veterans building and sometimes there are events that have overflow parking on the street.

There was discussion of the parking around the proposed location.

Chairman Cardon closed the public hearing at 7:48 p.m.

Chairman Cardon stated when employed with a business that is located just outside the Commercial Downtown area that had a large volume of patrons. He feels that the parking could be an issue.

Commissioner Mendenhall stated the Angelus Theater would be a good barometer of parking issues or lack thereof. Parking will go where it will when businesses are closed. The businesses that he hears complaints from are during day time office hours, not in the evening. He likes the idea of the renovation of downtown and thinks it is important to the community.

Commissioner Warnick stated vibrant downtowns that she visits always have parking issues, and that is why it is vibrant and there are things to see with window shopping and creating a walking environment.

Dave Anderson stated there are a few parking areas that are owned by the city and maintained that adds about 100 parking stalls. In working with property owners a few years ago on this block, the city worked with property owners to try to facilitate a coordination of the property owners that have parking with removing fences and reconfiguring the parking to add about 30% more parking. At that time the previous business was the one hold out on the configuration and the effort eventually fell apart.

Dave Anderson stated that in a preliminary assessment of the properties within the current zone, there were not many that could fit the requirement.

Commissioner Warnick asked if it would be worth revising the effort to combine the parking on the block between 100 North and 200 North.

James Hilton thinks it would be worth looking at the revenue these businesses would be ringing to the area. Adding more parking would be adding more drivers and traffic. He thinks it would be worth looking at the revenue of the older area with limited parking versus the new businesses and ample parking.

Dave Anderson stated that he really believes that areas for this to thrive they need to be treated as urban. Typically, historic shopping areas are managed as a district and treat them as a whole.

Commissioner Earnest asked that businesses do what they can to limit their employees parking on Main Street.

There are some very impactful businesses downtown and it is important to support those businesses on Main Street.

Commissioner Earnest **moved** to recommend approval of the Title 15 Commercial Downtown Amendment (Event Centers) to the City Council as written.

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

TITLE 15 AMENDMENTS

Dave Anderson indicated that this item is a work in progress and staff will present the amendments at the next meeting. The proposed amendments will be in regards to landscaping requirements. The item is not ready for review at this time.

Commissioner Warnick **moved** to continue.

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

GENERAL PLAN AMENDMENT (Public Hearing)

TRANSPORTATION ELEMENT OF THE GENERAL PLAN 22.04-06

Commissioner Warnick asked why on the Main Street Relief Program the City is diverting traffic to 300 East instead of using 400 East and utilizing the Costco route that already exists.

Michael Clark stated that 300 East is substantially larger, it has less of an offset on 400 North, and after 300 South it continues south and south east on Scenic Drive.

Commissioner Mendenhall asked for Michael Clark to explain the thoughts of the intersection at 300 East and 800 North with a round-a-bout.

Michael Clark stated they have a traffic engineer working specifically for that intersection and movements.

Michael Clark stated that the trails have been added to the Transportation Master Plan, even though they are already detailed on the Trails Master Plan.

Chairman Cardon opened the public hearing at 8:20 p.m.

Jackie Larsen asked if there will be any access into the City that will not have a round-a-bout.

Michael Clark stated that the Center Street Interchange would not and 8000 South Interchange would not.

Jackie Larsen stated that any property owner that goes to the fairgrounds with a trailer and livestock, round-a-bouts are not safe.

James Hilton would like for there to be more bike paths with the roads. He feels there are many people that get overlooked that use public transportation

August Bigelow stated there are a handful of schools. He asked if there are any active transportation elements for elevated trails and pathways. There is an unprotected bike lane on Center Street. He feels that there should be more elements than just adding lights. He suggested raising the asphalt to the sidewalk height.

Chairman Cardon closed the public hearing at 8:26 p.m.

Michael Clark stated that the City does have a safety committee that meets once a month to discuss elements for safety and connectivity. What is proposed tonight is very high level, there are city processes and committees that focus on areas raised by the community. These requests are received via Citizen Support requests, phone calls, or community members visiting their office.

Commissioner Warnick asked if the city distinguishes commuter bike lanes from recreation bike lanes.

Dave Anderson stated there is a regional transportation plan update, that is done with Mountainland Association of Government for Utah County and cities within Utah County. They hold monthly meetings to review proposals for all types of transportation improvements.

Commissioner Carroll **moved** to recommend approval of the Transportation Element of the General Plan 22.04-06 to the City Council.

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

CONCEPT REVIEW

CANYON COURT CONCEPT

The Development Review Committee reviewed this item earlier today. The proposal is for a development that has a commercial and residential component to it. In this particular case, since speaking with the applicant the Urban Village Commercial zone would be most appropriate. He is stating that with the understanding the text for Commercial Urban Village would need to change to allow for what is proposed, should support for the proposal be given. The current text was created long enough ago that the language would need to be updated. He thinks it would be detrimental to utilize other zones, as changes would need to be applied, like the required minimum size for an R-4 development.

Commissioner Mendenhall asked why R-4 requires 12 acres as a minimum.

Dave Anderson stated that based on the level of quality and amenities, a certain number of units would need to be built.

Dave Anderson stated there are projects in the valley that have been successful and location is very important.

Dave Anderson highlighted topics/thoughts from the DRC discussion earlier that day:

- That residential use should not be on the property at all.
- Parking requirements of 2.25 parking stalls per home that would include some cross access parking easements for the adjacent commercial lots.
- Parking should not be more than 2 stalls per unit as they are 2-bedroom one bath units.
- Reduction in parking allows for more open space and reduction in asphalt.
- Creating a stronger presence of pedestrian travel to lessen the feel of a shopping strip mall.
- The concern of having drive-thru businesses so close to the residential units. Automobile heavy traffic near residential structures.
- Timing of the commercial component development to the residential.
- The possibility of keeping the same number of units but going to 4 stories to allow for more open space.

The proposal is for 112 units.

Cory Andersen addressed the Commission.

Commissioner Warnick stated seeing a walking path around the property and the walkability is important to add.

Cory Andersen wanted feedback from the Commission with regard to the reduction in parking. They really would be able to provide more open space if they were allowed to provide fewer parking stalls. He asked how the Commission anticipates the garages not turn into storage units.

Commissioner Earnest stated in the same manner of maintaining the owner occupancy requirements.

Commissioner Warnick asked what the draw away from carports is.

Dave Anderson stated that from an architectural perspective to look at the R-4 zone. In crafting the language and creating a zone to allow for higher density; the Planning Commission visited many projects within Utah County. In looking at different projects that had a lot of carports and ones that do not, it was a very specific thing that was noted by Commissioners at the time, that it was the most significant amenity that could be provided by a developer.

Cory Andersen stated that the property manager would live on site.

Commissioner Warnick asks if this fits within the area.

Commissioner Carroll and Mitchell feel the look and modifications that have been made from the last renderings was done well and they like the look.

Commissioner Mendenhall appreciates that the applicant has listened to the feedback provided by the Planning Commission from previous meetings.

Commissioner feels comfortable with the cross-access parking.

Commissioner Mendenhall, Warnick and Carroll agreed with the parking cross access.

Commissioner Mendenhall stated when a carport is on the property it looks best when the structures are set back far enough from the building to allow for landscaping to buffer the carport.

Shane stated that the landscape gets worn with the pets from the tenants.

Commissioner Earnest stated he would like to make sure that commercial box building is set back far enough for the townhomes to the north. The drink drive-thru needs to be moved to the interior of the development and to try to prevent the lights from the drive-thru is not shining into the units. He is concerned with the phasing of the development and making sure the grocer and retail goes in first. The semi-trucks for the grocery delivery are buffered from the residential component and the units that would be adjacent. He would like to accommodate a broader clientele and not just tenants in their 20's. He is comfortable with 2.25 parking stalls.

The proposed units are about 900 square feet, but the end units will be slightly larger.

BINGHAM CONCEPT

This item was requested to be continued by the applicant.

HIGHWAY 6 STORAGE UNITS CONCEPT

This item was requested to be removed from the Planning Commission agenda by the applicant.

VESTA CONCEPT

Dave Anderson stated that the purpose of the discussion is to explore whether residential development on the site is a viable possibility.

John Bankhead with Vesta. His company acquired this property in the spring and they have been working on adding additional industrial development to the property. There has been a draft concept put together but wanted to have a conversation with the Planning Commission about if residential development would be appropriate for the site.

Commissioner Earnest asked how many single-family lots would fit on the property.

John Bankhead said between 5,000 and 6,000 square foot lots but the roads would be expensive to get in there with some unique topography.

Commissioner Mendenhall stated that there is a market for everything and the need to meet the higher incomes is not being met in Spanish Fork. He thinks this area would be better for larger lots with a minimum of quarter acres. Even understanding the more expensive infrastructure that would be required, would not be an obstacle for those future property owners that want to live in Spanish Fork.

John Bankhead stated that there are logistical issues they know they need to work on, including SESD power lines, the canal, the aquafer, and adding walking trails.

Commissioner Earnest does not have townhome fatigue. He is concerned that they are a good product and somewhere people want to live. With the wind, he wonders if this is the place to put large expensive homes.

There was additional discussion regarding the residential aspect.

DISCUSSION

PARKING REQUIREMENTS

Dave Anderson stated he is working with a BYU professor about incorporating a parking study into a class curriculum for Spanish Fork City.

The Planning Commission supported the idea of working with the BYU students.

LANDSCAPE REQUIREMENTS

Dave Anderson discussed the draft proposal and explained that work is still needed before the proposal is ready for the Planning Commission's consideration.

Chairman Cardon moved to adjourn meeting at 10:00 p.m.

Adopted: January 4, 2023

Jackson Dille
Planning Intern