

**Adopted Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, Utah
April 12, 2023**

Commission Members Present: Commissioners John Mendenhall, Joseph Earnest, Mike Clayson.

Absent: Chairman Todd Mitchell, Commissioners Shauna Warnick, Michelle Carroll.

Staff Members Present: Dave Anderson, Community Development Director; Brandon Snyder, Senior Planner; Byron Haslam, Staff Engineering; Ana Burgi, Assistant City Attorney; Jackson Dille, Planning Intern.

Citizens Present: Cory Andersen, Dennis Hill, Tara Hill, Kaden Cole, David Simpson, Jerry Carroll, Monte Bingham, Michael Tutton, Linda Feukes, Jeff Vincent, Jayme Powers, Cindy Christensen, Kay Christensen, Niko Hardman, Tim Stephens, Jaime Sanders, Melissa Mills, Jackie Larson.

Before the official meeting began, a group of 7 students from BYU's 510 Professional Planning Studio class shared a presentation on recommendations for improving Spanish Fork City's parking situation. A final report will be turned into staff on April 26th.

WORK SESSION

Commissioner Mendenhall called the meeting to order at 6:32 p.m.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Commissioner Earnest led the pledge.

MINUTES

March 1, 2023

Commissioner Earnest moved to approve the minutes from March 1, 2023.

Commissioner Clayson seconded and the motion passed all in favor.

PRELIMINARY PLAT and ZONE CHANGE (Public Hearing)

CANYON COURT URBAN

Dave Anderson explained the location and history of the site. There has been much discussion about what zone text changes would need to happen if this project were to be approved. The nature of the site is such that it would require a new mixed use zoning district.

Commissioner Earnest asked if this product would be approved as of right in the proposed mixed use zone or if it would require a master planned development even in the mixed use zone.

Dave Anderson said it would still require Master Planned Development approval. He explained that this type of development is becoming more and more common throughout the United States, but has not yet happened in Spanish Fork. Something similar is coming in near the Neighborhood Market Walmart where apartments are near retail.

He gave more detail to the background of the property and how it came to be designated as general commercial and medium density in the General Plan. Development took off here after utilities came into the area through the creation of Maple Mountain High school. This property has been zoned for commercial and medium density since 2008.

Commissioner Earnest asked what the reason at the time was for the commercial zoning.

Dave Anderson said it's because it's on a corridor that is expected to be a major corridor. Development has only grown since then and there is a large appetite for commercial development in the area in the real estate community.

The zoning in the area has not changed, but they have gotten new insight into what is needed to accommodate a box grocer. More parking space was needed in order to accommodate a box grocer, so the City worked with a developer of the adjacent property to allow for more room to build a box grocery store.

He showed the site plan that shows grocery, strip retail, drive throughs, mixed use, and residential buildings. He said the applicant has changed design reflective of staff concerns. Park space has been provided to add more of a neighborhood feel.

Dave Anderson mentioned that retail is finicky. It is nigh impossible to guarantee a user. The developer would like to see a grocery store but is at the mercy of what deal they are able to strike. He addressed the concern that we cannot guarantee users.

Commissioner Earnest asked about the development agreement.

Dave Anderson said there is a contingency plan for the west third of the property if a grocer is not landed. It would develop commercially in a similar fashion to the rest of the commercial site. It's the staff's recommendation that the developer be bound to the set amount of residential in the original plan. They want to put in certain guarantees in case the property is sold.

Commissioner Earnest asked about where on the property the mixed-use zone would be applied. Will part be zoned mixed use and the rest zoned commercial?

Dave Anderson said that is not the plan, but it is an option.

Commissioner Mendenhall said if we consider that option then any future City Council or developer could come back and rezone commercial to residential. If we keep mixed use with a development agreement, we have greater control.

Commissioner Earnest asked if the zone limits the residential component. That is one of his worries.

Dave Anderson said that would come from the development agreement. He mentioned that there are no design guidelines for commercial zones. Today by right with a site Plan Approval this property could be developed with anything permitted in the C-2 zone. He thinks that would be a shame and would leave an odd parcel as a remnant.

Commissioner Earnest asked what the development agreement would say about the western portion to guarantee a grocer.

Dave Anderson said it would refer to a current site plan to show the desired use.

Commissioner Earnest said he likes that plan.

Dave Anderson explained that he sees some value in having a Plan B on the table if the grocery development doesn't happen.

Commissioner Mendenhall asked if there's a time component before Plan B can be implemented.

Commissioner Earnest asked if Plan B is ready to be implemented.

Dave Anderson said probably. They have not vetted that yet. There should be more scrutiny on that.

He mentioned they had a neighborhood meeting a week ago. The reaction was mixed. There were concerns about traffic volumes on 400 North. There is a proposal for a roundabout but there were concerns about that functioning. There were concerns about lighting and landscaping. He said there's no silver bullet on traffic.

Commissioner Earnest asked if the main concern was traffic.

Dave Anderson said that traffic and concern about commercial development were the main concerns.

Commissioner Earnest asked if the concern citizens had other ideas for how someone else's property should be developed.

Dave Anderson said it wasn't the scope of the conversation.

Commissioner Earnest expressed concern about a roundabout slowing down traffic. He expressed support for a designated lane.

Byron Haslam explained the decision about the roundabout.

The public expressed concerns with a roundabout backing up to the trails.

Dave Anderson said there are many options with the right of way. The applicant has taken the lead on working this out with UDOT. There could be a further meeting on traffic here, but this is not the forum for that.

Cory Andersen rose to represent the applicant.

Commissioner Earnest asked about the development agreement and Plan A and Plan B.

Cory Andersen said he can't control the west portion.

Commissioner Earnest asked what he owns.

Cory Andersen said the north, but not the west portion. They are already working on people with building out the other commercial areas. The utility flow could affect what can be done on different sites.

Discussion continued about the lot layout and building size.

Cory Andersen said he's happy with the development agreement limiting the number of units. He would like to be able to start those units now.

Commissioner Mendenhall asked if they would have management and HOA.

Cory Andersen said yes, amenities would be maintained.

Commissioner Earnest asked if they are all for rent.

Cory Andersen said no, they are all for sale. Individual owners could rent if they desire.

Commissioner Earnest asked if they could close on the property to the west if they can develop on the east.

Cory Andersen said they can do anything as long as they can start building residential and are not held to developing commercial first.

Commissioner Mendenhall asked about the condo layout.

Cory Andersen described the layout; these would mostly be for newly married couples. They have been doing this for 10 years and know how to effectively manage.

Commissioner Earnest asked how long until Plan B could start.

Cory Andersen said he's not sure. He's confident that they will not need Plan B.

Commissioner Mendenhall asked if 3 years would work.

Cory Andersen said sure. He has a personal interest in bringing grocers in. He mentioned they have a similar building in Springville. They have shared parking and it works great.

Commissioner Earnest asked if there will be a masonry wall before the train tracks.

Cory Andersen said it's already existing.

Commissioner Earnest asked the height of the residential wall.

Cory Andersen said it's 35 feet. The flat roof keeps it shorter.

Commissioner Earnest said he likes that, it's less ominous.

Cory Andersen mentioned the townhomes to the north are almost as tall.

Commissioner Mendenhall opened the public hearing at 7:25 p.m.

Michael Tutton lives just south of the project. He joked that he had named a tree on the property. He said he would like to see a Plan C in which the back portion of the grocery store could be a continuation of multifamily units if the grocery store does not come in. He thinks mixed use is a good idea. He thinks the grocery store is not needed due to proximity to another one just north. He would like to see an urgent care or doctor's office. He asked if there's an easement for future lane expansion of 400 N. He would like a buffer with trees on the development.

Dennis Hill joked that he lives 501 feet north of the property because he didn't get a notice. He said he is concerned about traffic on 400 North. Turning left from Slant Rd is a nightmare. He asked what are the city's plans to accommodate more traffic in this area. He also expressed concern about the safety of the park proposed to be within the parking lot.

Monty Bingham owns the property west of the project. He missed the notice for the neighborhood meeting because he was out of town. He would like to see the same zoning on his property, his daughter lives on a similar development in Springville and he thinks the mix of uses works really well. He would like a similar development on his property with similar zoning concessions.

Kay Christensen lives towards the tracks by the retention pond. He did not know the property was zoned commercial and recognizes that is his own fault. He would like a landscaping screen or concrete wall to protect the homes on the south. He thinks it would help screen it.

Commissioner Earnest asked how long the wall is now.

Kay Christensen said 6 feet. He is also concerned about the roundabout. He likes the idea of the dedicated left lane with a barrier. He is concerned a roundabout would make the problem worse.

Commissioner Mendenhall closed the public hearing at 7:35 p.m.

Brandon Snyder said a recurring theme in the comments is additional time being taken to consider options of 400 N. He thinks everyone is okay with that and the City is okay with whatever ends up working best.

He said the landscaping screen is not uncommon. Retail is normally not hidden behind a screen wall because it needs visibility. You could potentially do increased tree counts or a hedge fence. Something could be considered on the south. Trees are required to be included at a minimum of 30 feet.

A landowner to the south was looking to do a commercial corner. Sometimes new uses lead to a synergy of new development. If someone wants to change their zoning, they are welcome to make an application but it would be up to the city council to approve that.

Safety in the park could be encouraged by management. This could happen through various things, such as a low fence.

He said multiple options are on the table. If they want to make some tweaks to add more units the text could be changed as well.

Commissioner Earnest asked how staff felt about the setback to the north.

Byron Haslam measured and it was 20 to 26 feet.

Commissioner Earnest said he just wants to make sure the uses are harmonious. He thinks 40 feet and a fence will be adequate.

Commissioner Mendenhall said he would like to table a motion until the next meeting which is 3 weeks away so that more of the Commissioners can participate.

Commissioner Clayson said he agrees that is a good idea, though he does feel bad for delaying the developer.

Commissioner Earnest said the biggest reason for him is to be able to see Plan B fleshed out before it's approved.

Dave Anderson asked if they should advertise a public hearing for the City Council.

Commissioner Earnest said yes. He expanded on requirements he would like to see for the development agreement.

Commissioner Clayson **moved** to continue the Canyon Court Urban based on the following findings and conditions.

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

PRELIMINARY PLAT and ZONE CHANGE (Public Hearing)

WYNDSONG SUBDIVISION

Brandon Snyder explained that this proposal is just to the east of Annie's Acres. The proposal has 19 residential lots and is a Master Planned Development.

Discussion ensued regarding the nearby street, utility and ditch layout.

Commissioner Mendenhall mentioned this involves going from R-R zoning to an R-4 zoning.

Jamie Sanders is the applicant and rose to answer questions. She mentioned they have been working on this for a long time.

Commissioner Mendenhall asked about a spring fed ditch.

Jamie Sanders said the spring has been taken care of in engineering plans, the property will be raised to handle flood hazard.

Commissioner Earnest asked the width of the road.

Melissa Mills stated that they have tried to coordinate with folks to the east to no avail. They will do 50% plus 13' for the road. They did a study for Mill Creek and have taken everything into account. They have worked really hard on this.

Commissioner Mendenhall opened the public hearing at 8:03 p.m.

Jeff Vincent lives on this road and is wondering what will happen with traffic. He wants to know who will patrol the South Lane.

Commissioner Mendenhall asked if Jeff Vincent lives in the City.

Jeff Vincent said he is surrounded by it but does not live in the City.

Commissioner Mendenhall asked about his traffic concerns.

Jeff Vincent said the roads are small and fast and only adding more people.

Commissioner Mendenhall said improvement is only possible through development.

Discussion ensued regarding traffic enforcement on South Lane. It's now city owned, but River Bottoms Road is still a county road.

Commissioner Mendenhall thanked him for sharing his thoughts.

Commissioner Mendenhall closed the public hearing at 8:10 p.m.

Commissioner Earnest asked for confirmation that average lot size is in compliance.

Brandon Snyder confirmed that the lots are in compliance.

Commissioner Earnest **moved** to approve the Wyndsong Subdivision based on the following findings and conditions.

Findings:

1. That the proposal conforms to the City's General Plan Designation.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That no building permits be issued until the Main Street connection to Volunteer Drive is completed.
4. That there be a 6 to 8-foot tall masonry wall constructed on the northern boundary line to preserve the wetlands light sensitivity concern.

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

PRELIMINARY PLAT

MEADOW CREEK RIDGE AMENDED

Brandon Snyder explained the location of the project. The correct zoning is already in place. There are some designated wetlands there but they already have mitigation efforts approved.

Discussion occurred on wetland mitigation.

Lynn Rindlisbacher rose to further explain the wetland problem. Discussion occurred regarding a ditch here.

Commissioner Earnest asked if the site is on landfill.

Lynn Rindlisbacher said there is no landfill on his property.

Commissioner Clayson **moved** to approve the Meadow Creek Ridge Amended based on the following findings and conditions.

Findings:

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 addresses any redlines.

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

PRELIMINARY PLAT

EAGLE HAVEN SUBDIVISION AMENDED

Dave Anderson explained the location and nature of the proposal. The original proposal was done by a different developer.

Jerry Carroll is the applicant. He believes all requirements have been met.

Commissioner Earnest asked staff if it meets requirements.

Dave Anderson said yes.

Commissioner Earnest **moved** to approve the Eagle Haven Subdivision Amended based on the following findings and conditions.

Findings:

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 addresses any redlines.
3. That the applicant complies with the standard setback requirements of the R-1-15 Zone.

4. That the City Council approves a change to the maximum allowed density for master planned developments in the R-1-15 zone.
5. That the applicant provides an updated utility plan that meets the city standards.

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

PRELIMINARY PLAT

HAMILTON COMMERCE CENTER SPANISH FORK PHASE 1

Brandon Snyder explained the site and thanked the applicant for being here again after going to DRC this morning. This morning the DRC recommended a new condition. The site is near recent annexations. There are not many utilities near the site.

Commissioner Mendenhall mentioned that neighboring houses have expressed concern about an egress.

Brandon Snyder explained the additional accesses that would be provided to address this.

Commissioner Earnest asked what the new condition is.

Brandon Snyder said the new condition is that the applicant conforms to applicable requirements of the Oberg and Utah West annexation agreements.

Tim Stephens rose to represent the applicant. He believes there's a lot of potential in the area and he's excited to move forward.

Commissioner Mendenhall asked if they had talked to the neighbors about the adjacent ditch.

Tim Stephens said they're focusing on the southern half first and he's not aware of any conversations about the ditch.

Commissioner Mendenhall said the ditch runs south and they should talk to the canal company about it.

Niko Hardman is a civil engineer and addressed the concern.

Commissioner Earnest said it's straightforward.

Commissioner Clayson **moved** to approve the Hamilton Commerce Center Spanish Fork Phase 1 based on the following findings and conditions.

Findings:

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 addresses any red-lines.
3. That the applicant conforms to applicable requirements of the Oberg and Utah West annexation agreements.

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

PRELIMINARY PLAT

WESTRIDGE BUSINESS PARK

Dave Anderson explained this is a cleanup and will be moved to the next meeting.

Commissioner Earnest recused himself.

Commissioner Clayson **moved** to continue the Westridge Business Park based on the following findings and conditions.

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

ANNEXATION (Public Hearing)

2023.1 ANNEXATION POLICY PLAN AMENDMENT

Dave Anderson explained the proposed changes to the annexation policy plan. He clarified that this is a change to a blueprint, not a specific annexation. He explained why Springville is okay with Spanish Fork annexing the GWC 320 site.

Discussion ensued regarding development and property plans for the surrounding area.

Dave Anderson spoke on what neighboring properties want to be included. Mr. Money wants to be included in the annexation. Springville has concerns with Mr. Money being included in the GWC 320 annexation or annexation policy.

He suggested to either continue the issue or recommend some condition with room for the inclusion for the Money property if an agreement is made with Springville. Either option works.

Commissioner Mendenhall said it makes sense to stop where we are in the West, but it makes sense to fill out the boundary on the east.

Commissioner Mendenhall opened the public hearing at 9:04 p.m.

There was no public comment.

Commissioner Mendenhall closed the public hearing at 9:04 p.m.

Commissioner Earnest **moved** to recommend the approval of the 2023.1 Annexation Policy Plan Amendment to the City Council based on the following findings and conditions.

Findings:

1. That the Springville City Council is not opposed to Spanish Fork's potential annexation of the properties included in the proposed Amendment.
2. That Spanish Fork City is servicing industrial developments adjacent to the area and can potentially serve the area included in the proposed Amendment.
3. That the owners of property included in the proposed Amendment have expressed an interest in annexing to Spanish Fork.
4. That industrial development on this site is in line with Spanish Fork City's General Plan for the surrounding area.
5. That approval of inclusion of property to the east, if Spanish Fork and Springville can come to an agreement on the property.

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

TITLE 15 (Public Hearing)

Title 15 Amendments Proposed Mixed Use Zone

Commissioner Mendenhall said this should be continued so they can have a full commission to discuss the item.

Commissioner Clayson moved to continue the Proposed Mixed Use Zone Amendments to the City Council.

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

TITLE 15 (Public Hearing)

Title 15 Amendments Master Planned Development Density

Commissioner Earnest said he's read the amendments and he's good with them. It's a minor increase.

Commissioner Mendenhall said it's a minor change and he's in favor.

Commissioner Mendenhall opened the public hearing at 9:09 p.m.

There was no public comment.

Commissioner Mendenhall closed the public hearing at 9:09 p.m.

Commissioner Earnest moved to recommend to approve the Master Planned Development Density Amendments to the City Council.

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

Commissioner Warnick arrived to the meeting.

TITLE 15 (Public Hearing)

Title 15 Amendments Master Planned Development Overlay Zone

Dave Anderson explained the proposed changes to the code. It will clarify and refine legal language.

Commissioner Earnest asked if an underlying zone change and master planned development proposal can happen at the same time.

Dave Anderson said they will happen at the same time.

Commissioner Warnick asked what change the commission will see.

Dave Anderson said the commission will see no major changes. This change is semantic and makes things clearer. There have not been problems with the master planned development program but for one time.

Commissioner Mendenhall welcomed Commissioner Warnick to the meeting.

Commissioner Mendenhall opened the public hearing at 9:19 p.m.

Jackie Larsen brought her daughter up to say hi.

Bailey Larsen stated her name.

Jackie Larsen stated a concern with setback requirements and development being too close to farm operations.

Commissioner Mendenhall said this proposal means the City Council can legislate that.

Commissioner Earnest clarified it would apply to underlying zones and setbacks.

Commissioner Mendenhall said the neighbors would have every right to protest a development with setbacks they perceive to be inadequate.

Commissioner Mendenhall closed the public hearing at 9:22 p.m.

Commissioner Earnest moved to approve the Master Planned Development Overlay Zone Amendments to the City Council.

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

Brandon Snyder said there will be training on May 9th with the City Council.

Dave Anderson mentioned the next meeting is on May 3rd. There is a project that might not move forward. The May 3rd meeting may have a light agenda.

Discussion ensued regarding the May 9th training.

Commissioner Warnick moved to adjourn the meeting at 9:25 p.m.

Commissioner Clayson seconded and motion passed all in favor.

Adopted: May 3, 2023

Jackson Dille
Planning Intern