

**Adopted Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, Utah
May 3, 2023**

Commission Members Present: Chairman Todd Mitchell, Commissioners John Mendenhall, Shauna Warnick, Joseph Earnest, Michelle Carroll, Mike Clayson.

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

Citizens Present: Fedes Hill, Cindy Christensen, Kay Christensen, Brent McKell, Randy Cummins, Russ Mayo, Mike Hatch, David Peterson, DeAnne Brown, Chris Dinehart, Jackie Larsen, Cory Andersen, Michael Tutton, Andrew Kelly.

WORK SESSION

Chairman Mitchell called the meeting to order at 6:10 p.m.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Commissioner Clayson led the pledge.

MINUTES

April 12, 2023

Commissioner Warnick moved to approve the minutes from April 12, 2023.

Commissioner Earnest seconded and the motion passed all in favor.

PRELIMINARY PLAT and ZONE CHANGE (Public Hearing)

TRAILS ON MAIN

Commissioner Earnest recused himself from the item.

Dave Anderson explained the location and history of the site. The area is between Main Street and the Spanish Fork River. Parking would be provided underneath the buildings, as well as on surface parking.

There are some concerns with the project. The project exceeds density unless more property is moved out of the floodplain. That could be overcome if desired. Parking comes out to around 1.8 spaces per home. City standards require 2.5 spaces per home.

Commissioner Mitchell asked how many parking spaces they are missing.

Dave Anderson showed a slide displaying the parking totals. The applicant will speak more on it later. Lack of a sewer line is another major reason why staff recommends not approving the project.

Commissioner Mitchell asked what the setback from Main Street was.

Dave Anderson said 25 feet from the right of way.

Commissioner Mitchell asked about the location of a trail on Main Street.

Dave Anderson explained the trail is on the edge of the right-of-way.

Mike Hatch with LAND rose to present. He thanked the Commission for their time, they have spent a lot of time to create a good project. He mentioned several nearby projects where similar products have been approved. The project would include a mix of studio, 1 bedroom, 2 bedrooms, and 3-bedroom units. He explained that this project would include a trailhead for a trail connecting two different city parks. There would be multiple public trail accesses and public restrooms. He compared the work there with what has been done in Boise. He showed a video of a project in Boise that is similar to their vision by combining a residential project with public access to the river. He said he has a passion for what they're trying to do for the project. There is a city mandate to have a park within ½ mile from all residents which is difficult to do with the current budget. As part of this development they would donate 6.2 acres, at an estimated land value of \$3.11 million, to the city. They are also proposing to donate \$1 million to the city for parks improvements. In light of the \$4 million contribution, they are asking for a waiver of the park fee of \$814,000. The Parks Department has said that they support the vision for the park space here.

He showed a table with different parking requirements for different cities. The current requirement of 2.5 spaces per unit is very cumbersome for a project of this nature. He explained the location of the floodway and how that interacts with the project. They are working with FEMA right now to move the buildings 6 feet out of the floodplain. The entrance to the parking garage is two feet above the floodplain to mitigate flooding possibilities. The buildings would be a foot and a half higher than Main Street. They are asking for the City to make an exception to this rule so they can provide park space to the City.

Commissioner Mitchell asked what the overall building height would be.

Mike Hatch said he thinks it will be 45 feet.

Commissioner Mitchell asked who would build the park space.

Mike Hatch said they are negotiable on that. They are open to it, but the Parks Director preferred that they give them the funds for the city itself to do it. They would turn over the land and the million-dollar donation would go towards landscaping the park.

Commissioner Mitchell asked if he understood correctly that the entrance to the parking garage would slope up then go below ground.

Mike Hatch said that was correct.

Commissioner Warnick asked how tall the buildings on the other side of Main Street will be.

Dave Anderson said the projects would be comparable. Both would be four-story flat roof buildings.

Commissioner Mitchell opened the public hearing at 6:43 P.M.

Brett McKell owns property adjacent to the development. The trees that have been discussed and most of the access to the river is actually in his property. The city guaranteed an easement to his property, but there has been no discussion of an easement for the project. No one has approached him about purchasing the property.

Commissioner Mitchell closed the public hearing at 6:47 P.M.

Dave Anderson showed the topography image. He thinks it's possible the parks staff viewed all of the land in that area as part of the project, even though it is not. There are solid boundaries for the project to respect easements.

Commissioner Warnick mentioned her concern about parking. She thinks the density needs to fit zoning and parking requirements. She asked Dave Anderson what the highest density allowed in the General Plan for the area.

Dave Anderson said the equation for density is the number of units divided by the acreage of the land the units are built on. If there are sensitive lands, those lands must be removed from the density calculation. When you don't subtract the land from the floodway, they are at 20 units per acre, which is allowed under the R-4 zone. When you subtract the land that is part of the floodplain, the project's density exceeds 20 units to the acre. That is why the developer has requested an exception to that rule for this site.

Dave Anderson said that they have an obligation to follow City Code and law. An exception cannot be granted, zoning text amendments would be required. They could do a code amendment to allow the density to go higher, but they couldn't just grant an exception. He also mentioned that park impact fees cannot just be waived. Due to state law, they must be fulfilled. In some rare instances, the City could pay those fees for the development.

Commissioner Warnick said she likes the project and loves the vision of tying into the river like Boise. She thinks the timing is bad because the City is redoing their general plan soon and deciding what to do with the River Bottoms. She thinks that they shouldn't allow development before a thorough examination of what land use they want on the River Bottoms.

Commissioner Carroll said that she agrees. She likes the project but is concerned about not meeting city standards on things like parking.

Commissioner Clayson said he agrees. He is particularly concerned about being short on parking for a project that is designed to also park visitors to the river park.

Discussion ensued regarding the potential impact on traffic and availability of parking.

Commissioner Carroll **moved** to recommend denial of the Trails on Main to the City Council based on the following findings.

Findings:

1. That the proposal does not conform to the City's parking requirements.
2. That a plan to provide sanitary sewer service to the subject property has not been finalized.
3. That City staff is not currently prepared to support a proposal that requires a modification of the floodplain.

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

CANYON COURT URBAN

Dave Anderson mentioned that since the last meeting, City staff has met again with nearby residents about their concerns. What's proposed tonight is still preliminary. UDOT approval would be needed for certain things. He explained the history of the site, it has been marked for non-residential development for a long time. Innovative land agreements were needed to ensure sufficient property was available to build a grocery store. He explained the layout and zoning of the site, as well as what is anticipated to develop there. There has been discussion to ensure that what is zoned for commercial space will be held for commercial space.

Commissioner Earnest asked what the process for agreement was.

Dave Anderson explained that it is drafted and then approved by the City Council.

Commissioner Mitchell asked if there would be a timeline in the development agreement to get a grocer in before Plan B kicks in.

Commissioner Warnick said three years seems too short of a time. She appreciates the confidence that a grocer can be provided within three years.

Commissioner Earnest asked what date that three years would be tied to. He thought it would make sense to tie it to groundbreaking.

Dave Anderson said there is value in being explicit now.

Commissioner Mitchell clarified that the zoning would provide certain tools for guaranteeing uses.

Commissioner Earnest clarified that if it is rezoned, certain uses would be permitted by right to staff.

Commissioner Mendenhall asked about the amenity difference between Plan A and Plan B.

Cory Andersen, the applicant, clarified that Plan B was prepared hastily to serve as an example. The amenities would remain as they are in Plan A.

Discussion ensued regarding the commercial lot layout and phasing. The commercial lots will be sold, but the applicant will develop lot 7 as well as the utilities for the whole site. There are already interested parties.

Discussion also ensued regarding the timeline of the agreement before Plan B can kick in.

Commissioner Warnick said she doesn't like that Plan B is more of the same with commercial use. She would like to have something substantial to anchor the area like medical or something else along those lines.

Commissioner Mendenhall said it's a great site for a grocery store. If there's a Plan B, the specifics would be decided later on.

Cory Andersen said they would have to come back to subdivide the lots.

Commissioner Earnest said that wouldn't happen if Plan B is listed as an approved use if Plan A doesn't come to pass within X number of years.

Cory Andersen said to protect the City he wouldn't do that. A grocery store could buy the land for cheaper than multiple lots, so someone could hold it to run out the agreement and then sell multiple lots.

Commissioner Mitchell said he likes the project. He likes Plan A more than Plan B, but expects staff to create a good development agreement. He would like further discussion on the roundabout that will be built in that area.

Discussion ensued regarding traffic circulation and the roundabout.

Commissioner Clayson asked about parking.

Dave Anderson said there will be a cross parking easement for this development. Garages will be available for 60% of the units. Parking demand for residential and retail uses complements perfectly and there will be HOA parking maintenance agreements.

Commissioner Earnest explained how the development agreement could help clean up potential parking issues that could happen within the proposed Mixed-Use Zone.

Discussion ensued regarding the development agreement and its relation to parking.

Fedes Hill asked if more folks can give a comment on Plan B even though there cannot be a public hearing because a notice was not given.

Commissioner Mitchell said that because they have already held a public hearing on this, the next public hearing will be with the City Council.

Commissioner Warnick **moved** to recommend the approval of the Canyon Court Urban to the City Council based on the following findings and conditions.

Findings:

1. That the application 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 the Mixed-Use Zone text amendment be adopted by the City Council to allow for the development to be possible.
4. That the improvements along 400 North that were discussed by the Engineering Department with regard to the design for the islands and roundabouts be incorporated into the plans, and that the developer construct those improvements.
5. Provided that the City Council approves the proposed Mixed-Use Zone, text amendment and proposed Preliminary Plat, that the applicant will enter into a development agreement specific to timing and construction of improvements to the site.
6. That something other than a grocery store would not be considered for a period of five years.

Discussion ensued regarding the best way to phrase condition 6.

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

Dave clarified that the mixed use amendments for title 15 will have a public hearing.

TITLE 15 (Public Hearing)

Title 15 Mixed Use Amendments

Dave Anderson mentioned that this was discussed in the past meeting.

Commissioner Mitchell opened the public hearing at 7:53 P.M.

Michael Tutton lives next to the Canyon Court project. We don't have this type of zoning currently so he wants to know what the hours of operation would be for the commercial properties in the area.

Fedes Hill asked if there is a percentage that needs to be built of residential before commercial can be built. He thinks it is a roll of the dice to allow residential to be built without being tied to commercial being built.

Andrew Kelly lives in Legacy Farms. He is new to the city and country and recognizes he might have a different perspective. He said Commissioner Mendenhall is the only one he has heard mention the need for beautiful developments. He would love to see more beautiful developments but everything being built in the city is beige. He would love to see a food hall come in. He thinks there is too much parking and it is very 1980's thinking. He thinks the City is progressive with trails but the developers are behind the time because everything is too car oriented.

Commissioner Warnick asked about permitted and conditional uses within the zone.

Dave Anderson said there are many uses under the retail umbrella.

Commissioner Earnest said he would be in support of the medical facilities mentioned earlier.

Dave Anderson said that would fall under personal services. Health facilities would be something more like VASA. He said they are open to refining things further on this.

Commissioner Mitchell brought up the hours of operation comment.

Dave Anderson said there are some zones that have had regulations on hours of operation, but that is not part of this proposal.

Commissioner Mitchell asked about the restocking happening in the night.

Commissioner Earnest said the sound ordinance would restrict that.

Dave Anderson said they have flexibility to structure the regulations of this zone as they see fit. He mentioned that adding rules that could deter a grocery store would be counterproductive.

Commissioner Mitchell asked for clarification on residential versus commercial phasing.

Dave Anderson said they have spent a lot of time working that out with the applicant.

Discussion ensued regarding the application of development agreements to the mixed use zone.

Commissioner Earnest asked if the development agreement is silent to an issue would the default zoning be the zone's regulations.

Dave Anderson said that the City is very particular about detail being provided at the time of zone changes.

Discussion ensued regarding mechanisms to enforce expectations on developers.

Commissioner Mitchell closed the public hearing at 8:17 P.M.

Commissioner Earnest moved to recommend to approve the Mixed Use Amendments to the City Council.

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

Commissioner Mendenhall left the meeting.

ANNEXATIONS

GWC 40 ANNEXATION

Brandon Snyder mentioned that there has been a change made to the staff report findings based on the action taken this morning in the DRC meeting. It relates to the zoning of the parcels upon annexation. He referred the Commissioners to finding four.

Jared Morgan represents GWC Capital which owns two of the four parcels. He appreciates the work of staff and thinks that they are on a good trajectory here.

Discussion ensued regarding why the identified properties will remain RR.

Brandon Snyder said a clearer picture will be available before the City Council meeting.

Commissioner Earnest said he is comfortable with the property owner's request.

Commissioner Warnick **moved** to recommend approval of the proposed GWC 40 Annexation based on the following findings:

Findings:

1. That the subject property is located within the City's Annexation Policy Boundary.
2. That the subject property is located within the City's Growth Boundary.
3. That the General Plan Land Use Designation is Industrial.
4. That the proposed I-1 Industrial zoning is appropriate for the subject properties, excluding the Blunck and Sheps Field properties which will be annexed under the RR Rural Residential zone.

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

Earnest recused himself from the next two items.

PRELIMINARY PLAT

WESTRIDGE BUSINESS PARK

Brandon Snyder said this is directly east of the previously discussed annexation. It is just west of Springville and just north of the new waste transfer station site.

Commissioner Mitchell asked about access.

Brandon Snyder said that there has been coordination with UDOT in order to provide access that would meet UDOTs requirements.

Larvin Pollock discussed access to the site. There will be access either way, but it is yet to be determined the exact configuration.

Joseph Earnest rose as the applicant to say that they are comfortable with the Commission requiring the applicants to provide access to the east side of dry creek contingent to Preliminary Plat approval.

Commissioner Warnick asked if that is in the conditions.

Brandon Snyder said the applicant is proposing to replace number three with that proposal.

Commissioner Warnick asked what the development was.

Larvin Pollock said the buildings to the west will be light industrial, while the one to the east would be an office.

Commissioner Mitchell asked about potential improvements to dry creek.

Commissioner Warnick **moved** to approve the Westridge Business Park 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 addresses any redlines.
3. That the applicant conforms to the Dry Creek Drainage Study that is being completed by Spanish Fork City and Springville.
4. That the applicant provides access to the lot east of the creek prior to final plat approval.

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

RIVER MEADOWS COMMERCIAL CENTER

Brandon Snyder explained that this is part of the larger Skye Meadows Subdivision. The current proposal would be north of the proposed multifamily portion of that project. The request tonight is to take the Skye Meadows commercial corner and break it up into a four-lot layout. There may be a Quick Quack car wash on the northeast corner.

Commissioner Mitchell asked about the access for and layout of the potential Quick Quack car wash.

Brandon Snyder showed the current proposal and emphasized that these details would be fleshed out in the Site Plan Approval process.

Commissioner Warnick asked if the four lots are meant to be four businesses.

Brandon Snyder said he wouldn't correlate it that way. There may be multi-tenant buildings.

Joseph Earnest rose as the applicant to say it is currently one big lot and they want to make it into four lots.

Commissioner Warnick asked if there is anything they should know about it.

Joseph Earnest said no, it is zoned C-2.

Commissioner Clayson **moved** to approve the River Meadows Commercial Center Preliminary Plat 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 revises the plat to show the necessary right-of-way dedication to Spanish Fork City for the Arrowhead Trail intersection with Main Street.

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

DISCUSSION

RIVER RUN

Brandon Snyder said they are looking for feedback. This is near the fairgrounds. The applicant wants feedback on the townhome product that's being sold. He showed the nearby Concord product as a comparison. There is concern that it may be repetitive to have the same product repeated everywhere.

He showed more elevations of different parts of the building.

Commissioner Mitchell asked if the side elevation is hardy board.

Brandon Snyder said yes. There is also brick and maybe shingles. The applicant is proposing two different new elevations.

The first has a different roof and porch layout. The second is more similar to the first but still has some differences.

Commissioner Mitchell asked what is changing with the footprint. His concern is that the middle ones will go more into the tight alleyway.

Brandon Snyder said there will be no increase in the size of the alley. They are looking to see if they support the change or want the applicant to go back to the drawing board.

Jake Horan with Keystone construction. Keystone has focused on townhomes for the past 7 to 8 years and seeks to provide a desirable product. One of the changes is to utilize the space better. All the alleyways and utilities are staying in the same position. The floorplans are very similar. The garage depths are a foot deeper to allow for more space for the cars. They adjusted the layout of the stairs.

Commissioner Earnest asked what the livable square footage was before and what it is now and the difference in bedroom count.

Jake Horan said they have added a possible four-bedroom unit.

Commissioner Warnick said that will require more cars for families.

Commissioner Mitchell asked if the first phase is built out.

Jake Horan said they have built this floorplan in American Fork and it's their most popular floor plan.

Commissioner Mitchell asked how the two different exteriors would alternate within the site.

Jake Horan said units facing each other would be the same design but would alternate throughout the site. This will add more texture and interest to the community rather than have the same project.

Commissioner Mitchell said he would love to see the dark brown street side elevation be brick on the first design.

Commissioner Warnick asked if the white brick would work best.

Commissioner Mitchell said yes.

Commissioner Earnest clarified he's only talking about the street facing side.

Commissioner Mitchell said yes. He understands this would be more expensive.

Brandon Snyder said each elevation has two color options.

Jake Horan said the other option would be a dark brick.

Commissioner Earnest asked if they have renderings.

Jake Horan said they don't but can send a picture of the same project in American Fork.

Commissioner Earnest asked how many units.

Jake Horan said they plan on constructing 150 more units in this area.

Commissioner Earnest asked if the floorplan is the same between the two designs.

Jake Horan said yes.

Commissioner Mitchell said he likes the second design.

Jake Horan said they are opening to doing one design but would like to alternate.

Commissioner Earnest agrees.

Commissioner Mitchell said he likes the original design, but is in favor of the mix.

Commissioner Warnick said she likes the mix and the recommendation of adding brick to the ends.

Commissioner Mitchell said he's glad they've taken garage parking into account.

Jake Horan said they want to help with the parking issues and have learned from building thousands of units.

Commissioner Warnick said she'd like to see the allocation of guest parking on the site.

Brandon Snyder said there are some at the ends of the alleys and by the park features.

Commissioner Warnick asked how parking is going in what is already built.

Jake Horan said he's seen the end parking stalls being used.

Commissioner Earnest clarified that the site plan is approved already.

Discussion ensued regarding plans for the clubhouse as well as access for the site.

Jake Horan said they want a beneficial layout.

Commissioner Clayson said he thinks the project looks great.

Brandon Snyder thanked the applicant for their time.

OTHER BUSINESS

Dave Anderson said that this discussion is regarding the Vesta project. They are looking to expand what can be developed residentially. They are looking for new ways to fund what would be an expensive connection through powerhouse road. He said industrial use does not fit there today, but large facilities have been built in the 1990's.

Commissioners Mitchell and Warnick adamantly expressed that single family homes need to be included on this site because the site has good views.

Commissioner Clayson said he thought single family was not included because the road connection wouldn't pencil without high density.

Commissioner Carroll suggested putting single family on residential B and higher density on residential A.

Dave Anderson recapped by saying the Commission wants single family homes on residential B, and would be okay with higher density on residential A.

Commissioner Mitchell said he wanted the higher density to not have many stories.

Commissioner Warnick said she would be alright with smaller lots for single family homes. They would be nice but not require a full yard.

Dave Anderson said he feels they are getting comfortable with less industrial land on the site.

Commissioner Earnest said he has discomfort with the residences sharing access with the industrial zone. At that point the uses don't make sense together for him.

Commissioner Mitchell asked if residential B is all one lot that is currently zoned industrial.

Dave Anderson said yes. He believes the developer is wanting to respect the City's desires to develop nonresidential uses.

Commissioner Carroll said to not come back with townhouses on residential B.

Commissioner Clayson said the road there already backs up and more homes would make it worse.

Commissioner Earnest said he is a soft no on residential A, the commission is a hard no on the current plan for residential B.

Discussion ensued regarding the examples provided.

Dave Anderson thanked the Commission for their time.

Discussion ensued regarding the joint meeting on Tuesday May 9th.

Commissioner Warnick moved to adjourn the meeting at 9:43 P.M.

Commissioner Clayson seconded and motion passed all in favor.

Adopted: June 7, 2023

Jackson Dille
Planning Intern