

Adopted Minutes
Spanish Fork City Planning Commission
80 South Main Street
Spanish Fork, Utah
August 2, 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.

Citizens Present: Jeremy Draper, Jessica Tuttle, Jo Ryan, Tom Worthen, Tyler Heran, Brad Gordman, Matt Loveland.

WORK SESSION

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

PRELIMINARY ACTIVITIES

Pledge of Allegiance
Commissioner Earnest led the pledge.

MINUTES

July 5, 2023

Commissioner Earnest **moved** to approve the minutes from July 5, 2023.

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

DEVELOPMENT AGREEMENT (Public Hearing)

WASATCH PALLET DEVELOPMENT AGREEMENT

Dave Anderson gave a brief explanation of the development agreement and stated this will be going for City Council action soon.

Commissioner Mitchell asked for the deviations to be described.

Dave Anderson stated the three items are parking lot landscaping including parking islands and landscaping trees in the islands, having exterior walls stained on both sides, and he stated there are a couple other minor landscaping issues as well.

Commissioner Mitchell asked the applicant for the reason for deviation from the requirements.

Tom Worthen, who is representing Wasatch Pallet, gave the following reasons for wanting to deviate from the City Code. He stated it is from a maintenance standpoint. He stated he has a large snow plow, and that the landscaping islands become a nuisance during winter. He stated his employees consistently hit the landscaping islands as well and he feels it is just hard for larger vehicles to maneuver around them. He feels overall that it is a safety concern.

Commissioner Mitchell asked the applicant if they just have employees or if there are patrons that visit the site?

Tom Worthen stated there is no walking traffic, just employees. He states that he is not a retail location, strictly industrial.

Commissioner Earnest asked Dave Anderson what are the other minor landscaping items he was referring to earlier.

Dave Anderson stated it is less plant material than the City standard requires. He stated there has not been a direct count of trees at this point, but he stated there are fewer trees and less shrubs than is required.

Commissioner Warnick asked what would be the standard then be for all applicants if this exception was given to Wasatch Pallet?

Dave Anderson stated this is something that needs to be considered with the recommendation tonight. He stated as a general rule, the City does not like to treat parties differently and give exceptions to any applicant. He stated the City wants to be able to provide equal protection for all things as the City administers regulations uniformly. He states the property is zoned I-2.

Commissioner Mitchell stated the property is surrounded by trees and fencing, and as a neighbor looking in, the property is very well screened.

Commissioner Warnick asked what is the reasoning for the wall staining requirements? She wonders if it's related to the looks alone or if it serves the purpose of sealing in the stain to help wear and tear.

Dave Anderson stated that it is easier to remove graffiti if the concrete is sealed. But he also stated that it is partly aesthetic as well to keep a certain look.

Commissioner Mendenhall stated he can see the applicant's side and how the planter islands can interfere with certain larger vehicles and emergency services trying to maneuver throughout the parking lot. But he stated that he also sees the City's side of the reasoning for these standards. He feels that if this is passed with the City Council, that more and more applicants will want this exception as well.

Chairman Mitchell opened the public hearing at 6:14 pm.

There was no public comment.

Chairman Mitchell closed the public hearing at 6:14 pm.

Commissioner Earnest **moved** to approve the Wasatch Pallet Development Agreement based on the following findings and conditions.

Findings:

1. That the boundary line agreement and grantor issue with Utah County be resolved.

Conditions:

1. That the boundary line agreement and grantor issue with Utah County be resolved.

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

TITLE 15 (Public Hearing)

NOTICE OF PIONEERING INTENT

Dave Anderson stated the City has a mechanism that allows developers that install infrastructure that help support the development of other properties, to get reimbursed for delivering utilities and facilities to another area that otherwise might not get that development. He then gave a brief explanation of how the process works and what makes them enforceable. He stated this is an effort to make things more clear and fair for all those involved. He stated if the Commissioners wish to take a deeper look into the process, he suggested continuing this agenda item to a later date so that staff can take additional time to review the process and become more familiar with it.

Byron Haslam stated more specifically, this change to the Title 15 is discussing the inclusion of requiring developers to now fill out a notice of intent prior to the start of development or when they are intending to do a pioneering agreement. This gives clear language that they are now required to fill out the notice of intent before they start construction.

Commissioner Earnest asked if developers are still able to do a pioneering agreement if they fail to fill out the notice of intent prior to the start of construction.

Byron Haslam stated that no, the language does not specifically state this. And he agrees that going back to amend this language to include this is needed as the current language precludes this. He stated that it's intended to be that if the developer does not complete the notice of intent prior to the start of construction, they would not be able to obtain a pioneering agreement for reimbursement. He states this also states that the notice needs to be recorded and signed by the Public Works Director.

Commissioner Warnick asked if the pioneering agreement was filed before or after the development was finished and it was stated that it should be filed after as that is the only way to know the cost.

Commissioner Earnest stated that the reason this ordinance is filed prior is that it is a notice of intent. He feels the sooner you put something on notice, the more fair you are being to those involved.

There was discussion regarding the process Spanish Fork has for this.

Commissioner Mitchell asked Dave Anderson if he is suggesting this be continued or if he is recommending approval?

Dave Anderson stated he has had discussion on this with the City Attorney and moving this forward as soon as possible. He also stated that this is a change to the City code and that it should be considered thoroughly.

Commissioner Mendenhall does not have anything to add.

Commissioner Mitchell agrees with Commissioner Mendenhall, that he also does not have anything to change.

Commissioner Warnick feels comfortable with recommending this approval to the City Council.

Commissioner Earnest also feels comfortable with this being approved.

Chairman Mitchell opened the public hearing at 6:26 pm

Tyler Heran stated he is here for an unrelated item, but states that with Pioneering Agreements, the state is unclear about how enforceable they actually are. He feels that this uncertainty then falls back to the City. He feels that clear and concise language would be beneficial to the developers.

Commissioner Mendenhall asked if he is in favor of how the language is currently written.

Tyler Heran stated yes, he is in favor of how this proposal is written and feels this is a helpful modification for developers. He acknowledges that each municipality is different with that regard and having it spelled out that Spanish Fork requires this prior to the pioneering agreement helps clear any confusion.

Commissioner Earnest feels this is ready to move forward and agrees with Mr. Heran.

Chairman Mitchell closed the public hearing at 6:28 pm

Commissioner Warnick moved to recommend to approve the Notice of Pioneering Intent Amendments to the City Council.

Commissioner Clayson seconded and the motion passed all in favor.

CONCEPT REVIEW

THOMPSON THRIFT RESIDENTIAL - CANYON CREEK PARKWAY

Dave Anderson stated the last two items on the agenda are concept reviews. He stated he is going to turn this over to the applicants. He stated there were good conversations with the Development Review Committee. He is very anxious to hear the feedback from the commissioners on this proposal.

Commissioner Mitchell stated he wants to be mindful of the Commissioner's time. He asked the applicants to please keep the discussions brief.

Jo Ryan, who is representing Thompson Thrift, introduced her associates, and then gave a brief history of Thompson Thrift. She stated they started doing residential developments in 2008 and they build and manage all their communities. She stated their mission is to positively impact the neighboring communities and stated they work with non-profit organizations to help serve the communities as well. She said their pull to Spanish Fork is how fast it is growing. She then went through the criteria of the areas where they have chosen to build and she stated that Spanish Fork meets this criteria. She stated they are very concerned with the community outlook and

stated they have received many awards for the communities they have developed. She stated their communities have a very low turnover and that residents tend to want to stay long term in these developments. She stated one item she wants to touch on is the City's parking requirements. She stated they have never seen such a high parking requirement. She stated Thompson Thrift typically provides one parking stall per room in each unit. She stated they have reviewed the parking study that was performed by the BYU students that Dave Anderson has provided to them.

Jessica Tuttle stated she has been in contact with Dave Anderson and she feels that he is an excellent City Planner. She stated they have reviewed the parking study that was provided to them. She then described some of the amenities that they have added to their design. She stated they are very confident that their proposed parking plan will work, as on all their other properties this 1.8 plan has been proven to be successful without any problems. She stated they manage their own parking lots themselves and they do not want a parking problem either. She stated they do not allow any recreational vehicle parking on the site. She stated their concern is that adding the additional parking stalls will result in losing valuable green space to provide those additional amenities to their residents. She stated that if they built with their proposed parking plan of 1.8 spaces, and if it proved to be insufficient to the needs of the development, they do have the area to the north east corner of the development as a backup area they can build an additional parking lot. But she feels that this won't be necessary but it will help add to the parking count on site.

Commissioner Earnest asked if the portion of the development that doesn't include this excess site, is showing with the parking count of 1.8 and it was stated that yes, this design features the parking count at 1.8. He then asked if they are meeting the requirements of the R-4 Zone as it pertains to amenities?

Jessica Tuttle stated that she was unsure of that but states that they are willing to go above and beyond with onsite amenities. But she is very confident that they can meet the amenity requirements for the R-4 zone. She stated they meet the public road requirement, but that they did not add a public road down the center of the design as it took away valuable green space for the amenities.

Commissioner Earnest calls back to an earlier comment from Jo Ryan that these developments are not successful with less than 1 parking stalls per bedroom, he then asks if they wouldn't be just as successful with more parking stalls?

Jessica Tuttle states that they do not want to add more parking spaces to the design as it would detract from the open space available for their amenities.

Commissioner Earnest understands their desire to not have additional unneeded parking space and would like to come to a middle ground where the appropriate amount of parking can be agreed upon. He feels this is a great design and location and he appreciates what the developers are trying to bring to the City.

Commissioner Warnick asked if they have encountered any parking issues with guest parking.

Jessica Tuttle stated the 1 per bedroom includes guest parking.

Commissioner Warner then asked if there are any designated spaces for those guests.

Jessica Tuttle stated that no, they do not have designated spaces to each unit. She stated that historically they have gated their communities due to the public roads, but she stated that with the 1 per bed ratio, there should be parking available for guests.

Commissioner Warnick asked if the residents will have assigned parking spaces.

Jessica Tuttle stated that no, they do not have assigned parking at this point and if the need arose to build and use the additional parking lot in the north east corner, then they would revisit assigned parking spaces for residents. She stated that with the 1 per bedroom ratio, each build should have enough spaces to accommodate the residents and guests.

There was a discussion regarding the mix of bedroom numbers and if those guest parking numbers may be skewed with the variation of bedroom numbers.

Commissioner Mendenhall stated that Utah County as a whole, has a culture that invites family and friends into homes quite often and he feels that they will want to reconfigure to allow for the guest parking to be more accessible to those residents so that guests are not forced to park further away from the resident they are visiting.

Commissioner Earnest stated the BYU students that performed the study came back with the potential need for more parking.

Commissioner Mitchell stated that the City has spent years studying the parking needs of the community and they are confident of what is needed and he personally is not in favor of lowering the parking requirements at this time. He just wants his stance to be known.

Jessica Tuttle understands his stance. She stated that they are initially proposing to build their design with the 1 per bedroom ratio and evaluate if additional parking is needed, then they can build the additional parking lot.

Commissioner Earnest feels this is a terrible position to place the City in.

Jessica Tuttle stated that if they added the additional parking, it takes away the space available for amenities. She stated the draw for their communities are the open private yards, but if they have to provide detached garages it takes away.

There was discussion that part of the culture of Spanish Fork is that residents typically own larger trucks and ATV's and with that there is the need for the additional parking. It was stated this is something that developers have had trouble understanding the reasoning behind this requirement. It was asked if the product is 3 or 4-story and it was stated this is a 3-story product.

Commissioner Earnest stated they should go with the 4-story product and Jessica Tuttle stated it is much more expensive to go with the 4-story product and they are trying to provide a more affordable product to the residents.

Commissioner Earnest asked if they are able to provide the cost of rent difference to the residents, going from a 3-story to a 4-story product.

Jessica Tuttle stated she does not have that information available right now but she will be able to provide that information later.

Commissioner Earnest suggested the applicants configure their design to conform with the R-4 Zone and resubmit those designs for further review.

Commissioner Mitchell stated his opinion is the same as Commissioner Earnests and would like the applicants to redesign to conform with the R-4 zoning requirements.

Commissioner Warnick agrees that this would be the best course of action. She does like that the applicant does manage and enforce the parking of their developments.

Dave Anderson stated there is a reluctance on the part of staff and City Administration. He stated if the city can conduct a study of the 2.5 parking space per unit requirement. He feels this is something that the City is not going to change their stance on. He appreciates the proposal that applicants have brought forward and the location, but states it is unfortunate that the design cannot meet the parking requirements for the R-4 zone.

CONCEPT REVIEW

PETERSON PROPERTY CONCEPT

Brandon Snyder presented the revised proposal and stated this has come to the Planning Commissioners previously. He then gave the location of the property and a

brief description of the changes that were made on the revised plans. He stated this was presented to the Development Review Committee earlier today, and stated they are seeking to get the feedback from the Planning Commission. .

Commissioner Earnest asked what the zoning of the proposal is and it was stated it is R-3. He then asked if this meets the requirements of the R-3 Zone and it was stated that yes it does meet the requirements of the zone.

Matt Loveland, who is representing Whitehorse Developers, gave a brief explanation of the proposal and stated he wants to explore a couple points with the Commissioners. He stated there are a few items he wished to discuss with the Planning Commissioners.

Commissioner Earnest asked if they designed the layout and it was stated that yes, they designed it. He then asked what the acreage is of the property and it was stated the acreage is 18.21.

Matt Loveland stated they are exceeding parking requirements and are under the 12 units per acre zoning requirement. He stated they are here to gather intel from the Commissioners. He presented the previous design and the revised design they are bringing today. He stated they are looking for answers to three things. He stated they are providing adequate parking for guests as well. He stated they will be policing these guest parking spaces through their HOA and will not be allowing 24-hour parking or hobby car parking allowed with this development.

Commissioner Mendenhall asked if the applicants will phase this development and it was stated this will likely be completed in 2 phases. He stated there is a possibility of the need for three phases to completion, but they are looking to be completed in two phases.

Commissioner Warnick stated she likes that the redesign removed the barrack styled units.

Matt Loveland agreed and stated they are more in favor of the 3-story units over the previous design.

Commissioner Mendenhall stated he likes the color scheme of the design and stated the updated architecture is a better look. He encouraged the applicants to use more variety in the color schemes.

Commissioner Mitchell feels this design meets all the requirements of the R-4 zone and the parking requirements as well. He is in favor of this proposal.

Matt Loveland asked if it is a fair assumption to say that Commissioner Mendenhall is saying he wants a more colorful design and it was stated that yes this is a fair assumption.

Commissioner Mendenhall asked the City staff if there are any reasons that the City would have access to the parking lot or that the parking lot would have access through the neighborhood.

Brandon Snyder wanted to clarify that this is not a parking lot, that it is an east-west road to the north of the development.

Commissioner Warnick stated if the units do not have driveways there will need to be additional parking stalls for the visitors.

Matt Loveland stated this is something they can add.

Commissioner Mendenhall is in favor of this design.

DISCUSSION

Dave Anderson wanted to discuss dates for a field trip for the commissioners.

Commissioner Mitchell asked if the original plan was for August 30th.

Commissioner Warnick stated she will be unavailable for that date.

Several dates were discussed and it was decided that the 31st of August would work.

Dave Anderson stated that he would like to start at 5 p.m. He stated it will be about four hours.

Commissioner Clayson moved to adjourn the meeting at 7:50 p.m.

Adopted: October 4, 2023

Kasey Woodard
Community Development
Division Secretary