



**NOTICE OF MEETING AND AGENDA  
PLANNING COMMISSION  
MARCH 26, 2024 AT 7:00 P.M.**  
City Council Chambers  
110 South Main Street  
Springville, Utah 84663

The agenda will be as follows:

**Call to Order**

- Approval of the Agenda
- Approval of Minutes: March 12, 2024

**Consent Agenda**

*The Consent Agenda includes items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. If there are no objections or comments, the item(s) will pass without further consideration.*

**Administrative Session**

- 1) Discussion of options to address Western Paving's request continued from the March 12<sup>th</sup> meeting.

**Legislative Session – Public Hearing**

- 1) Western Paving Inc. requests an amendment of the Official Zone Map to apply the Materials Processing and Storage to parcels 26:054:0080, 26:054:0063, and 26:055:0098, consisting of 13.6 acres, located to the rear of the existing Western Paving operation at 2021 South State Street.  
-Josh Yost [jyost@springville.org](mailto:jyost@springville.org) 801-489-2705

**Adjournment**

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE

This meeting was noticed in compliance with Utah Code 52-4-202 on March 22, 2024. Agendas and minutes are accessible through the Springville City website at [www.springville.org/agendas-minutes](http://www.springville.org/agendas-minutes). Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html). Email subscriptions to Utah Public Meeting Notices are available through their website.

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.



**MINUTES**  
Planning Commission  
Regular Session  
Tuesday, March 12, 2024

**IN ATTENDANCE**

**Commissioners Present:** Chair Karen Ellingson, Genevieve Baker, Rod Parker, Ann Anderson, Ralph Calder and Brett Nelson

**Commissioners Excused:** Michael Farrer

**City Staff:** Josh Yost, Community Development Director  
Heather Goins, Executive Assistant

**City Council:** Jake Smith

**CALL TO ORDER**

Vice Chair Baker called the meeting to order at 7:03 p.m.

**APPROVAL OF THE AGENDA**

Commissioner Nelson moved to approve the agenda as written. Commissioner Calder seconded the motion. The vote to approve the agenda was unanimous.

**APPROVAL OF THE MINUTES**

*February 13, 2024*

Commissioner Anderson moved to approve the February 13, 2024 meeting minutes. Commissioner Calder seconded the motion. The vote to approve the meeting minutes was unanimous.

**CONSENT AGENDA**

*No Items*

**ADMINISTRATIVE SESSION**

*No Items*

**LEGISLATIVE SESSION:**

- 1) *Western Paving Inc. requests an amendment of the Official Zone Map to apply the Materials Processing and Storage to parcels 26:054:0080, 26:054:0063, and 26:055:0098, consisting of 13.6 acres, located to the rear of the existing Western Paving operation at 2021 South State Street.*

Josh Yost, Community Development Director, presented. He showed the area in question for this item.

- 1- Does the request meet the requirements of the Materials Processing and Storage overlay, and

50 2- Does the request comply with the Dry Creek Community Plan which is the  
51 adopted plan for the area.  
52

53 He said he is not addressing whether the existing site is in compliance with adopted  
54 operating regulations, if the neighbors are being impacted by the existing use and if the  
55 existing use of the company itself good or bad generally. He recognized these are  
56 legitimate questions. The perspective of Staff the questions of whether it complies with  
57 the requirements of the zone and it complies with the plan are the first questions. If the  
58 Planning Commission wants to analyze changing the plan to accommodate this use,  
59 then that is where the conversation of the use on its own merits would come into play.  
60

61 Commissioner Nelson asked why he is not addressing the first questions. Director Yost  
62 said it is because we don't have purview here. This is a zoning enforcement issue. Staff  
63 perspective is we don't need to discuss whether it is good or bad or impacting until we  
64 decide whether it meets the plan or not.  
65

66 Commissioner Nelson asked if we have no data on that. Director Yost said the Storm  
67 Water Protection Coordinator said on 1 or 2 random site visits they were in compliance.  
68 We have not gathered substantial data on this nor have we done as good of a job as we  
69 could have in monitoring and verifying compliance. Commissioner Calder added that is  
70 mostly State regulated. Director Yost agreed.  
71

72 5:34 This is an objective question as to whether this meets the plan. There is no  
73 inherent agenda or opinion on behalf of staff as to the operation itself or the operators of  
74 the business.  
75

76 He gave a history using aerial photos of the property starting in 1993. It starts out as  
77 mostly green field. In the past decade, the operations have expanded. In 2019 the MPS  
78 overlay was amended. Operation have expanded to the rear of the property in 2023.  
79 That additional property is not zoned for materials processing and storage, so the  
80 applicant requested a zone map amendment to apply the MPS overlay. The decisions  
81 we make will have impacts.  
82

83 As we view the Dry Creek Plan as a future plan, it comes quickly. The purpose of  
84 planning is to prepare for an updated future in terms of the MPS Overlay.  
85

86 MSPO adopted in Dec 2019  
87 Zone Map Amended Feb 2020

88 It was specifically implemented to accommodate a non-permitted use that was  
89 already occurring. The applicant then expanded their use as we see in the aerials. The  
90 additional property is not zoned for MPS and so the applicant requested a zone map  
91 amendment to apply the MPSO.  
92

93 Does the property meet the requirements for the MPSO.

94 9:13 The MSPO can only be applied within LIM zone east of 950 W, south of 1600 S  
95 and west of SR 51. From a staff perspective, we should remove the MPSO ordinance  
96 from the code for reasons you will see later.  
97

98 The procedure for applying the zone overlay is the same as amending the zoning map

99 Each parcel shall have frontage on and direct access to a major arterial road. In it's  
100 current condition it does not comply with the Dry Creek Plan.

101  
102 Does it comply with the DC Community Plan?

103 The plan is adopted policy and vision of the CC.

104  
105 The future map of the DCAP. (A=Area) The property includes a lot of future land use  
106 districts.

107  
108 DCCP designated subject property as Town Center Place Type  
109 Allows for a range of uses like a village center core that tapers into residential and the  
110 land use district civic uses.

111  
112 Applies the following land use districts  
113 Housing: Medium-High, Medium and Medium-Low

114  
115 Commissioner Nelson asked what the current zoning is. Director Yost said it is LIM. He  
116 explained there isn't a LIM or HIM use in this proposed area plan. Office warehouse and  
117 manufacturing in closed buildings is not allowed. There is no provision in the plan to  
118 permit the requested rezone.

119  
120 10:30 Does the request comply with the Dry Creek Community Plan? The plan is the  
121 adopted policy and vision of the City Council.

122 Not included in the general place types  
123 Not permitted within any land use district  
124 Incompatible with the proposed plan generally.

125  
126 Alternatives  
127 If interested in accommodating the request, we would have to change the DCCP. The  
128 risks are it negatively impacting public trust to make a change in this newly adopted plan  
129 so quickly. Also, to private investment of those who are planning to improve their  
130 property with the plan.

131  
132 Staff recommends denial as it doesn't meet the new plan.

133  
134 16:12 Commissioner Nelson asked about the MSPO removed. Director Yost said we are  
135 not doing that tonight. We aren't changing zoning currently. Commissioner Nelson  
136 asked if the city can come in and change the zone. Director Yost said zones change all  
137 the time, but we can't change the use. Commissioner Nelson said they can continue to  
138 do the business they are doing now as a grandfathered use. Director Yost said yes, we  
139 can't take away their land use right to use their property in a way that has been  
140 approved.

141  
142 17:59 Vice Chair Baker invited the applicant to speak. Ben Shepherd Vice President of  
143 Western Paving spoke. He said that was hard to hear. They have 200 employees.  
144 Springville has been our home for business. More than 50 employees are Springville  
145 residents. He lives in Mapleton but spends his money at Reams, etc. It's important for  
146 the Dry Creek Property to grow, it's valuable. As for us not being compliant with our  
147 neighbors, we are willing to have a friendship. He talked about recycling of materials,  
148 and with the interchange project happening, there will be a lot of concrete and asphalt

149 and we will use the aggregate in projects here and all around the area. He wants this to  
150 be approved. This is a key to business for us. It was interesting seeing the maps. It  
151 looked like improvement and growth.

152

153 21:35 Brent Sumsion

154 He did the proposal for the overlay and his son owns the facility. Western Paving Inc has  
155 a lot of infrastructure, development capability, utility adjustments, concrete carbon  
156 gutter, slip forming, demolition and volumetric concrete mixing. A lot of that is used to  
157 repair the freeway. They added underground electrical. As part of the required  
158 improvements, they added the barrier fence and landscaping adjacent to SR 51. They  
159 built a shop and office that is a \$3 million improvement and expansion. He showed  
160 some photos of the current site. The water table is extremely high on the property. They  
161 dug a test hole. The ground water is within inches of the ground's surface. Western  
162 Paving needs this additional 14 acres for the enlargement of the business. The nearest  
163 facility is in Payson and they charge more money. WPI provides competitive products  
164 and services. They provide 200 high paying jobs with insurance and retirement benefits.

165

166 Karen arrived at 7:30 p.m.

167

168 They pay sales tax on revenues from the material and product sales that help support  
169 the city revenues. The additional overlay area enables WPI to move stockpiling further  
170 from out of sight of the neighbors and traveling public, which diminishes the noise.

171

172 Mr. Sumsion feels industrial zoning is the highest and best use of this land because the  
173 heavy clay soil and high-water table is not conducive to residential construction. To build  
174 residences, they will need to bring in a lot of topsoil. We are always looking for industrial  
175 land in Utah and Salt Lake County. It costs 1.5 million an acre in Salt Lake County. In  
176 Utah County, land is .5 billion an acre. Increases the property value and gives property  
177 taxes to the city. There are benefits to the city. Western Paving is an asset to the  
178 community and he feels the City should support their need for additional property.

179

180 Commissioner Nelson moved to open the Public Hearing. Commissioner Parker  
181 seconded. The public hearing was opened at 7:37 p.m.

182

183 34:30 Tim Parker

184 2310 S State

185 Has been a resident for 34 years. He is glad to speak for his household. In past  
186 meetings in 2020 he presented a signed petition of 50 signatures in opposition to the  
187 MPS operations to the City Council. Since those efforts were met with lack of attention.  
188 He feels they would still be opposed to these requests. The Dry Creek Plan is already  
189 approved by the City Council. There have been changes in City Council and the  
190 Planning Commission. He is bringing this to their attention. MPS codes demands  
191 stockpiles cannot exceed 20 feet in height. This is violated almost from the beginning of  
192 the approval. The material restrictions have been abused as well. Stored material must  
193 not emit dust, dirt, etc. This is an impossible feat. In windy events, it blows into his back  
194 yard. There is dust all over their campers. A private street sweeper is sent out. It is  
195 grossly inadequate. The silica dust plan needed to be addressed. OSHA's list is long,  
196 but it is a carcinogen and can cause tuberculosis. Storage of the finished product said it  
197 had to be moved 1000 feet, John Penrod said it can be 600 feet but can be moved back  
198 to 1000 feet if there is a violation. He wants that to happen as he feels they have not met

199 that requirement. His observation of buffer violations using SAT images, Chair Ellingson  
200 interrupted and said we can't make action on anything about the use. He said OK.  
201 Every inch of the property is filled with crushed concrete. He has many pictures and  
202 videos of this. It is on the North side of his property. Area now falls under the DCP and  
203 there is no sewer. We want to make this commercial area as is planned. The water  
204 table, his house has been the 100 years. WPI covered a spring that has been there  
205 forever and dug in wetlands.

206

207 Phil Hansen  
208 2325 S State

209 South of WP on the East side. He is here tonight to find out some details. Mr. Yost was  
210 helpful with his comments. He opposed the zoning overlay 3 years ago. He is not here  
211 to cause any harm or damage to the Sumsion's. They are good people and he doesn't  
212 want them to see any hardship on their business. He doesn't want his property to be  
213 devalued. He has health concerns and property devaluation. He has a layman's  
214 knowledge of crushing. He hauled from the crusher as a child. The silica is definitely a  
215 consideration for health. The older people that aren't here are from that area. He doesn't  
216 want to see their business not grow. But the Chamber of Commerce should visit the  
217 plant. Water usage. When seen, then we can make an unbiased opinion of the  
218 business. The dust that comes up at night, He has photos of dust clouds coming from  
219 there. He doesn't want his and his neighbors property. He'd like more clarification on the  
220 overlay ordinance. What is the dust doing to the farm animals? The crushed concrete is  
221 a great way to recycle it. He would like a happy result for everyone. This shouldn't be a  
222 rushed decision. He would like to submit some of his concerns.

223

224 Daniel Sumsion  
225 2120 S State

226 Western Paving was established by his grandfather in 1964. He has been glad to take  
227 over in the last 20 years. There are many projects that he is proud of. We love being in  
228 this town. We are happy to do show and tell for any that would love to come down and  
229 show our operation. There is very little dust and noise coming from it. The law and  
230 ordinance is 600 feet from a residence. It is 1000 ft without a business license and 600  
231 feet with a business license and we have one. More out of sight out of mind. Please  
232 come see how we run. This is an asset to the DC Community. A lot of materials are  
233 coming from Grantsville Ut and are getting more expensive.

234

235 Commissioner Calder asked if they have a dust plan with the state. He said yes. The city  
236 and the state does the air quality inspections. We recently built a track out that rivals any  
237 he had ever seen. At the request of the Springville Waste Water manager, we built a  
238 nice track out. Commissioner Anderson asked before the dirt was moved, it was on top  
239 of the hill closer to the road. It is off a shelf. Ann just wanted to make sure it was  
240 originally off the highway. He said we have zoning to operate there. We put water in  
241 everything. The ponds are used for irrigation. We love our neighbors over there.  
242 Commissioner Calder asked if it is wetlands. We have documentation that it isn't.  
243 Commissioner Baker asked if there are contingency plans if there are homes are there.  
244 He imagines there is a day that we are not welcome and we will look at it then.

245

246 Commissioner Parker said that there was an operation in Portland that was in the center  
247 of homes and you couldn't hear it operating from their backyards. We are on the UDOT  
248 procurement plan, one of 4. We are one of 2 contractors that can show up on I-15 and

249 have lanes open at 5 am. The public doesn't notice it happens. Being further away  
250 makes it more difficult.

251  
252 Scott Sumsion  
253 1833 E 200 S

254 He asked why the city supports green waste recycling. He feels it is obvious that the  
255 leaders have deemed that a valuable resource. It is valuable to the community. It  
256 doesn't come without some issues. It is a significant cost to the city and doesn't bring in  
257 a lot of money. With City roads around, you can economically get it recycled and re-  
258 used. He did some checking and the green waste is 1000 feet from residences. Not  
259 something we can speak to. We feel like with the development of the Dry Creek  
260 community, will the city respect the same 1000 feet buffer zone from our established  
261 zoning, with ongoing development. If the City is confident, we can be a good neighbor.  
262 As has been noted the 2 residential recycling can co-exist peacefully.

263  
264  
265 Commissioner Baker moved to close the Public Hearing. Commissioner Anderson  
266 seconded. The public hearing was closed at 8:08 p.m.

267  
268 Commissioner Parker said it is more conducive to where the crusher has been moved  
269 and there is sound barrier put in, with or without the ordinance change. It is more out of  
270 sight from the public. Rick has a property and water runs freely. There is agriculture next  
271 to it with a couple of cows. If this is allowed to be changed, the problem will take care of  
272 itself down the road. By the time we get homes and businesses in there. Commissioner  
273 Nelson asked how far out these plans will come about. Director Yost said he met with a  
274 developer and architect planner that is working with the property owner to the West and  
275 are waiting for the plan to be adopted so we can get the zoning on board. It is as  
276 imminent as getting the zoning on the ground and construction can advance.  
277 Commissioner Parker said they are putting in the new interchange. It will be in 2027  
278 now. Nicklecade has come down and they are working on the frontage road alignments.

279  
280 Commissioner Baker said regardless of if it is good or bad, her concern is how it will  
281 affect the City Council's approved plan. Any overlay we approve would be able to stay  
282 there. In moving it down the hill, it moves away from residences and SR 51 but it is  
283 moving it into the plan map. Medium high housing, housing medium and med-low. That  
284 is people having houses right up next to that. Thinking of Ironton and the quarry and  
285 there are signs saying this is happening. This isn't the vision for the area when the City  
286 Council approved.

287  
288 Commissioner Anderson said this is the best use for that property. She used to own a  
289 home by the railroad tracks and she knew that there would be train noise. Like that  
290 example, those that choose to live there will know what they are choosing to live by.

291  
292 Commissioner Nelson asked if the requirement is 1000 feet or 600 feet. Director Yost  
293 said it is 600 with a business license. Zoning code says 1000 feet without a business  
294 license.

295  
296 Chair Ellingson asked if the buffer zone is OK when there are homes there.  
297 Commissioner Baker said they wouldn't be able to build a home within the 600 ft.

298

299 Commissioner Calder said we have made a commitment to the landowners. What we  
300 are doing is putting something into a plan that was already approved. We have changed  
301 our minds and you have purchased the property. That is his concern. He likes to see  
302 business thrive. When we change the plan, is the liability for that. Mr. Chris Creer, sitting  
303 in for Attorney John Penrod, said there is always liability. They can make the argument.  
304

305 Commissioner Parker said that is a valid point, the other side is they already have a  
306 permit. Having it sit higher will cause more of a problem. Commissioner Calder said it  
307 was lower before. Commissioner Nelson said it wasn't utilized for this. Commissioner  
308 Calder said he knows. The concrete chunks that we hauled in and buried.  
309 Commissioner Parker said where it is now, is where they have been crushing.  
310

311 Chair Ellingson asked the Commissioners: Is it better or not better to fulfill this request?  
312 Commissioner Parker said they are looking at a business. They can move it back up on  
313 top where the wind can get to it easier. Commissioner Baker said there is nothing  
314 stopping them to work below and expand up on top. Allowing the overlay allows them to  
315 work anywhere. There is also the issue of frontage. They will have to move things up  
316 through the upper portion. Commissioner Calder says if it is moved off the hill, the hill  
317 could be built up again. Recycled concrete is valuable and is an asset to the city and the  
318 state. His concern is opening the overlay up to where we have committed to others.  
319

320 They talked about what the overlay does to the property.  
321

322 Chair Ellingson said there a good arguments either way. The trust in our community and  
323 a plan is what is important to her.  
324

325 1:22:11 Commissioner Nelson said 4 years ago the City Council approved the overlay  
326 for the 8 acres and since a lot of money has been invested to make it look nice. He feels  
327 they have been good corporate citizens and appreciates that they make it look nice. His  
328 question if the interchange is finished in 2027 and Director Yost has been meeting with  
329 people, is there a way we could grant a temporary fix so they can continue since they  
330 have invested and for now continue business. There could be some trigger points where  
331 they would need to dial back.  
332

333 Director Yost argues that if I am looking to develop my property that is adjacent, and the  
334 City changed the zoning on the property to a heavy industrial use, that would affect my  
335 calculus in deciding whether and how I wanted to develop adjacent to that property and  
336 whether I was willing so continue to rely on the City's plan to make further capital  
337 investments. 1:24:55 Commissioner Nelson said so the risk is trust. Director Yost said it  
338 is one business owner to continue to operate, they had no backing to expand the  
339 business and now a plan has been adopted that would reasonably believe the City  
340 Council would rule against it. We want them to be successful in their business. But as  
341 far as having a temp use, it is not applicable. They are either 45 or 90 days and they are  
342 never for a use that is done in the zone. It is a legal right. We can't think of any way to  
343 say hey, now you are done and we are going to push you back. The person running the  
344 business at the time wasn't inclined to apply, and once a land use right is given. We  
345 don't intend to take away their right to operate there.  
346

347 Director Yost said we would not take the additional acres. He would like to have the  
348 zone taken away. Should have taken the available zones that would have conflicted with  
349 the Dry Creek plan. He has no animosity toward this business.

350  
351 Commissioner Baker said this zone becomes solely to their business. Commissioner  
352 Nelson asked what is North. Director Yost said it is a hodgepodge.

353  
354 Commissioner Parker said he understands all the comments. They already have the 8  
355 acres, and the crushing operation will continue. It won't change much moving it to 13  
356 acres. Commissioner Nelson asked what the lower part would be used for.

357  
358 The owner said parking trucks and cows on it, like before. Commissioner Nelson asked  
359 if storage would be allowed there. Director Yost said no. MPS are unique to the overlay.  
360 Commissioner Calder said nothing on there now is on permitted property. He said they  
361 are. The zoning officer said we are not in compliance. He had a meeting with John  
362 Penrod. It sparks the conversation of moving it off the hill. He is in support of Dry Creek  
363 master development. But no one came to communicate any of this to us. We have put  
364 our life savings into this business. There is a road that goes through our property. We  
365 were here in 2007 and that was before the Dry Creek Plan.

366  
367 1:35:44 Chair Ellingson asked where there is a plan, a road goes through. What process  
368 does the city do in that instance. Director Yost this particular road wouldn't be built by  
369 the city. Because of our desire to work with property owners, we don't use eminent  
370 domain.

371  
372 Director Yost said we have funding that we have been delaying for the 1200 W road.  
373 The Railroad crossing needs to be closed before we can do that.

374  
375 Commissioner Anderson is looking at someone who has put their life savings into it and  
376 is better off there than closer to the highway.

377  
378 Commissioner Nelson said you have talked to Chris Creer about a temporary fix. It is  
379 tough to see us take their opportunity out.

380  
381 Director Yost understands but we are not taking anyone's opportunity. Commissioner  
382 Nelson from a hearts and minds perspective, it is a compelling argument. But if I had a  
383 business, I would want the zoning to be in place before investing in it. John Penrod said  
384 we would have to bring in outside Council to spend time and work on something. If there  
385 is an inclination to accommodate the request, then we need to modify the plan and do  
386 the due diligence.

387  
388 Commissioner Baker asked if this would be continued.

389  
390 Director Yost said you can continue it, or make a recommendation that the City Council  
391 deny it, or make a recommendation to approve the requested zone map amendment  
392 with direction to Council you want it as a temporary use. If you continue the item, we  
393 want some clear direction to staff of what you want done before bringing it back.

394  
395 1:42:16 Chair Ellingson asked if they would have to wait a certain time period before  
396 bringing the request back. Director Yost said yes. 1:50:46 11-7-103(2) It is one year

397 unless the Planning and Zoning Review Committee finds that there has been a  
398 substantial change in the circumstances or sufficient new evidence as submitted by the  
399 applicant in writing since the denial of the previous application to merit consideration  
400 within the one-year time period.

401  
402 Chair Ellingson said we have 3 options: recommend approval, recommend denial, or  
403 continue.

404  
405 Commissioner Parker moved to table the item to do a work session to work with them.  
406 Commissioner Nelson said without direction of the Commission until a meeting with  
407 staff, that we can come to an agreement that makes sense.

408  
409 Director Yost said that is different than the motion that was just made. Commissioner  
410 Parker said the intent is to keep the integrity of the City and the zoning ordinance intact  
411 and keep their operations working. Both parties are happy.

412  
413 Commissioner Parker withdrew his motion.

414  
415 1:54:22 Commissioner Parker moved to recommend continuing the review of the zoning  
416 change for Western Paving Concrete and have a working session with staff in order for  
417 us be able to help the city maintain the Integrity of the Dry Creek development and also  
418 to allow Western Paving to expand their business and continue to operate on their  
419 existing property. Commissioner Calder seconded.

420  
421 Nelson aye  
422 Calder aye  
423 Baker nay  
424 Ellingson aye  
425 Parker aye  
426 Anderson aye

427  
428 Director Yost said to continue it to the 26<sup>th</sup>. And not push it off any more.

429  
430 Commissioner Calder asked if they could modify their request. Director Yost said they  
431 can modify the request but wouldn't accomplish what you are stating. They would have  
432 to amend the business license code or the zoning regulations to add additional  
433 regulations. Commissioner Calder wondered if it was better to withdraw the application.  
434 Director Yost said that is their prerogative. Some have done that as they have never  
435 gone to Council.

436  
437 Commissioner Baker wants to know the info on those who were denied and why.  
438 Director Yost said he would get all the relative information.

439  
440 With nothing further to discuss, Commissioner Anderson moved to adjourn the meeting.  
441 Commissioner Nelson seconded the motion. Chair Ellingson adjourned the meeting at  
442 9:04 p.m.

February 8, 2024

TO: Planning Commission Members

FROM: Laura Thompson, Planner II  
Josh Yost, Community Development Director

RE: **Western Paving Inc. requests an amendment of the Official Zone Map to apply the Materials Processing and Storage to parcels 26:054:0080, 26:054:0063, and 26:055:0098, consisting of 13.6 acres, located to the rear of the existing Western Paving operation at 2021 South State Street.**

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**Petitioner:** Western Paving, Inc.  
Riley Thorpe

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### Summary of Issues

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- Does the proposed request meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to the Title and Zone Map?
- Does it maintain the intent of the Dry Creek Community Plan?

### Background

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The Materials Processing and Storage Overlay Zone was approved on February 18, 2020, to be applied to the front 8.08 acres of the Western Paving property at 2120 South State Street.

The current request is to expand the overlay to 13.60 acres west of the existing site.

### Discussion

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The Materials Processing and Storage Overlay Regulations include the following location requirements.



1. The MPS Overlay Zone may only be applied to the LIM Zone located east of 950 West, South of 1600 South, and West of SR 51.
  2. The procedure for applying the MPS Overlay Zone to the property shall be the same procedure for amending the zoning map outlined in 11-7-102.
  3. Each parcel within the MPS Overlay Zone shall have frontage on and direct access to a major arterial road.
- The subject property is located west of the approved at 2120 South State Street, within the area described in requirement one (1) above.
  - The applicant has applied for a zone map amendment per requirement two (2) above.
  - The subject property has no frontage or direct access to a major arterial road.

### Dry Creek Community Plan

The 1600 South corridor and southern areas of Springville City are the next logical progression for development, filling in the space between Springville and Spanish Fork. Two areas were studied as part of the plan, including the 1600 South (Primary Study Area) Corridor and the remaining undeveloped property (Secondary Study Area) south of the corridor extending to the City boundary.

The Secondary Study Area includes the subject properties and designates the subject property as a Town Center Place Type intended for use in (likely new) activity centers. This place type allows for a range of building types, served by one or more transit modes and typically focused on civic and commercial uses with residential edges.

Generally, the vision for the Secondary Study Area anticipates a mixed-use commercial/retail center near the city's south edge. Surrounding the commercial retail center will be suburban housing, although higher in density than the current general plan (adopted 2011). The specific land use districts in the area of the subject property are Commercial - Village Mixed, Housing - Medium High, Housing - Medium, and Housing - Medium Low.

The proposed zone map amendment does not align with the recommendations of the Dry Creek Community Plan, which constitutes the City Council's policy regarding the future vision for this area. The proposed materials storage and processing use is incompatible with the planned Town Center Place Type and the land use districts recommended in the area, both by its general character and by the specific requirements of the zone, which prohibits material recycling activities within 1,000 feet of a residence. Expanding the existing overlay onto over 13 additional acres would compromise the City Council's vision for the Dry Creek Community Area.

### **Staff Recommendation**

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Staff finds that the proposed Zone Map Amendment does not maintain the intent of the Dry Creek Community Plan. Staff recommends denial of the requested amendment to the official zone map.

### **Recommended Motion**

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Move to recommend denial of Western Paving Inc.'s requested amendment of the Official Zone Map to apply the Materials Processing and Storage to parcels 26:054:0080, 26:054:0063, and 26:055:0098, consisting of 13.6 acres, located to the rear of the existing Western Paving operation at 2021 South State Street.

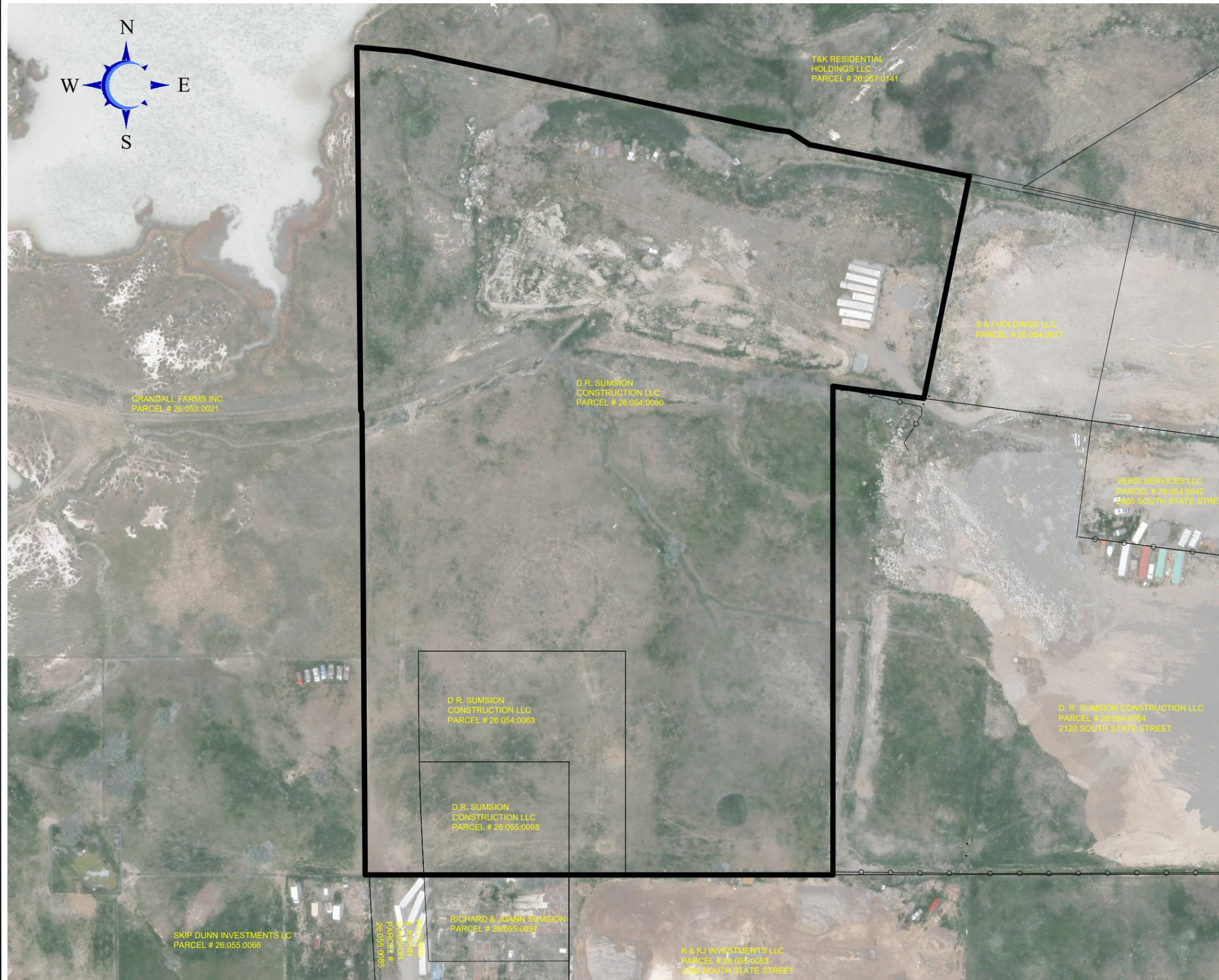
## Attachments

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1. Application Materials
2. Excerpts from the Dry Creek Community Plan

**Attachment 1: Application Materials**

VICINITY MAP  
D. R. SUMSION CONSTRUCTION LLC



P: (801) 616-6848  
F: (801) 704-9384  
surveydanpls@gmail.com  
563 North Rees Ave.  
Spanish Fork, UT 84660

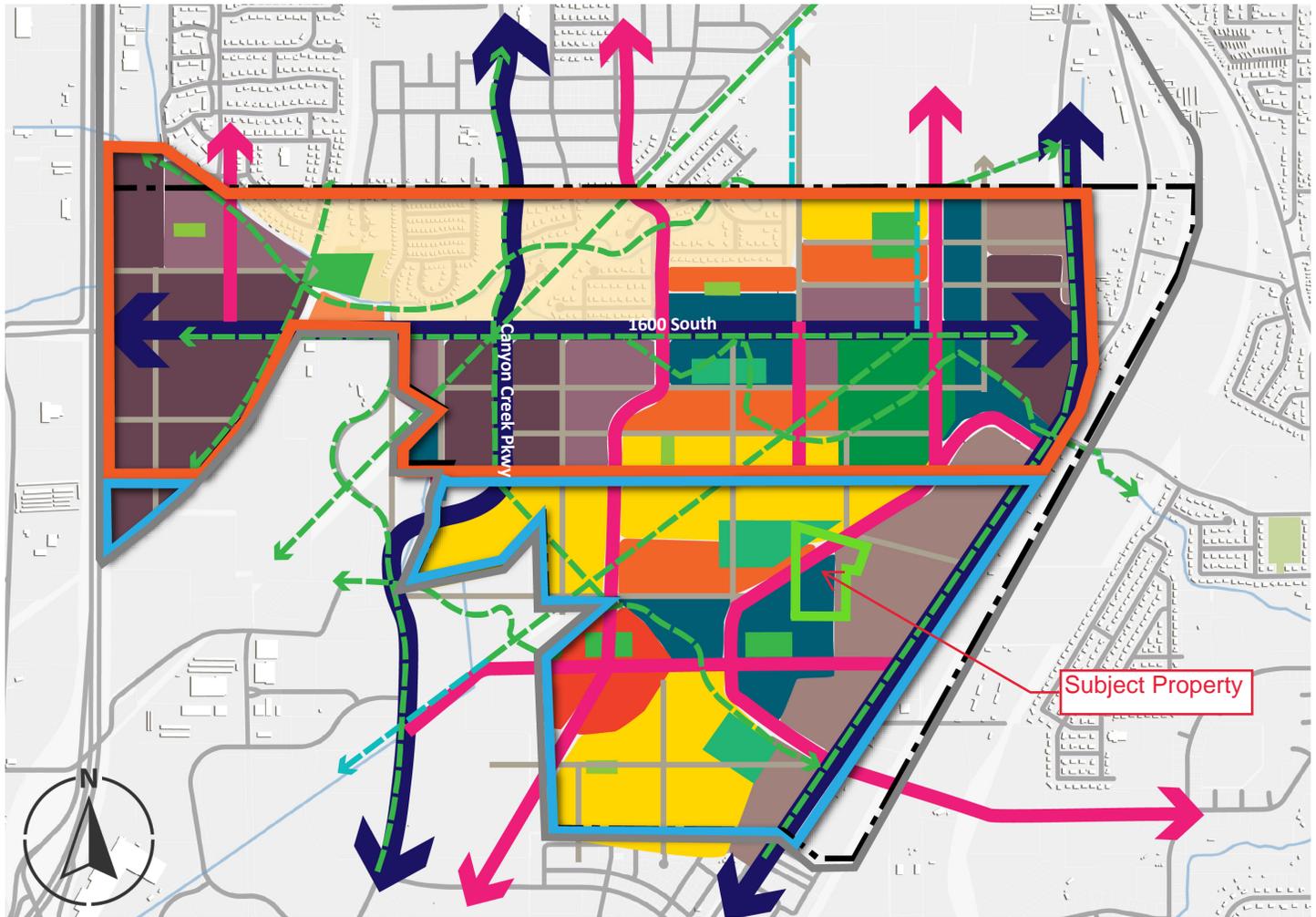
DRAWN: DEK	PROJECT # VA321	SCALES	
DESIGNER: DEK	DATE: 12/15/2023	HORIZ: 1"=60'	
REVIEWED: DEK			

PROJECT NAME:	
<b>D. R. SUMSION CONSTRUCTION LLC</b>	
PROJECT LOCATION:	
<b>2120 SOUTH STATE STREET SPRINGVILLE, UT 84663</b>	
SHEET TITLE:	SHEET
<b>VICINITY MAP</b>	<b>1 of 1</b>

**Attachment 2: Excerpts from the Dry Creek Community Plan**



# Primary & Secondary Area Regulating Plan



- Mixed Use Lifestyle
- Commercial - Retail/Mall
- Commercial - Village Mixed
- Housing - Medium High
- Housing - Medium
- Housing - Medium Low
- Town Center Place Type
- Boulevard Comm. Place Type
- Roadways

## Regulating Plan

The most common tool for mapping a form-based code is a “regulating plan.” A regulating plan is a general land use district map combined with an open space plan and transportation plan (see Chapters 8 and 9).

The regulating plan is implemented ultimately by a Form- Based Code, which is generally outlined in this document. Each street, block, or parcel within the study areas must comply with the illustrated standards in the recommended Form-Based Code.

For Springville City, this plan recommends significant changes to the land use types and current parcel descriptions before development can occur. Small scale parcelization for individual building lots (whether residential or commercial) has not yet occurred in the study areas, thus the regulating plans are somewhat schematic in nature.



## Regulating Plan

The Regulating Plan, for both the Primary and Secondary Study Areas demonstrates how land uses will be organized so the overall vision of the area is realized.

Land Use Districts, derived from the Preferred Scenario Plan, are laid out with a logical road network. Within the following tables (Page 59) a general overall summary of the units that may be expected by each land use type is provided.

This applies to the Primary Study Area only. These land use types are based on the existing land use type definitions in the City General Plan and Code.

When migrating from Euclidean Zoning currently in place to the Form-Based Code, land uses will be instead referred to as districts. Districts will allow a basket of uses within them, as noted on the adjacent table.

The Regulating Plan, as described further at the end of this Chapter, indicated a proposed rationalization of the boundary with Spanish Fork.

Springville City will support the right of existing uses to continue even as surrounding land uses change. The city will support property owners with agricultural operations when they are faced with complaints from new neighbors.

Transitions from existing residential neighborhoods to new development will respect the character and setbacks of existing development and provide adequate buffering, especially at common property lines. New Parks and open spaces will be located to be accessible to existing neighborhoods and new development.

Uses	Districts					
	Commercial/Retail Strip Mall	Com. - Village/Mixed-Use	Residential - Medium High	Residential - Medium	Residential - Medium Low	Mixed Use - Lifestyle
<b>LEGEND:</b>						
	Permitted					
	Permitted in Upper Stories Only					
	Permitted with Development Standards					
	Requires a Conditional Use Permit					
<b>Residential &amp; Lodging</b>						
Residential						
Hotel & Inn						
Residential Care						
<b>Civic</b>						
Assembly						
Transit Station						
Hospital & Clinic						
Library/Museum/Post Office (no distribution)						
Police & Fire						
School						
<b>Retail</b>						
Neighborhood Retail						
General Retail						
Outdoor Sales Lot						
<b>Service</b>						
Neighborhood Service						
General Service						
Vehicle Service						
<b>Office &amp; Industrial</b>						
Office						
Craftsman Industrial						
<b>Infrastructure</b>						
Parking Lot						
Parking Structure						
Utility & Infrastructure						
Open Space						
<b>Accessory Uses</b>						
Home Occupation						
Outdoor Storage of Goods						
Parking Lot						
Parking Structure						