

IN ATTENDANCE

Commissioners Present: Michael Clay, Carl Clyde, Karen Ellingson,
Michael Farrer and Brad Mertz

Commissioners Excused: Frank Young and Genevieve Baker

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
John Penrod, City Attorney
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Commissioner Clyde called the meeting to order at 7:02 p.m.

DISCUSSION OF AGENDA

Commissioner Clyde asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES

No minutes

CONSENT AGENDA

No items

LEGISLATIVE SESSION

No items

ADMINISTRATIVE SESSION

1. Discussion concerning accommodating materials processing and storage in the L-IM Zone.

2. Review of City Council planning related priority list.

With nothing further to discuss, Commissioner Clay moved to adjourn the briefing meeting. Commissioner Ellingson seconded the motion. The vote to adjourn the briefing meeting was unanimous.

Chairman Young adjourned the meeting at 7:03 p.m.

IN ATTENDANCE

Commissioners Present: Michael Clay, Carl Clyde, Karen Ellingson,
Michael Farrer and Brad Mertz

Commissioners Excused: Frank Young and Genevieve Baker

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
John Penrod, City Attorney
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Commissioner Clyde called the meeting to order at 7:03 p.m.

APPROVAL OF THE AGENDA

Commissioner Clay moved to approve the agenda as written. Commissioner Farrer seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

No minutes

CONSENT AGENDA

No items

LEGISLATIVE SESSION:

No items

ADMINISTRATIVE SESSION

1. Discussion concerning accommodating materials processing and storage in the L-IM Zone.

Director Yost presented. One of the items of the list of fifteen priority projects I was given to investigate is the zoning for SR-51 corridor, South of the railroad tracks and specifically South of 1600 South. This is a priority because of the materials processing, handling and storage operations that are occurring down there that aren't permitted in the zone. The Council has expressed their desire to accommodate those uses in some fashion.

Director Yost continued to say that John Penrod pointed out that we don't feel connected to this end of town. Our entry sign is not until the railroad tracks. Almost as though we are not claiming that end of town. He asked what can we do and what priorities can we set to make this a more hospitable area of town and a better gateway. He then showed video of driving Northbound on SR-51 to demonstrate what it looks like currently.

This area is mostly zoned L-IM but there are also some commercial and residential zones mixed in. It is an area that, in planner speak, we call a mixed character which equates to not that great. From an aesthetic and functional aspect, it's not really an attractive part of our city. There are a lot of areas of non-compliance there.

Director Yost said he would discuss considerations for an ordinance amendment and he would propose a zoning overlay and licensing standards as a two-pronged approach to move forward on regulating this area.

The area is 300 acres with primary frontage on SR-51 and 1600 South and is a major gateway to South side of the city. Director Yost showed on a map where non-conforming illegal materials processing and storage is occurring. It encompasses an area equal to about four blocks of downtown including the street. It isn't an insignificant amount of property. The question is how can we accommodate it without having adverse effects by allowing it too broadly or by altering the L-IM zone. Materials processing and storage is not permitted in L-IM zone. Zoning considerations would not want that as a permitted use throughout the LIM zones in the city. Materials processing storage is a defining difference between the L-IM and the H-IM zones. Allowing this use would require more control than a conditional use permit could provide. We need the ability to say no, and conditional use permit doesn't allow for that. Another option is to adopt a new medium zone, but Director Yost doesn't feel that we need another zone.

We are looking at an MPS overlay that would limit geographical area, maintain character of the L-IM zone and provide discretion to the City Council, through the legislative process, on when and where to apply it. We could adopt property standards within the zone, everything from frontage, to property size and property setbacks, to operations and screening. We could even establish continuity of use standards to permit for the reversion of the overlay when operations cease.

The second prong of this is with the Business Licensing standards. We would put the land use regulations in the land use code and the operational regulations in the business license code.

With the business license, we can require a yearly renewal that allows us to recertify compliance. Eight categories of standards to regulate these operations:

Possible standards:

Site improvement

Visual screening

Material volume

Hours of operation

SWPPP compliance

Dust control

Haulage routes

Traffic management/volume for the operations.

Director Yost then asked the Planning Commissioner if this is something we want to accommodate. Allowing MPS in LIM zone along SR-51 using a zoning overlay and business license standards as the regulatory options. He asked what categories of regulation are necessary from this list and are there any standards in any of these categories that we should pay particular attention to. Then asked for the Commissioners feedback.

Commissioner Clay asked that in addition to material volume, would we add material type. Director Yost answered yes.

Commissioner Clay mentioned that there are things that we wouldn't want stored there. Overlays are typically optional, but not everyone chooses to have it. He asked if there is a concern that other L-IM zones would request this overlay.

Director Yost answered that they could. We plan to craft the overlay language to say that it is intended to be used in a certain geographical area. It would be very specific. It wouldn't bind the council to say no or prevent them from amending that in the future. That could be a concern.

Commissioner Ellingson commented that some noise regulation would be good to have in the overlay language. Especially as residential starting to get closer to the area.

Director Yost added that it could also include a buffer or setback distance from residential use.

Commissioner Clay asked for Google Maps to be opened. He pointed out a storage yard where they have recently done quite a lot of screening, but screened with storage containers. It's not as unattractive, but this is not the front porch you want to have. If we move the welcome to Springville sign, we are going to legitimize and accommodate what is going on out there. He asked if that is the idea.

Director Yost affirmed yes, but there is the second half of that that. Because it is not a permitted use, there is not entitlement to that use. Now we will require through overlay and business licensing the implementation of aesthetics and functional measures to improve the character of the area. That could be buffering with vegetation, walls, screening, streetscape or setback requirements. We will accommodate the use, but put in requirements.

Commissioner Clay commented that this area has looked this way ever since he has lived in Springville. He asked if there have been efforts in the past to bring this up to compliance with current code.

Director Yost affirmed that there has been. And to be clear, we are not talking about what we see here with junk storage. That is not permitted and the proposed overlay would not permit that either. We are really looking at bulk material handling, concrete crushing, gravel sorting, asphalt milling and recycling. Or haul yards for civil construction. Not outdoor storage of vehicles and other things like that. We are currently holding off on enforcement as we go through this process, but there have been efforts to bring those properties into compliance. Past enforcement efforts have brought adverse reactions from those property owners. And pushed us towards us finding a way to accommodate the use.

Commissioner Clay asked if the 1400 West and about 1100 S area behind Camelot Village a similarly non-conforming use at present. Planner Thompson said that it was annexed in and it is grandfathered. John Penrod confirmed that it was annexed in but he hasn't done the research. Planner Thompson confirmed that she has done the research.

Commissioner Clay asked that whatever we do on SR-51, might be applicable here as well. Director Yost said no. Commissioner Clay mentioned that you couldn't force compliance with it but you could try.

Director Yost confirmed that it is legal non-conforming because of its previous entitlement. We cannot come in after the fact and regulate it on the land use side. Possibly with the business license side, but is harder after the land use is established. Best bet to make some impact there is studying and implementing an interchange at 1600 South.

Commissioner Farrer asked if this area (Camelot Village area) is fenced and covered better than other properties. Director Yost & Commissioner Clay said it is a little but not well. Commissioner Clay pointed out that it is screened but you can see the things behind it.

Commissioner Clay commented that Rick Salisbury had a property on 1400 North that was being used for storage for a long time and then it suddenly it got cleaned up almost overnight. He asked what mechanism was used to get that cleaned up.

Planner Thompson said that it was administratively approved as a storage yard. It was a permitted use at the time. He cleaned it up on his own. He was going to store construction dumpsters but now it is being leased to Jake Harward. Commissioner Clay asked if there was an administrative tool used to get that cleaned up. Planner Thompson clarified that they were required to make street frontage landscaping improvements with their site plan approval. So yes, there were some planning efforts there.

Commissioner Clyde asked how the overlay different from spot zoning. Director Yost said spot zoning is not a thing. It speaks to one of the problems with our zoning is that it

isn't fine-tuned. The difference here and spot zoning is that it isn't changing the base zone. It is just permitting an additional use and regulatory control to the property through its implementation.

Commissioner Clay asked if this is still to an area and not a specific parcel. Director Yost said that it could be. We are not making a specific recommendation of the adoption of the overlay into the ordinance of where it should be applied, but leave it to the property owners to make the request. His vision is to make it a parcel to parcel basis. Especially with the ability to control it through the business license process. You may have the entitlement through the overlay, but you wouldn't be able to operate that without the specific materials handling and processing and storage license. He wouldn't see this as applying that to all the parcels or the island area. But looking to put this on the books and have the property owners request the application of the overlay zone.

Commissioner Clyde asked what the leverage would be to have them come in and apply. Director Yost said that we would enforce by taking them through our enforcement process beginning with issuing a notice of violation. If they don't comply, we will send them to court if necessary. Commissioner Clyde asked how this is different than the current process. Director Yost answered that currently we are holding them in abeyance so we can get through this process, as there is a desire from the Council to accommodate this use in some type of fashion. Commissioner Farrer asked if we have tried to enforce. Director Yost said that he thinks so.

Director Yost pointed out that there is an additional level of regulation with the overlay. He would see it being used on a parcel to parcel basis and through the business license process.

Commissioner Clay asked how you could regulate material volume. Director Yost said that it would be most likely self-reporting. We could count trucks, do aerial surveys of materials being held on site. But it's best controlled with a site plan process which designates the extent of the area to be used for material storage. Can be enforce through site visits or on a complaint basis.

Commissioner Clay said he likes the idea because it helps the current property owners and helps the City.

Commissioner Ellingson asked how this will help with moving the gateway further South. Director Yost answered that this is why we have these categories of regulation. As we move forward, we want to make sure the requirements of the zone will help us to require improvements, aesthetic and functional, to the properties that adopt this overlay. It won't help us on an overall corridor improvement perspective unless we rezone all of it. We couldn't ask those operations already there to re-zone their property. So that is why I asked initially that we need to think about what kind of priority we want to give this area and take an overall corridor study of it to see what can be done. While also taking into account current and future land uses, to make it aesthetically and functionally a better entrance to the City. This will help us incrementally.

Commissioner Farrer asked if we pass this category as a regulation, will it be applicable to anyone who goes into the overlay. Director Yost said yes. Director Yost said that he needs the Planning Commission's guidance on which standards are important. As we

codify it, anyone asking to have this zone applied to them would be required to meet each of the standards. It's our job to make sure we get all of the standards in there that we need. Finding the balance of how much we want to accommodate and managing the land use and the corridor. We can find a middle ground where the interests can be met.

Commissioner Clay clarified that we are trying to balance the hardship and bring it into conforming and in the process, we are trying to bring them into conformity and in the process, ask them to do some things. Director Yost agreed and added that we need to mitigate the worst adverse effects.

Commissioner Clay then asked what Director Yost is looking for from the Planning Commission tonight. Director Yost responded that this discussion and the feedback being provided is what was needed.

Commissioner Clay then brought up the view screening and how close they are to public right of ways. That those that are further away from the street wouldn't need as much as those by the street. That would lower the cost burden of compliance. Director Yost believes the standards can be written in a way to provide contextual flexibility.

Commissioner Farrer asked where material volume is concerned, are we looking at saying by square footage or restrict the amount of volume in some way. Director Yost said that the Council didn't seem particularly concerned about regulating, but if we regulated the impacts related to that like hours of operation, haulage routes, traffic management. The amount of trucks that would be able to come in everyday between 8:00 and 5:00 would effectively limit the volume of material. But maybe it's not the volume that we care about as much as the traffic and other impacts generated by volume, so we should regulate those impacts directly.

Commissioner Clay pointed out that the traffic would have to be below the screening. So those two things would indirectly control the volume rather than us having to put the limits on.

Commissioner Clyde said that Ogden has a processing screening requirement. Explained the berm and the fence on top of the berm.

Commissioner Clyde moved the meeting to the next agenda item.

2. Review of City Council planning related priority list.

Director Yost presented the list.

1. Accessory Dwelling Units
 - a. Citywide recommendations.
2. Allen's Property
3. 1600 South Corridor Study with Future I-15 Exchange
4. Main Street Corridor Study/Plans
5. Zoning and Subdivision Ordinance Overhaul
6. Sign Ordinance Review
7. Revised Trail Master Plan

8. L-IM Zoning Along SR-51 (Possibly Include a Medium-IM Zone)

9. General Plan Updates

10. Ordinance for Downtown Business A-frame Signs

11. Highway Commercial Zone Study

12. Streamline Development Process

13. Downtown Beautification Plans

14. Gateway Plans

15. Economic Development Leakage Analysis

Accessory Dwelling Units were discussed last meeting. We are working with the Council toward getting the ordinance drafted.

Allen's Property Director Yost and Troy Fitzgerald met with the developers yesterday. They are addressing some of our concerns about the designs and aspects of the property and the intensity of that development. They have been open and Director Yost has confidence they are working in good faith.

1600 South Corridor Study Director Yost applied yesterday for a \$90,000 for a special technical planning assistance grant program from UDOT. Focusing on land use and transportation and urban design. He is hopeful that we will get that grant to retain a group to help us do some modeling and analysis. And get our interests well established in the design of the actual corridor from I-15 to SR 51 so we can make sure it is a place as well as a corridor. Includes as proposed in MAGS TransPlan50, a grade separated active transportation corridor along 1600 S that connects to 1200 West and then gets you to FrontRunner. Eventually envision that extending to 1600 North in Mapleton. This is where the tricky area through SR51 and State Street is to get through some of those subdivisions and across the rail are and across the rail to make the connect. But making the connection will help in the performance of 400 South and especially at 400 South and Main Street and SR51/89 Interchange.

Main Street Corridor Study/Plans Director Yost said that we are feeling his out there is a mandate, especially at the North end of Main Street, 400 North and North to make this a more habitable and livable place. AS well as accommodating the highest and best land use possible, based on what we want and what the market can support.

Zoning and Subdivision Ordinance Overhaul is one that Director Yost is still working on understanding. Without having to rewrite the zoning code. Currently working on updates to comply with SB34. Need to determine what the goal is with this.

Sign Ordinance Review Council would like us to take another look at this ordinance. Staff and Planning Commission don't have a real desire to open this back up for discussion. Commissioner Clay pointed out that the sign meeting was the longest meeting for the Planning Commission. We are not wanting to open that discussion again. The Commissioners were in agreement that they were very liberal with the sign ordinance when it was adopted. Yet there are more asks.

Revised Trail Master Plan Commissioner Clay said the National Park Service has a rivers and trails grant assistance program that the City could qualify for. They will come in with a BYU team and create the master trails plan for you, essentially free of charge. Director Yost said that was great to know. Staff have sat down and looked at this trails master plan in detail and we feel we need more than just a trails plan, we need a complete master transportation plan for Springville. Possibly that group could come and help us with trails and feed that into the master plan process. Director Yost met yesterday with Jim Price from MAG and Chris Wiltsey from Bike Utah and we are going to apply for \$85,000 in planning funds in the next TIP round to help us hire a firm to assist with creating a comprehensive, active transportation plan.

L-IM Zoning Along SR-51 (Possibly Include a Medium-IM Zone) was discussed tonight.

General Plan Updates are primarily what you will see next meeting, updates to the moderate-income housing element of our general plan and SB34 requires updates to the land use and transportation section to integrate all of the elements. Legislature is saying that we need to look at planning and integrated activity between land use, transportation and housing. We are excited about that. These initiatives are pushing UDOT to look at quality of life and livability as they make planning decisions.

Commissioner Ellingson asked if we are changing our General Plan in time for more legislative adjustments in February, when the Legislature meets again. Director Yost explained the SB34 menu requirements that must be adopted and put into the General Plan by December 1, 2019 or we can be at risk of not getting transportation funding from the State next year. Will bring to City Council and try to have it adopted in November.

Ordinance for Downtown Business A-frame Signs There have been concerns of unregulated signs, especially on the North end of Main Street. Salt Lake City has a great ordinance for unattended signs and Provo recently adopted an A-frame sign ordinance. When we have language, we will bring that to you.

Highway Commercial Zone Study There is a lot of area close to the freeway that is zoned Highway Commercial. We are looking at this to make sure we are making the best decision with this zoning. This is a farther out priority but will be looked into.

Streamline Development Process This is being worked on continually. Worked on a few things to streamline this already. The Chairman will no longer have to sign plats. In the past, we have been having applicants write us a check for the plat recording fee and then having our finance department cut a check to the county. Our finance department only cuts checks once per week. So now we are having the applicant write the check directly to the county to make this process smoother.

Downtown Beautification Plans related to the Main Street Corridor Plans. We want to make our downtown more vibrant and attractive as well as functional.

Gateway Plans related to an effort Troy has undertaken to help us design gateway signage. As we look at signage, we are regulating land use for those gateway areas. We feel that we have been behind the curve with the 7-Eleven on North Main Street. It may not have been the land use if we had been further ahead.

Economic Development Leakage Analysis this got easier last week when Esri has a module that will run this for us. This will move up on the list as we now have a way to create it. Esri will give us a good analysis of where the dollars are leaking out and help us with land use decisions moving forward.

Other projects include short term rentals which we'll talk about next meeting. Another one is maintaining the small-town feel. Finding a way to quantify that. Ways to keep the City Council and community updated on projects. We are working on this now. Making an online gateway for this information. Laura has been the gatekeeper of this up to this point. We want it to be more public facing so they can see what is in the queue and where it is in the process. Commercial design standards will be looked at with perhaps working with Dr. Clay's students for this.

We are making some progress on this list and wanted to bring you up to speed and let you know what is coming your way.

Director Yost asked for feedback on inconsistencies in fence permitting. Citizens have had to make changes to their fences. He asked if there any interest from the Commissioner's in changing fence regulations.

Attorney Penrod added that this is particular to corner lots that are causing the biggest issue.

Commissioner Clyde said the area where he drives near Canyon Road the fence makes it difficult to see. We need to make sure it's safe and aesthetic for the community and if we are asked, we will look at it.

Commissioner Clay asked for clarification on what the corner lot owners are asking for.

Director Yost said that they want a six-foot solid fence against the side yard on the back of the sidewalk. Attorney Penrod showed an example of a corner lot that abuts an interior lot. This is where the owners get frustrated because they then have to bring their fence in 20 feet. The ordinance is trying to make it so there isn't a six-foot fence against the sidewalk and tie the whole street together, allowing you to see down the street.

Commissioner Ellingson pointed out that where the location of the driveway is could have a visual impact.

Attorney Penrod agreed that it could. We still require clear view on the corner, no matter what. It's the portion of the backyard that they can't use that is the frustration. I support the way the ordinance is currently, but we have been asked a lot about in the last 6 months. Planner Thompson said it was since the ordinance was adopted.

Commissioner Clay asked how many requests is a lot or constantly.

Attorney Penrod stated that he has been brought in on, which is not all, is two a month at least.

Planner Thompson said that the new developments coming in have created these lots that create this problem. If the lots were laid out better, it wouldn't be as much of a problem. In Miner's Grove, there are many lots that have a rear yard adjacent to an interior side yard/front yard. Which if the interior yard came in and wanted a six-foot fence, in their front yard, we would tell them no. It could be a four-foot fence. Commissioner Clyde pointed out that unless it was 20 feet off. Planner Thompson affirmed that is the case.

Commissioner Ellingson said she doesn't see why a two-foot height difference would mean you can't use your backyard. Attorney Penrod agreed. He is expressing what the property owners are saying to us.

Commissioner Clyde asked if they have a four-foot fence, they can go right on the property line. Attorney Penrod said one foot off back of walk. Commissioner Clyde pointed out that they want two more feet of privacy. Attorney Penrod said that is what they want. The owners are saying they want to have barbecues and enjoy their yards and the six-foot fence helps them to feel more privacy and safety.

Commissioner Clyde asked if this is more of a safety issue or an aesthetics issue. Attorney Penrod said that this is where I am expressing the problem, but the planners that know those answers. Commissioner Clyde feels that safety should trump aesthetics. Aesthetics are important, but safety is important.

Director Yost said that Planner Thompson reminded him that you can have a six-foot fence if it is 70% open (see-through) one foot back of walk. You could have a solid four-foot fence and a 70% open fence stacked above that up to six feet. In Daybreak, fences are the anthesis of what they are trying to accomplish. They allow six-foot fences in rear yards and alley ways. There are not a lot of them, especially adjacent streets and right of ways. No one that Director Yost knows that lives there has ever expressed concern about their safety and enjoyment of their home in regards to restrictions on fences.

Commissioner Clyde stated that the issue is people buy a lot and then they don't know the fence law until after it is purchased and they go to put in a fence. Director Yost said that some residents have said that if they knew the fence law prior, they wouldn't have purchased that lot. It is unclear if that is just a sentiment or if it really would have happened. Recent issues have come where people say they have made good faith efforts to meet the code that were approved erroneously.

Attorney Penrod stated that some permits were issued that were contrary to the ordinance. We are trying to rectify those issues. Commissioner Clay clarified that the city issued permits in error. Attorney Penrod affirmed.

Attorney Penrod said that Mayor Clyde's home good example. He has followed the ordinance. Commissioner Ellingson pointed out that across the street the fence is 70% see through. Commissioner Clyde said that even though it is see-through, it looks solid as you look down the street. Attorney Penrod agreed that it is difficult to see through it a certain angle.

Commissioner Clay asked if there is a better mechanism to get the homeowners aware of the fence ordinance. Commissioner Ellingson suggested something in the welcome

packet. Commissioner Clyde pointed out that prospective buyers don't look at the ordinances typically before buying. Attorney Penrod there are obstacles. Attorney Penrod said that even if there were a welcome packet they would already own the home at that point. Commissioner Clyde suggested it could be communicated when they get the building permit. Attorney Penrod stated that it's not always the homeowner getting the building permit. Or it is an existing home where the fence hasn't been installed. There is a responsibility for due diligence but it isn't something you think about when buying a house.

Commissioner Farrer asked if changing the ordinance to 50% see through would make a difference. Attorney Penrod said the complaints are the citizens really want the six-foot solid fence for privacy.

Commissioner Mertz stated that he thinks it is worth looking at. He asked if looking at this fence, would it matter if it were solid. To him, it wouldn't matter.

Attorney Penrod showed an example of if the fence were covering your front yard, it would be hard to feel part of a street. When you come outside and all you see is fence. People that are wanting the high fence say that their neighbor could care less. This is the issue and we said we would raise it to you.

Commissioner Clay asked if at present are there a number of non-conforming fences.

Attorney Penrod said yes. Some fences are legal non-conforming, because they were put in before the fence ordinance. You can see instances where a fence that will be a foot off back of sidewalk that is six-feet high that was in place before the ordinance.

Commissioner Farrer asked what the date of the fencing ordinance. Planner Thompson said there are several. The fence ordinance has changed four times between 2000 and now.

With nothing further to discuss, Commissioner Clay moved to adjourn the meeting. Commissioner Ellingson seconded the motion.

Commissioner Clyde adjourned the meeting at 8:13 p.m.