



MINUTES
Planning Commission
Work Session
Tuesday, October 27, 2020

IN ATTENDANCE

Commissioners: Chair Brad Mertz, Frank Young, Karen Ellingson, Michael Farrer, Rod Parker and Kay Heaps

Commissioners Excused: Genevieve Baker

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

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:00 p.m.

DISCUSSION OF AGENDA

Chair Mertz asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES

September 22, 2020

Chair Mertz asked if there were any corrections to the minutes. There were no corrections to the minutes.

CONSENT AGENDA

- 1. Paul Opfar seeking approval for the Opfar (Minor) Subdivision located at 337 E 600 S in the R1-8 Single-Family Residential Zone.*
- 2. Dennis Schoonover seeking condominium approval for the Spring Pointe Condominiums Lot 5 located at 2052 W 500 N in the HC Highway Commercial Zone.*
- 3. Freedom Credit Union seeking site plan approval for a new branch located at 665 W 400 S in the NC-Neighborhood Commercial Zone.*

- 4. John Kramer seeking site plan approval for Driven Auto Sales located at 377 S 2000 W in the RC-Regional Commercial Zone.***

LEGISLATIVE SESSION

Clearwing, LC seeking an amendment of the Official Zone Map from the RC-Regional Commercial Zone to the HC-Highway Commercial Zone on parcel numbers 22:053:0008; 22:053:0006; 22:053:0010; 22:053:0009; 22:053:0066; and 22:053:0068 in the general area of 1650 West 1700 North.

ADMINISTRATIVE SESSION

Approval of the 2021 Meeting Schedule

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

Chair Mertz adjourned the meeting at 7:00 p.m.

IN ATTENDANCE

Commissioners: Chair Brad Mertz, Frank Young, Karen Ellingson, Michael Farrer Rod Parker and Kay Heaps

Commissioners Excused: Genevieve Baker

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

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:00 p.m.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

September 22, 2020

Commissioner Heaps moved to approve the September 22, 2020 meeting minutes with the approved changes. Commissioner Ellingson seconded the motion. The vote to approve the meeting minutes was unanimous.

CONSENT AGENDA

- 1. Paul Opfar seeking approval for the Opfar (Minor) Subdivision located at 337 E 600 S in the R1-8 Single-Family Residential Zone.*
- 2. Dennis Schoonover seeking condominium approval for the Spring Pointe Condominiums Lot 5 located at 2052 W 500 N in the HC Highway Commercial Zone.*
- 3. Freedom Credit Union seeking site plan approval for a new branch located at 665 W 400 S in the NC-Neighborhood Commercial Zone.*

4. John Kramer seeking site plan approval for Driven Auto Sales located at 377 S 2000 W in the RC-Regional Commercial Zone.

Commissioner Young moved to approve the Consent Agenda. Commissioner Heaps seconded the motion. The vote to approve the Consent Agenda was unanimous.

LEGISLATIVE SESSION:

5. Clearwing, LC seeking an amendment of the Official Zone Map from the RC-Regional Commercial Zone to the HC-Highway Commercial Zone on parcel numbers 22:053:0008; 22:053:0006; 22:053:0010; 22:053:0009; 22:053:0066; and 22:053:0068 in the general area of 1650 West 1700 North.

Josh Yost, Community Development Director, presented. The zone map amendment application encompasses 49.51 acres. It is six parcels under common ownership located between Kuhni Road and I-15, North of 1600 N. In order to expand the land uses available for development on the property, the owner desires to change to zoning on the property from Regional Commercial to Highway Commercial.

In Springville City there are 1,180 acres of property currently zoned as Highway Commercial. This includes six separate areas with the largest area of over 1,000 acres straddling I-15 between the North and South boundaries of the city and has a substantial amount of acres that remain to be developed. The Regional Commercial zone is applied to 466 acres in two areas centered around the 1400 N and 400 S I-15 interchanges.

The Highway Commercial zone is the most broadly applied commercial zone in Springville. The area of the Regional Commercial zone is much smaller area for a number of reasons. The RC zoning district is intended to provide an area in which a full range of commercial and service uses and customer facing uses such as shopping and retail. It is to facilitate heightening the intensity of uses, it is intended to create commercial destinations in the City near arterial streets with freeway access.

He showed a Use Comparison Chart with the zoning districts and what is able to be used in the zones. The HC zone allows more uses by right and conditionally.

It is important from a planning perspective to maintain a balance of uses. It is the intent of the General Plan to maintain these interchange areas for Regional Commercial uses. The zoning plan needs to be updated. On the priority list is the large amount of Highway Commercial that the City has zoned. The General Plan needs to be looked at to determine if there are adjustments that should be made to the HC zone. In the General Plan, we have 1.2 million square feet in product in building permit or planning approval or in construction in the HC zone, or in the LIM zone where light manufacturing and office warehouse type products are allowed. There is no shortage of that type of product and no shortage of area of property to continue that development.

Considering that, Staff finds that there isn't a compelling reason to amend the map for the subject area and the amendment wouldn't further the aims of the General Plan goal to establish RC zones near the freeway interchanges. Therefore, Staff recommends

denial to City Council. And further recommends and reminds that there should be a specific area of focus in the General Plan update on long term planning for that area.

Commissioner Heaps noticed on the map there is small triangle piece that is LIM wondered why. Mr. Yost doesn't know the history. Commissioner Heaps said we can look at when looking at the General Plan.

Commissioner Farrer asked how many acres this parcel. Mr. Yost said this application encompasses 49.51 acres of the total 466 acres.

Commissioner Ellingson asked if any of that property is wetlands. Mr. Yost said that he didn't think there are any delineated. The property owner is going through the process of obtaining a letter from a wetlands' specialist.

Commissioner Heaps noticed there are large power poles going through that property. He asked if that represents challenges for future development. Mr. Yost said no more than anyone would have to take on to meet the code. These are not unusual in these types of developments. Commissioner Heaps asked if they came past the hotel. Mr. Yost said transmission lines are not usually placed underground. Commissioner Parker said it is above ground in that area. Mr. Yost pulled up the map and said it lines up with 1200 West corridor.

Commissioner Farrer asked what the access areas would be. Mr. Yost said the road by the railroad and past the Maverick. Commissioner Farrer asked if there is any concept of what Mr. Yost wants to see in the area. Mr. Yost said he doesn't. He needs to look at overall development product and he hesitates to say what is best suited there until doing so. It is a question we need to answer if we deviate from the General Plan for that area. He is not confident in making a change until studying the implications of that change. Especially as that is the largest contiguous zone in that area.

Commissioner Parker asked Mr. Yost the reason it is being recommended to keep it zoned RC is because of the sheer volume of HC, and because the General Plan needs to be revised. Mr. Yost said that is one element and because one of the General Plan objectives is maintain original commercial land use around the freeway interchanges. We would have to go back to level and look at it to really recommend a change. Commissioner Parker said it is not because of the project being proposed. Mr. Yost said there is no project being proposed. The applicant has expressed that there are more opportunities for development. The demand for Office/Warehouse, would allow them more development options for the property, but there no specific project proposed.

Commissioner Heaps sees the RC zoning at 400 South is less than here. We need more than what we have in our city to balance it out. We need more rather than less. Mr. Yost said it is impossible to say who will be around in retail next year and office demand if going to be, but we will see what happens next year. It is prudent to maintain what we have there at least.

Commissioner Heaps pointed out Mr. Yost said the potential of additional commercial businesses being attracted to that area with office space or commercial there. Mr. Yost said he does. He doesn't know what formats or segments that would be. This is a very large and increasing employment area there, and conveniently located to South Provo.

Combining those ¾ of a million square feet with flex office warehouse, flex space going in this larger industrial park area, and he does see demand for additional retail services in that area. He's saying it is not necessarily a Super Target or Sam's Club.

Commissioner Heaps would like to see that personally. Mr. Yost said it isn't the best of the two exits for that. The residential trade area is not as good at the 400 South exit. But it does serve a large amount of traffic and is conveniently located. It may be a different type of regional center than the Canyon Creek Center in Spanish Fork, but there is definitely demand there.

Chair Mertz invited the petitioner to address the Commission.

Andrade Christensen
1065 E 150 N

Mr. Christensen has had this property for quite a while and has some partners now. Mr. Yost has stated some great points. This interchange doesn't have any housetops on it. It is all industrial around it. The City has built this interchange to not be as commercially viable as the other interchange. To us, retail and commercial makes perfect sense and they would love to see it that way. But retail needs housetops and people to buy things there. We would like as much retail as possible. There won't be packed retail on Kuhni Road. The HC zone is set up for retail. If we can't sell anything, it doesn't do the City any good and it isn't fair to Mr. Christensen as a resident or the City. Mr. Christensen asked Mr. Yost to explain the differences between the RC and HC zone. Mr. Christensen understands you can assemble and not manufacture there. Mr. Yost said it does permit light industrial manufacturing. Mr. Christensen said that he's been told you can assemble, but not manufacture. We want the rezone to get those uses. We want as much retail as possible. The HC allows that. It allows more freedom and by the train tracks and to do a center that works for us and you.

Commissioner Parker said to Mr. Christensen that he used the term retail, brick and mortar stores have been closing and continue to close. He asked Mr. Christensen what type of retail are you proposing as online shopping is popular. Mr. Christensen we would like to see a car lot or anything that works there. We can't say this is what we want and expect people to come there if it doesn't work.

Greg Hunt is a partner on this. He said there is a parcel owned by UDOT that has a deed restriction on it. He has asked several wetlands consultants and ex US Army Corp of Engineer employees if there is any way to take that out. The deed restriction has pretty much set things off limits forever. There is just no way around it. UDOT mitigated some wetlands for some highway construction and promised they would never allow it to be developed. Two of the parcels are owned by Rocky Mountain Power. We have had discussions with them about buying them and they said odds are never. They are a publicly traded utility. We have an easement on the land. The previous Community Development Director, Glen Goins, said that the City would prefer to have fee simple title, not just an easement passing through there. It took us a year and half to get ownership of that whole piece. The surrounding properties are out of the loop already. Most of it is affected by wetlands. The General Transportation Plan calls for a road he pointed out to connect to Kuhni, we haven't decided if it's best to do on across the stream or on the South side. If you go back many years, it was a straight ditch and has been diverted. Some area has been dried up. We did request all of it to be changed, but

we didn't ask for the freeway frontage. The HC gives us options we thought would work here like shipping and flex space right off the freeway. He spoke of the surrounding parcels and the wetland concerns. It is in the flood plain and will need to be raised significantly. We didn't attempt to delineate the West portion. We know we can work this part. The further in are less odds that someone would put retail there. It wouldn't be seen from the freeway. We would be opened to blend it. We feel it is best served with the HC zone.

Commissioner Heaps asked Mr. Christensen how long he has owned the property. Mr. Christensen said he bought the first piece in 2006. Commissioner Heaps asked him why he bought it. Mr. Christensen said that Chip Reynolds brought it to him and he bought it. Commissioner Heaps asked what were the plans when you initially bought it. Mr. Christensen bought it for equipment and to have it. He bought more pieces through the years.

Commissioner Ellingson asked what can be done in HC that can't be done in RC. Mr. Christensen said office warehouse. He wasn't aware that manufacturing could be done in the RC zone. Things that could be done on Kuhni road like storage and things.

Michael Cootley spoke. He said that Lindon is going through the same process to get commercial. They have met with several commercial developers and they all say that retail doesn't come with no rooftops. We were scared before COVID-19 with online shopping. Stores are going to struggle. Retail is 3-5 years out figuring out where they are going. So much square feet of office space is coming back on the market for sale. We have an office at Northpointe in American Fork is 1/6 occupied. For office, we don't have that ability to build that right now. We are looking on the East and it is industrial. North of that is wetlands, the dyke and the East Bay Golf Course. There are no homes around. We could go HC on the Eastern side and leave the other RC. Mr. Cootley offered to walk the property with the Commissioners. Flex use is what you are going to have in those areas. He feels that they can get businesses in there that will bring tax revenue to the City.

Commissioner Ellingson asked why is the RV park, two hotels, a truck stop and traffic from Wavetronics not sufficient traffic to support business developments. Mr. Cootley said it is because it isn't rooftops and residential property. Commissioner Ellingson said that the RV park sort of is. Mr. Cootley said that he has had several people look, but back out. Restaurant and commercial groups. He said it may work for a McDonalds or a Burger King. By the freeway is no mans land at this point.

Mr. Christensen asked what types of business the Commissioners would like to see. Commissioner Ellingson said restaurants. Mr. Christensen would love to see restaurants but on Kuhni Road we aren't going to get those. We are too far away for people to get there. If you are in town it is too hard to drive there to get to a restaurant.

Mr. Cootley said that in an argument with Lindon, if they restrict uses they want, then they will come. They brought in new Community Development Director who saw the challenges with the site and they all said the same thing, and COVID threw a wrench in it. The office use was going great before COVID and is now struggling.

Commissioner Parker asked if there is no project yet and if it is for a specific change, that is different. There is no real reason to change the zoning at this time.

Mr. Hunt said that since it is adjacent to the freeway, we have people who want to do shipping here. The people they talk to say they won't put retail there. Commissioner Parker just said that retail won't go in that area.

Mr. Christensen said if there is no way for it to happen, then our opportunity is gone. If it doesn't work it doesn't mean it is out of balance. He wants property that is benefit to the City and the community. Property that can't be used is just a piece of property.

Mr. Hunt said these uses are we have two warehousing users that are wanting to come in. They are also waiting on the wetlands report.

Mr. Cootley the interested parties are waiting for the rezone and the wetlands report. He said the Commissioners hold the cards of what to let in and how it looks. Mr. Yost said there are no design standards in the HC zone. It is on our priority list.

Chair Mertz asked if flex office space is an option and what does it fall under. Mr. Yost said they are separate uses, but they are both permitted. Chair Mertz doesn't see it on the table. He only saw 10 additional uses in the HC versus the RC zones. Mr. Yost said that we can do office in both, but not office with warehouse in both zones. We don't have a category that says office warehouse or flex. It falls under those categories. Mr. Yost a lot is shell space, anything permitted in HC or LIM. In form, all large mostly high ceiling flex space that can be for light manufacturing, warehousing or logistics, cross shipping, office, that type of thing.

Chair Mertz opened the Public Hearing at 7:51 p.m.

Karen Ifediba
450 S 100 E

She concurs with Mr. Yost. She doesn't think it is the Planning Commissioners job to find who can make money on a project. They should have known what they were purchasing when they bought the property. When staff gets the project prepared, get people throughout the entire community with the developers to make it patchwork, instead of making it into something by logically figuring out what to put in places to make Springville a destination and not a place to run from.

Commissioner Heaps moved to close the public hearing. Commissioner Parker seconded. The vote to close the public hearing was unanimous. The public hearing was closed at 7:53 p.m.

Petitioner invited to speak again. They declined.

Commissioner Farrer said he used to hunt there. He agrees with the Petitioners and doesn't know why it is zoned as it is. If you are leaving it as wetlands, leave as it is. If changing it, then we need to review the General Plan again. Chair Mertz clarified that he wants to see a General Plan review. Commissioner Farrer said yes. There is no access in that area now and nothing is going to be built there. He agrees with Commissioner Parker that there will not be retail in there.

Commissioner Parker concern is that we have this imbalance in the city, but to change the zoning now is a concern that we don't have the code set for building. They are not in place to control what we put there. It doesn't make sense to leave it as RC, but we need to revisit the General Plan to get the right thing in the right place.

Chair Mertz asked if the Commissioners would like to reopen the public hearing. They agreed. Chair Mertz reopened the public hearing at 7:56 p.m.

Mr. Hunt said they would like to do something and not have to wait. Instead of making a final decision tonight, would like to have this tabled, meet with Mr. Yost and figure it out. And then come to the Planning Commission with a plan. From our perspective, we don't want to wait. He spoke of other cities and how the projects have been tabled. It's not that we don't want you to get what is best for the community, we will be flexible to work with the City so we can still move forward. To work around, we can step back and then come back with a full plan. Strike a balance that works for both parties.

Mr. Christensen said that a development agreement, can be put in there. We have done that before, and we would be glad to.

Commissioner Young moved to close the public hearing. Commissioner Heaps seconded. Chair Mertz closed the public hearing at 8:00 p.m.

Commissioner Ellingson asked on the North end, how close is that to the golf course. Mr. Hunt said it is almost a mile. Commissioner Parker said it is $\frac{3}{4}$ of a mile. Commissioner Ellingson said the question is if we want warehouses in the zone. If we don't, then we don't change it. If it doesn't matter, then change it. She is OK with tabling and furthering the discussion or denying.

Chair Mertz asked Mr. Yost for General Plan update timeline. Mr. Yost said he would ask for funds to do in the upcoming budget. wouldn't happen until Q1 of fiscal 2022. It is at least a year process from there.

Commissioner Heaps said it is a matter of timing. We have to first look out for Springville City and decide what we want. He knows that it is hard to wait. He has been in that position before. This has helped us see the great need we have to look at the General Plan. Commissioner Ellingson talked about warehouse or not. We have a thing in place with the General Plan. It is hard to wait. You don't know what is going to happen. The concern is doing the right thing for Springville City. We will have to look at the General Plan. Commissioner Young said there are areas that need a second look. Commissioner Heaps continued and said this is good for us to see what we need to look at. He has an affinity to see what needs to be done and get the General Plan review done as quickly as possible. We have offered our services. It will take some patience. He thinks it should be denied and look at the General Plan.

Commissioner Young seconds that. He said we need to look at the General Plan again and make wise choices.

Chair Mertz asked if it is possible for someone to petition to add a conditional use to the RC zone for office warehouse. Mr. Yost said that anyone can petition for any change to the text of the ordinance they desire. Chair Mertz asked if there is a conditional use in

the RC zone for office warehouse, would that require someone who wants to so a project in such an area utilizing that conditional use to submit a plan that is specific as to what would go in there. Mr. Yost said no, not for a rezone.

Chair Mertz is of the opinion that the area is not going to work for retail. We have a process in place. The wheels of government can turn slow, but Springville wants to do the best we can. We want to follow the guidelines that have been set up. They are here for a purpose. We are here tonight because you can challenge those guidelines and seek changes, and I think we are all open to that.

Commissioner Heaps moved to recommend denial of an amendment of the Official Zone Map from the RC-Regional Commercial Zone to the HC-Highway Commercial Zone on parcel numbers 22:053:0008; 22:053:0006; 22:053:0010; 22:053:0009; 22:053:0066; and 22:053:0068 in the general area of 1650 West 1700 North.

Commissioner Parker seconded. Chair Mertz called for a roll call vote:

Farrer - nay, in hopes that we can look at this again in the future

Young - aye

Parker - nay, in hopes that we can speed up the process

Heaps - aye

Ellingson - nay, she prefers to table it

Mertz - nay

Chair Mertz said the motion does not pass and asked if anyone would like to make another motion.

Commissioner Ellingson asked if it is tabled, how long of a timeline can we put on a table. Mr. Yost said there are a number of considerations. Tabling means that you are not going to consider it and it is not going to move forward. As the Planning Commission, he does not know if you can table something. You can continue it indefinitely, which means it needs to come back to you before it goes back to Council with no specific date. You can continue it with a date certain where you state the date and that would be notice of what agenda it would appear on. Other considerations are that Staff doesn't have any bandwidth right now to dedicate Staff time to work on a process for this property. The applicant is more than welcome to, at their risk, propose a detailed plan or development agreement or amendments to a zoning ordinance that would be best suited for what they want to do with the property. As their current application is denied, it would be an application they would be carrying the water on as we would not be able to devote City resources to it.

Commissioner Parker asked if can we put a date for them to bring it back. Mr. Yost said yes. Or you can continue it and they can bring it back when they are ready.

Chair Mertz is open to whatever. At least a couple of months for them to come back with a proposal.

Commissioner Parker motioned to continue the discussion through the end of the year for the developers to bring back a proposal for the Commission to look at to determine if it is the right thing for Springville City. Commissioner Ellingson seconded.

Mr. Yost reminded that you are continuing specifically this application. If the applicant brings in anything that differs from this application, it will be a different application. They need to mention this specific application. Commissioner Parker asked how it should be worded. Mr. Yost said if you recommend a motion of denial, it goes to the City Council on the 17th and they can get a yes or no from the City Council, and then they can go and do the work to come up with a different proposal. Or if you continue it, they will probably do the same work to come up with a different proposal. But it wouldn't be able to come back to the City Council before it came back to you. That is your decision. Commissioner Heaps asked if it would need to come back to the City Council if it was denied here. Mr. Yost said if it is denied here, it always goes to the City Council. If they came up with something new, it needs to come back here as a separate item.

Commissioner Farrer reminded Chair Mertz that there is still a motion on the table that needs to be addressed before we can consider another motion. Chair Mertz agreed. Commissioner Ellingson said that Commissioner Parker could choose to withdraw or amend his motion. Chair Mertz told Commissioner Parker that is true. Commissioner Parker said he doesn't withdraw or amend his motion.

Chair Mertz said the motion was to continue this for two months, until the end of the year. But if we do that, it will not go to City Council. Mr. Yost said that is correct. A continuance is not making a recommendation to City Council. It is pulled off their agenda until it comes back to you for an actual recommendation. Chair Mertz clarified that if they do make a recommendation to deny, that would go to City Council. The petitioners could then come back to us with a new proposal. Mr. Yost said yes, at any time.

Chair Mertz said there was a motion and a second. The vote to approve was 2 (Commissioner Parker and Ellingson) and the vote to deny was 4. The motion does not pass.

Chair Mertz asked if the Commissioners needed to have more discussion. Commissioner Parker said if we deny it, the City Council can change our vote. It could come back to us as a new proposal. Commissioner Heaps said it creates more options for the applicant if we deny. Chair Mertz said that is what he sees. Commissioner Young said that we can approve it and the City Council can deny it. Commissioner Ellingson said that if we are not sure of what we want to see, we want to have the opportunity to come back at it. If we deny or approve tonight, it goes to the City Council and we don't get a second shot at it. Chair Mertz said that we get a second shot at it if the City Council denies it and the applicant comes back with a different proposal. Commissioner Young said that if the City Council approves the denial, we would see the site plan when they come back.

Chair Mertz asked for a motion.

Commissioner Young moved to recommend denial of an amendment of the Official Zone Map from the RC-Regional Commercial Zone to the HC-Highway Commercial Zone on parcel numbers 22:053:0008; 22:053:0006; 22:053:0010; 22:053:0009; 22:053:0066; and 22:053:0068 in the general area of 1650 West 1700 North. Commissioner Heaps seconded. Chair Mertz called for a roll call vote:

Ellingson - aye
Heaps - aye
Parker - aye
Young - aye
Farrer - nay
Mertz - nay

Chair Mertz said he voted nay because it is still going to pass. And to say to the City Council that we do want to see a change. The motion carries to recommend denial to the City Council. Mr. Yost said this would appear on the City Council agenda of November 17th.

Mr. Yost said the Planning Commissioners are welcome to go to City Council meetings. But you speak as a board through your recommendations.

ADMINISTRATIVE SESSION

6. Approval of the 2021 Meeting Schedule

Chair Mertz said that the 2021 schedule shows only one meeting for November and December. He asked if that is the same for this year. Mr. Yost said they are all scheduled for this year. If you would like to add all the meetings onto the 2021 calendar, you can do that in your motion.

Commissioner Farrer moved to approve the 2021 Meeting Schedule as written. Commissioner Ellingson seconded. The vote to approve the 2021 Meeting Schedule was unanimous.

Chair Mertz said that in 2020, our meeting schedule shows we are meeting on November 24 and December 22. Chair Mertz said he is OK not having meetings on either of those days unless there is an agenda item that we need to hear. Mr. Yost said we can handle that through email and let you know if we have anything pressing or not and then post a cancellation agenda. We can follow your guidance and not put something on the agenda to just have a meeting. The Commissioners agreed.

With nothing further to discuss, Commissioner Young moved to adjourn the meeting. Commissioner Parker seconded the motion.

Chair Mertz adjourned the meeting at 8:24 p.m.