



WORK/STUDY AGENDA
SPRINGVILLE CITY COUNCIL MEETING
SEPTEMBER 07, 2021 AT 5:30 P.M.
City Council Chambers
110 South Main Street
Springville, Utah 84663

MAYOR AND COUNCIL DINNER - 5:00 P.M.

The Mayor and Council will meet in the Multi-Purpose Room for informal discussion and dinner. No action will be taken on any items.

No decisions will be made at this meeting. The public is invited to observe the work session. Public comment generally is not taken during work sessions.

CALL TO ORDER

COUNCIL BUSINESS

1. Calendar

- Sept 14 - Work/Study Meeting 5:30 p.m.
- Sept 21 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Sept 29-Oct 01 - ULCT Annual Convention
- Oct 05 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

2. **DISCUSSION ON THIS EVENING'S REGULAR MEETING AGENDA ITEMS**

- a) Invocation - Councilmember Jensen
- b) Pledge of Allegiance - Councilmember Packard
- c) Consent Agenda
 2. Approval of the minutes for the regular meeting held on July 20, 2021, and the Work-Study meetings held on July 13, 2021, and August 10, 2021.
 3. Approval of a Resolution and agreement for the 2021 Utah County Recreation Grant in the amount of \$16,199.00 - Corey Merideth, Recreation Director
 4. Approval of a Resolution and contract with FHN Financial Main Street Advisors - Bruce Riddle, Assistant City Administrator/Finance Director
 5. Approval of the Condie Farms, Plat C Subdivision located in the area of 550 North 1500 West, Springville, in the R1-8 Single-Family and WF-1 Westfields Overlay Zones - Josh Yost, Community Development Director
 6. Approval of the Regent's Park Condominiums, an office warehouse project located at 317 North 2000 West, Springville, in the HC-highway Commercial Zone - Josh Yost, Community Development Director

3. **DISCUSSIONS/PRESENTATIONS**

- a) Annexation Policy Discussion - Troy Fitzgerald, City Administrator
- b) Lakeside Landing Discussion - Josh Yost, Community Development Director
- c) Discussion regarding amending the Springville Official Zone Map from the Highway Commercial (HC) and Light Industrial Manufacturing (LIM) Zones to the Regional Commercial (RC) Zone from 400 South to 1000 North between 2600 West and 1650 West - Josh Yost, Community Development Director

4. **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

5. CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

The Springville City Council may temporarily recess the meeting and convene in a closed session as provided by UCA 52-4-205.

6. ADJOURNMENT

CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE- POSTED 09/03/2021

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 City Recorder at (801) 489-2700 at least three business days prior to the meeting.

Meetings of the Springville City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to Springville City Municipal Code 2-4-102(4) regarding electronic meetings. s/s - Kim Crane, CMC, City Recorder





REGULAR AGENDA
SPRINGVILLE CITY COUNCIL MEETING
SEPTEMBER 07, 2021 AT 7:00 P.M.
City Council Chambers
110 South Main Street
Springville, Utah 84663

The regular Springville City Council meeting will be broadcast on Zoom, go to <https://www.springville.org/agendas-minutes/> and select the Zoom Meeting link.

Public Comment may be submitted via email, comments will be read in the meeting and entered into the permanent record. Email comments to kcrane@springville.org before 5:00 p.m. day of the meeting.

CALL TO ORDER

INVOCATION

PLEDGE

APPROVAL OF THE MEETING'S AGENDA

MAYOR'S COMMENTS

CEREMONY

1. Youth City Council Presentation

PUBLIC COMMENT - *Audience members may bring any item, not on the agenda to the Mayor and Council's attention. Please complete and submit a "Request to Speak" form. Comments will be limited to two or three minutes, at the discretion of the Mayor. State Law prohibits the Council from acting on items that do not appear on the agenda.*

CONSENT AGENDA - *The Consent Agenda consists of items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Council. The Agenda provides an opportunity for public comment. If after the public comment the Council removes an item from the consent agenda for discussion, the item will keep its agenda number and will be added to the regular agenda for discussion, unless placed otherwise by the Council.*

2. Approval of the minutes for the regular meeting held on July 20, 2021, and the Work-Study meetings held on July 13, 2021, and August 10, 2021.
3. Approval of a Resolution and agreement for the 2021 Utah County Recreation Grant in the amount of \$16,199.00 - Corey Merideth, Recreation Director
4. Approval of a Resolution and contract with FHN Financial Main Street Advisors - Bruce Riddle, Assistant City Administrator/Finance Director
5. Approval of the Condie Farms, Plat C Subdivision located in the area of 550 North 1500 West, Springville, in the R1-8 Single-Family and WF-1 Westfields Overlay Zones - Josh Yost, Community Development Director
6. Approval of the Regent's Park Condominiums, an office warehouse project located at 317 North 2000 West, Springville, in the HC-highway Commercial Zone - Josh Yost, Community Development Director

REGULAR AGENDA

7. Consideration of an Ordinance adopting the Traditional Neighborhood Development Overlay Zone as Springville City Code Title 11, Chapter 5, Article 8 - Josh Yost, Community Development Director
8. Consideration of an Ordinance amending the Official Zoning Map to apply the Traditional Neighborhood Development Overlay Zone to parcel 26:041:0068, a 20.29-acre parcel located at approximately 700 South and 950 West - Josh Yost, Community Development Director

9. Consideration of Resolution approving an Annexation Petition for further study regarding the Fackrell Property located at approximately 2295 East 700 South, Springville, Utah - Kim Crane, City Recorder
10. Consideration of an Ordinance amending the Springville Official Zone Map from the Highway Commercial (HC) and Light Industrial Manufacturing (LIM) Zones to the Regional Commercial (RC) Zone from 400 South to 1000 North between 2600 West and 1650 West - Josh Yost, Community Development Director (continued from July 06, 2021)
11. Discussion regarding COVID19 Assistance Matching Grants - Troy Fitzgerald, City Administrator

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION

12. *The Springville City Council may adjourn the regular meeting and convene into a closed session as provided by UCA 52-4-205.*

ADJOURNMENT

CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE- POSTED 09/03/2021

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 City Recorder at (801) 489-2700 at least three business days prior to the meeting.

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MINUTES OF THE REGULAR MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON TUESDAY,
JULY 20, 2021, AT 7:00 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET, SPRINGVILLE,
UTAH.

Presiding and Conducting: Mayor Richard J. Child

Elected Officials in Attendance: Liz Crandall
Craig Jensen
Matt Packard
Mike Snelson
Brett Nelson

City Staff in Attendance: City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, and City Recorder Kim Crane. Building and Grounds Director Bradley Neel, Chief of Police Lance Height, Administrative Services Director Patrick Monney, Community Development Director Josh Yost, Public Works Director Brad Stapley, Recreation Director Corey Merideth, Library Director Dan Mickelson, and Museum of Art Director Rita Wright.

CALL TO ORDER

Mayor Child welcomed everyone and called this meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

Councilmember Nelson offered the invocation, and Councilmember Crandall led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER SNELSON MOVED TO APPROVE THE AGENDA AS WRITTEN. COUNCILMEMBER NELSON SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

MAYORS COMMENTS

Mayor Child welcomed the Council, staff, and those in attendance.

PUBLIC COMMENT

Mayor Child introduced the Public Comment section of the agenda. He asked if there were any written requests to speak submitted.

Travis Gough submitted a comment to be read about bike trails. Councilmember Snelson said staff is in the process of adding trails and Mr. Gough can attend the Active Transportation Committee meetings to learn about the progress. Administrator Fitzgerald said staff will reach out to Mr. Gough.

Amanda Miller read from a prepared statement concerning an affidavit the council received in June describing the right to an audit of the election. She listed the contacts she had with members of the council and staff. She asked for opinions on rank choice voting. She asked for the decision to join the state-wide rank choice voting pilot program to be brought back to the table. She explained her knowledge and opinion of rank choice voting. Councilmember Snelson replied more education on rank choice voting

46 would be proper. Ms. Miller said she does not want rank choice voting and asked for more training to be provided.

48 **CONSENT AGENDA**

- 50 1. Approval of minutes for the Work-Study meetings on May 04 and 18, 2021
50 2. Approval of the Mayor’s appointment of Patrice Bolen to the RAP Tax Ad Hoc Committee

52 COUNCILMEMBER JENSEN MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN.
54 COUNCILMEMBER PACKARD SECONDED THE MOTION; THE VOTE WAS RECORDED AS
54 FOLLOWS:

56	COUNCILMEMBER CRANDALL	AYE
56	COUNCILMEMBER JENSEN	AYE
58	COUNCILMEMBER PACKARD	AYE
58	COUNCILMEMBER SNELSON	AYE
60	COUNCILMEMBER NELSON	AYE

60 **REGULAR AGENDA**

62 3. **Consideration of the Highline Ditch Transition Policy – Troy Fitzgerald, City Administrator**

64 Administrator Fitzgerald started his presentation by referring to the policy up for consideration in
64 the packet. He read into the record a letter from John Hafen. He addressed the contingencies in the
64 Highline Ditch Policy including:

- 66 • Ditch in operation through 2026 irrigation season
- 68 • Council agrees to leave the current fee structure in place through 2026
- 68 • Users are to transfer to the culinary system by 2027 irrigation season
- 70 • Users get discounted culinary rates through the end of 2035
- 70 • Users can transition to culinary at any time and receive discounted rates
- 72 • Once Users transition to culinary, they receive a credit on their utility bill
- 72 • If a lot is subdivided, only one remaining lot gets the benefit of the policy
- 74 • Since the city owns the water, no water is tendered for development
- 74 • If the ditch fails before the end of 2026, the city may stop supply immediately

76 He continued by describing the utility bill credit and gave examples in his PowerPoint.
76 Councilmember Packard clarified that the credit on the utility bill applies to all charges on the utility bill
76 and added by conserving water, the Highline Ditch Users could have their electricity bill paid for years.

78 Administrator Fitzgerald concluded his presentation with these thoughts. Highline Ditch Users
80 must convert to culinary and pay that cost. Springville City is paying a ‘moral obligation fee’ with the
80 discount applied to their utility bill. Highline Ditch Users must pay the base rate and a meter fee. The City
82 can quickly begin taking some water out higher in the system. (This benefits Users, the City, and other
82 citizens.) Highline Ditch Users will benefit from a more reliable system. Overall systems costs are lower
84 for the City and all citizens. He said there is no way around the fact that it is more expensive for the City
84 to maintain two systems for water delivery instead of one unless the water is very expensive. If Users
86 already have a meter, they can and should use that meter. There will be a cost to the users to connect to
86 the system to avoid cross-connections. Everyone should be pleased that we came together to solve an
86 unsolvable problem in a way that is good for everyone.

88 Councilmember Packard asked if this policy is fair to all Springville residents as well as the
90 Highline Ditch Users. Administrator Fitzgerald answered resolution of conflict lies within windows of
90 settlement; what is acceptable to both parties and where they crossover. The city is not obligated to offer
92 this legally, but the court expenses would be significant and the damage to the relationships with the
92 community. The efforts of the city staff to be direct, upright, and honest in all of our dealings would be

94 damaged. This policy is very fair to both sides. There is room to move in either direction in the resolution.
95 It is fair to the city and the user; a generous offer, but not as generous as in early negotiations, but
96 stretches farther into the future with ditch utilization. The fees over time will impact and change the costs.
He concluded he would not be recommending this policy if he did not think it was fair to Springville City.

98 COUNCILMEMBER NELSON MOVED TO *APPROVE* THE HIGHLINE DITCH TRANSITION
POLICY. COUNCILMEMBER PACKARD SECONDED THE MOTION, COUNCILMEMBER SNELSON
100 RECUSED HIMSELF AND ALL OTHERS VOTED AYE.

102 David Hullinger added a public comment and stated heavy dependence on the water and asked
the vote be tabled. He referenced a 1952 city council meeting. Finally, he addressed commensurate
104 compensation as mention in the constitution. He asked for further discussion of commensurate
compensation with Administrator Fitzgerald.

106 Howard Stewart asked about Plat A irrigation water being piped. Administrator Fitzgerald
explained Springville City is the last community in Utah County to allow irrigation company water to flow
108 in the gutters. He said that would be a council decision. He noted that Springville City receives daily social
media complaints on Plat A irrigation water flowing in the gutters seeing waste during this drought. Mr.
110 Stewart asked if Plat "A" Irrigation Users are metered. Administrator Fitzgerald answered yes, but not for
flood irrigation. Mr. Stewart complained that his pipe will need a more expensive meter. Mayor Child noted
112 that the maintenance of the ditch has not been mentioned. Administrator Fitzgerald showed a map of the
system. He said the 1952 city council resolution dealt with a specific area of Highline Ditch Users, none
114 of which still use the ditch. The ownership of that water is subject to ongoing adjudication and owners can
move forward with claims. He said the city purchased the Strawberry water that supplies all current users
116 of the Highline Ditch. Staff requested documentation from the current Highline Ditch Users for
documentation showing a homeowner purchased water inside the Highline Ditch and none was received.
118 He noted a taking claim that has been in dispute for 100 years but involves none of the current Highline
Ditch Users. There is a difference between current Highline Water cost and culinary water cost, but that
120 is because there is a 60% difference between current Highline Water cost and current Highline Water
operating cost to properly maintain the system including millions for private laterals. Administrator
122 Fitzgerald concluded by saying the Highline Ditch system cannot be operating cheaper than the current
culinary system. He said if there is any new documentation that would move the needle there can be
124 further considered. Mayor Child said public comment time ended and the vote stands as it is now.

126 4. **Consideration of a Resolution of the Springville City Council placing the question of whether or
not the city should enact 0.1% local sales and use tax to fund Recreation, Arts, and Parks (RAP)
128 programs and facilities in the city on the 2021 Municipal General Election Ballot - Corey Merideth,
Recreation Director**

130 Director Merideth started his discussion of the RAP tax by defining it and suggesting a change in
name to PAR tax. Councilmember Nelson asked if the council is confident this name change will not
132 create confusion. Councilmember Jensen said the change is good. Councilmember Crandall said it is still
labeled a tax. Director Merideth listed all the names for this type of tax that collects revenue for parks,
134 arts, and recreation. He said this resolution addresses just the wording on the ballot. Councilmember
Snelson asked about an education campaign. Director Merideth added the ad hoc committee is reviewing
136 other ballots and this is in line with what other cities placed on the ballot. He reviewed the words of the
entire resolution for the council to verify. Council thanked and complimented Director Meredith. He
138 concluded by stating this will be noticed in the next city newsletter. Councilmember Nelson confirmed the
education campaign will include social media and other channels of communication.

142 COUNCILMEMBER JENSEN MOVED TO *APPROVE RESOLUTION #2021-38* TO PLACE A
PAR TAX QUESTION ON THE NOVEMBER 02, 2021 SPRINGVILLE MUNICIPAL GENERAL
ELECTION BALLOT.

144 COUNCILMEMBER SNELSON SECONDED THE MOTION. THE VOTE IS RECORDED AS
FOLLOWS:

146 COUNCILMEMBER CRANDALL AYE
COUNCILMEMBER JENSEN AYE
148 COUNCILMEMBER PACKARD AYE
COUNCILMEMBER SNELSON AYE
150 COUNCILMEMBER NELSON AYE

RESOLUTION #2021-38 APPROVED

152

MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

154 Mayor Child asked if there were any comments.
There was none.

156

CLOSED SESSION

158 5. *The Springville City Council may temporarily recess the regular meeting and convene in a closed
session as provided by UCA 52-4-205.*

160 There was none.

162 **ADJOURNMENT**

COUNCILMEMBER PACKARD MOVED TO ADJOURN THE REGULAR MEETING AT 7:49 P.M.
164 COUNCILMEMBER JENSEN SECONDED THE MOTION, AND ALL PRESENT VOTED AYE.

166 *This document constitutes the official minutes for the Springville City Council Regular Meeting held on Tuesday, July 20, 2021*
168 *I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy Recorder for Springville City, of Utah*
County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on
170 *Tuesday, July 20, 2021.*

172 DATE APPROVED: _____

Jennifer Grigg
Deputy Recorder

174



2 **MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON**
3 **TUESDAY, JULY 13, 2021 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,**
4 **SPRINGVILLE, UTAH.**

6 **Presiding and Conducting:** Mayor Richard J. Child

8 **Elected Officials in Attendance:** Liz Crandall
9 Craig Jensen
10 Matt Packard
11 Mike Snelson (Absent)
12 Brett Nelson (Absent)

14 **City Staff in Attendance:** City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney
15 John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, Recorder Kim Crane, Deputy
16 Recorder Jennifer Grigg, Building and Grounds Director Bradley Neel, Community Development Director
17 Josh Yost, Golf Pro Craig Norman, Library Director Dan Mickelson, Operations Director Patrick Monney,
18 Power Director Leon Fredrickson, Public Safety Director Lance Haight, and Recreation Director Corey
19 Merideth.

20

CALL TO ORDER

22 Mayor Child welcomed everyone and called the work/study meeting to order at 5:30 P.M. He
23 reviewed the details for tonight's meeting.

24

COUNCIL BUSINESS

26 1. CALENDAR

- 27 • Jul 20 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
28 • Jul 23 - Pioneer Day Observed (Friday, City Offices Closed)29 • Aug 03 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.

30

31 Before the presentations began, Director Merideth brought up the wording of the RAP Tax on the
32 November Ballot. Councilmember Packard suggested the wording should not get lost in the generalities.
33 Councilmember Jensen appreciated changing the title to PAR Tax. Mayor Child said every neighboring
34 city is collecting a RAP tax. Councilmember Nelson wondered about changing the title this close to the
35 election.

36

37 2. DISCUSSION AND PRESENTATIONS

38 a) **Discussion regarding the 100 South Hobble Creek Corridor and 180 South Main Street**
39 **Development Concept Design - Josh Yost, Community Development Director**

40 Director Yost started his discussion on the 100 South Hobble Creek Corridor which is one of two
41 collaborations between Clyde Companies and Springville City. He introduced Elsie, representing Clyde
42 Company, who suggested the city start a Hobble Creek pedestrian path on the north side of 100 South.

44 This idea was first suggested in 2011 in the general plan to improve streets in the city. Councilmember
45 Jensen stated the south side will remain one way. Councilmember Packard declared he owns property
46 nearby and excused himself from commenting. Mayor Child agreed the city can make the creek an
47 amenity for the city in that area. Director Monney asked about the west side of the property.
48 Councilmember Crandall asked about the 24 existing apartments. Administrator Fitzgerald said the
49 property owner can apply for a building permit without legislative action. The general idea is to beautify
50 the 100 South Corridor, lengthen access to the creek improving city walkability. Councilmember Packard
51 suggested it look similar to other areas of the city so there is a common look. The owner can work with
52 Director Yost.

53 He continued to the 180 South Main Street Development Concept Design. Clyde Companies is
54 under contract to purchase a lot—with Clyde Company and the City Council agreeing on the design as a
55 condition of closing. Architect Bret Harris presented his proposed design. Councilmember Packard
56 complimented the proposal. Councilmember Crandall expressed she is in favor of the plan.

57 **b) Discussion regarding Holdaway Park and Infill Planning Projects - John Penrod, Assistant City**
58 **Administrator/City Attorney**

59 Attorney Penrod began his presentation by showing Holdaway Park and the possible
60 development. Councilmember Packard asked about six lots and infrastructure. Councilmember Crandall
61 asked about lot size. Administrator Fitzgerald said with a country lane standard and city landscaping, the
62 lot will seem bigger with the homes pushed forward. Director Yost noted the pedestrian promenade to
63 provide more private space. Councilmember Packard asked about bigger parking lots. Attorney Penrod
64 said the city will work with the developers who want to make a profit on their investment.

65 **3. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

66 Mayor Child asked for any other comments. There were none.

67 **4. CLOSED SESSION**

68 *The Springville City Council may temporarily recess the regular meeting and convene in a closed*
69 *session as provided by Utah Code Annotated Section 52-4-205*

70 COUNCILMEMBER JENSEN MOVED TO ADJOURN THE WORK/STUDY MEETING OF THE
71 SPRINGVILLE CITY COUNCIL AT 6:33 P.M. AND CONVENE IN A CLOSED SESSION INVOLVING
72 LITIGATION. COUNCILMEMBER CRANDALL SECONDED THE MOTION. THE VOTE IS RECORDED
73 AS FOLLOWS:

- 74 COUNCILMEMBER CRANDALL AYE
- 75 COUNCILMEMBER JENSEN AYE
- 76 COUNCILMEMBER PACKARD AYE
- 77 MIKE SNELSON (ABSENT)
- 78 BRETT NELSON (ABSENT)

79 **ADJOURNMENT BY CONSENSUS AFTER THE CLOSED SESSION.**

80 *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, July 13, 2021.*
81 *I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy Recorder for Springville City, of Utah*
82 *County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on*
83 *Tuesday, July 13, 2021.*

84 DATE APPROVED: _____
85 _____
86 Jennifer Grigg
87 Deputy Recorder



MINUTES
Springville City Council Work/Study Meeting - AUGUST 10, 2021

2 MINUTES OF THE WORK/STUDY MEETING OF THE SPRINGVILLE CITY COUNCIL HELD ON
TUESDAY, AUGUST 10, 2021 AT 5:30 P.M. AT THE CIVIC CENTER, 110 SOUTH MAIN STREET,
4 SPRINGVILLE, UTAH.

6 **Presiding and Conducting:** Mayor Richard J. Child

8 **Elected Officials in Attendance:** Liz Crandall
Bret Nelson
10 Matt Packard
12 Mike Snelson

14 **City Staff in Attendance:** City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney
John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, City Recorder Kim Crane,
Deputy Recorder Jennifer Grigg, Facilities Superintendent Dave Ashton, Community Development
16 Director Josh Yost, Golf Pro Craig Norman, Library Director Dan Mickelson, Operations Director Patrick
Monney, Power Director Leon Fredrickson, Public Safety Director Lance Haight, Public Works Director
18 Brad Stapley, Recreation Director Corey Merideth, and Museum of Art Director Rita Wright.

20 **CALL TO ORDER- 5:30 P.M.**

22 **COUNCIL BUSINESS**

24 1. CALENDAR

- 24 • Aug 10 - 17 - Springville Municipal Election Candidate Filing Period
- 26 • Aug 17 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- 28 • Sept 07 - Work/Study Meeting 5:30 p.m., Regular Meeting 7:00 p.m.
- Sept 14 - Work/Study Meeting 5:30 p.m.
- Sept 29-Oct 01 - ULCT Annual Convention

30 2. **MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS**

32 Administrator Fitzgerald described American Recovery Act Funds (ARPA) and asked the City
Council for input. Councilmember Snelson asked what Springville City would owe. Administrator
Fitzgerald described qualified census tracts. Councilmember Packard asked if the qualifications for this
34 funding are in statute or is it up for interpretation. Administrator Fitzgerald answered interpretation.
Councilmember Packard continued by clarifying that Springville City could request funds and use them,
36 thinking the request qualified, but by interpretation, the city could be in trouble. The United States
Treasury Department will have qualifying tests. He explained that COVID supplies and revenue loss could
38 qualify. Councilmember Nelson asked about funds for public safety to improve employee retention.
Administrator Fitzgerald said incentivizing new hires qualifies; repairing park systems and infrastructure
40 qualifies; upgrading tourism system qualifies; open space development north of 1600 North qualifies;
developing of affordable housing; mental health services; utility support payments; and more.
42 Councilmember Nelson clarified the meaning of a business planning counseling fund.

44 Administrator Fitzgerald concluded by asking the City Council if the staff was thinking about the
45 right stuff. Councilmember Packard stated he is nervous about taking one-time money that becomes
46 overhead. Councilmember Crandall stated she is interested in making our community more self-
47 sustaining for future emergencies. Administrator Fitzgerald said some programs qualify like back to work
48 and educational programs. Mayor Child agreed there are opportunities for one-time money in water and
49 sewer infrastructure that always needs upgrading. Councilmember Packard asked how the city would
50 develop affordable housing as a revenue stream. Administrator Fitzgerald said yes, the city could partner
51 with the Olene Walker Housing Loan Fund. Director Riddle added that is interesting because it would
52 create a three-way partnership with municipal, developer, and state matching funds from the American
53 Recovery Act Funds (ARPA). Councilmember Nelson said generally when the government gets involved
54 in housing; it is not a good result. Councilmember Packard added he is thinking of a non-government
55 entity. Administrator Fitzgerald said the state is setting aside \$35 million for cities willing to change
56 commercially zoned property to higher density property. Director Monney described city purchasing
57 developments to lease to city workers. Director Stapley asked about reimbursement for current projects.
58 Administrator Fitzgerald answered potential if it qualifies.

59 Councilmember Nelson said the infrastructure is critical now. Councilmember Crandall clarified
60 the strings attached to the money. Administrator Fitzgerald said as long as the projects qualify and are
61 well documented, there is low risk.

62 a) **Discussion with Department Directors**

63 Director Stapley reported east 400 South infrastructure is complete and will be repaved in the
64 spring. Councilmember Nelson acknowledged the rough pavement. Councilmember Packard asked
65 about 1200 East. Director Stapley said it will be completed by October. Councilmember Crandall asked
66 about the upgraded ADA crosswalks. Director Stapley said it is difficult for contractors to get employees.

67 Director Fredrickson reported on power failures and the variety of causes.

68 b) **Mayor and Council Reports**

69 There were none.

70
71 3. **ADJOURNMENT**

72 Not recorded, but I witnessed the motion, second and all voted aye.

73

74 4. **CLOSED SESSION, IF NEEDED - TO BE ANNOUNCED IN MOTION**

75 *The Springville City Council may temporarily recess the regular meeting and convene in a closed*
76 *session as provided by Utah Code Annotated Section 52-4-205*

77 There were none.

78

79 *This document constitutes the official minutes for the Springville City Council Work/Study meeting held on Tuesday, August 10, 2021.*

80
81 *I, Jennifer Grigg, do hereby certify that I am the duly appointed, qualified, and acting Deputy Recorder for Springville City, of Utah County,*
82 *State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Tuesday,*
83 *August 10, 2021.*

84

85 DATE APPROVED: _____

86

Jennifer Grigg
Deputy Recorder



STAFF REPORT

DATE: September 7, 2021

TO: The Honorable Mayor and City Council

FROM: Corey Merideth, Recreation Director

SUBJECT: ACCEPT AND APPROVE STAFF RECOMMENDATION FOR THE USE OF THE 2021 UTAH COUNTY RECREATION GRANT IN THE AMOUNT OF \$16,199. AUTHORIZE STAFF TO SUBMIT THE APPLICATION AS PRESENTED.

RECOMMENDED ACTION

Motion to give authority to Mayor Child to sign the 2021 County Rec Grant interlocal agreement with Utah County in the amount of \$16,199.35.

GOALS, OBJECTIVES AND STRATEGIES AT ISSUE

General Plan Goal - . . . to provide a wide range of opportunities and healthy experiences.

Objective 6 - To provide recreation that creates lasting memories, provides diverse opportunities, builds unity, and provides safe and fun experiences for all age abilities and interest.

BACKGROUND

Utah County is accepting grant applications from municipalities for recreation. In 2020 Springville City was successful in making improvements for a variety of projects including; 2 benches with shade covering at CRC, 4 Aqua Fitness boards for classes at CRC, LED lighting upgrade at Cherry Creek Elementary north gym and 2 new volleyball standard/nets/equipment at Cherry Creek Elementary south gym.

2021 grant allocations are;

1. \$4,000 to purchase 2 Life Fitness treadmills at Clyde Rec Center.
2. \$6,195 to purchase equipment/supplies to upgrade high voltage capabilities at Civic Center lawn.
3. \$6,000 to purchase equipment/supplies to upgrade low voltage capabilities at Civic Center lawn.

FISCAL IMPACT

The total cost of these projects will not exceed the allotted \$16,199.35, in County Recreation Grant Funds.

ATTACHMENTS

1. 2021 Utah County Application



Letter of Recommendation to City Council

Springville City Board Name: **Parks and Recreation Board**

Applicant: Corey Merideth	Request: County Recreation Grant	Date of Meeting: July 27, 2021
Parks and Recreation Board	Distribution of Utah County Municipal Recreation Grant.	

Motion by Jeremy Barker	Second by: Lynn Bartholomew
--------------------------------	------------------------------------

RECOMMENDATION	<input checked="" type="checkbox"/>	APPROVE		DISAPPROVE		OTHER:
CONDITIONS OF APPROVAL:						
The funds will be allocated in the following manner:						
Treadmill upgrade at CRC						\$4,000
Civic Center outside power upgrade – high voltage						\$6,195
Civic Center outside power upgrade – low voltage						\$6,000
				TOTAL		\$16,195

Voting Record:

Member Name	APPROVE	DENY	ABSTAIN
Jeremy Barker - Chair	X		
Deborah Hall (absent)			
Lynn Bartholomew	X		
Katie Sosa	X		
Julie Kappas (absent)			
Grant Sumsion (absent)			
Polly Dunn (absent)			
Sydney Condie	X		
Shane Lamb	X		

Chair

July 27, 2021
Date

RESOLUTION #2021-XX

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND THE CITY OF SPRINGVILLE, UTAH REGARDING THE ADMINISTRATION OF THE 2021 COUNTY REC GRANT.

WHEREAS, Utah County is appropriating TRCC Funding “restaurant tax” in the form of a Grant;

WHEREAS, the City has been awarded funds for projects of development or construction of facilities;

WHEREAS, it is the mutual benefit of both Utah County and Springville City to enter into an agreement providing for the parties’ joint efforts to administer the 2021 County Rec Grant, and;

WHEREAS, an Interlocal Cooperation Agreement, in the form attached hereto as **Exhibit A**, has been prepared to define the joint election administration and responsibilities.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Springville, Utah:

1. The Interlocal Cooperation Agreement attached hereto as **Exhibit A** is hereby approved.
2. The Mayor is hereby authorized to execute the Agreement in substantially the form attached hereto as **Exhibit A**, with such minor changes and modifications as may be recommended by the City’s legal counsel.

This resolution shall take effect immediately, as allowed by law.

PASSED AND APPROVED this 7th day of September, 2021.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder



Utah County Commission

Tanner Ainge
Nathan Ivie
Bill Lee

51 S University Ave.
Suite 320
Provo, UT 84601

801-851-8100
www.utahcounty.gov

2021 Municipal Recreation Grant Application

Application deadline is September 20, 2021 @ 5:00PM.

Municipality: Springville City

Name of Preparer/Contact Person: Corey Merideth

Mailing Address: 443 South 200 East

Phone: (801)489-2730 E-mail: cmerideth@springville.org

Grant Amount Requested

(Please refer to this year's funding amount document for your entity's available funding)
Any unused funding will automatically be rolled forward into future years

TOTAL: \$ 16,199.35

Project Name: Treadmills, Power

Project Location: Clyde Recreation Center, Springville Civic Center

Project Type: (Please check all that apply.)

- Tourism Promotion
 Tourism Facility
 Cultural Facility
 Recreational Facility
 Convention Facility

*****Please submit a detailed project description with application*****

Date Approved by Municipal Council: _____

Mayor or Administrator Signature

Date

FOR COMMISSION OFFICE USE ONLY

Application Received by Commission Office	County Attorney Review	Commission Approval/ Agreement #	Agreement Sent to Municipality	Signed Agreement Received by Commission Office	Receipts Received by Commission Office	PO Sent to County Auditor	Funds Paid

2021 Municipal Recreation Grant Project Description

Project Name: County Grant Projects
(2 Life Fitness Treadmills, Upgrade the electrical output for Special Events)
Project Location: Clyde Recreation Center and Civic Center
Project Type: Recreation Facilities
Grant Amount: \$16,199.35

Background/Description:

Springville City purchased 2 new treadmills this past year. After several months our representative contacted us and made a visit to the CRC where he noticed the warehouse employees delivered a much more expensive model than the ones that were ordered. Life Fitness offered to either bring us the ones we ordered or give us the opportunity to keep these upgraded machines at reduced price. Life Fitness cannot recoup the money from the machines and our patrons are extremely happy with them, so they made us a win/win deal to keep them.

Springville City Civic Center is the site for several events including Art City Days, Farmers Market and the soon to be Winter Wonderland. For these special events we need to have power for the food and vendor booths, lights and when the stage is set up, sound for bands. The high voltage line comes underground across main street and splits from there. The runs of power that we have is not sufficient to continue or grow our events.

This project will be 2 parts, first part is to upgrade the high voltage by adding a 100kva transformer. The second part is to go out from the new transformer with the low voltage across the Civic Center lawn so we can provide the safe and correct voltage to all our vendors.

Budget Breakdown

Life Fitness treadmills at CRC (2)	\$4,000
High voltage upgrade at Civic Center	\$6,195
Low voltage upgrade at Civic Center	\$6,000
TOTAL	\$16,195



STAFF REPORT

DATE: August 26, 2021
TO: Honorable Mayor and City Council
FROM: Heather Penni, City Treasurer
SUBJECT: RFP 2012-05 INVESTMENT ADVISOR SERVICES

RECOMMENDATION:

The Finance Department recommends that the City of Springville adopt Resolution #2021-XX approving a contract between Springville City and FHN Financial Main Street Advisors for investment advisor services.

BACKGROUND:

It is the policy of the City to invest public funds in accordance with principles of sound treasury management and in compliance with state and local laws, regulations, and other policies governing the investment of public funds, specifically, according to the terms and conditions of the Utah State Money Management Act of 1974 and Rules of the State Money Management Council as currently amended (the "Act"), and the City's own written investment policy.

Currently all of the City's cash assets are kept the State of Utah's Public Treasurer's Investment Fund (PTIF). After consultation with the City Council over the last several months, the Finance Department has recommended that the City consider a more diverse investment portfolio that would involve placing some of the City's cash in investments that would produce higher interest earnings than PTIF.

DISCUSSION:

All investments of the City's cash must comply with the Utah State Money Management Act. Most cities in Utah utilize the services of a State-approved investment advisor, who specializes in municipal investments and also has the expertise to comply with the Money Management Act. The Finance Department has undertaken a Request for Proposal (RFP) process to select the most responsible investment advisor that brings the best value to the City. The RFP process was very competitive, with all respondents presenting with a high level of skill and experience. Each respondent had the authority to conduct investment transactions as permitted by Utah State statute, Rules of the Utah Money Management Council, and Springville City policy. The Finance Department recommends

formalizing a relationship with FHN Financial Main Street Advisors, who emerged as the best-value respondent to the RFP process.

FISCAL IMPACT:

The terms of the contract include a fee that is four (4) basis points annually on assets managed by FHN and, no minimum fees. Four basis points is equal to 0.04%, so the fee would be \$4,000 annually if FHN had \$10,000,000 under management. It is anticipated that increased interest earnings over the course of the year would more than offset advisor's fee.

RESOLUTION #2021-XX

A RESOLUTION APPROVING A CONTRACT BETWEEN SPRINGVILLE CITY AND FHN FINANCIAL MAIN STREET ADVISORS FOR INVESTMENT ADVISOR SERVICES.

WHEREAS, FHN Financial Main Street Advisors provides municipal government investment services in accordance with the Utah State Money Management Act of 1974 and the Rules of the State Money Management Council; and

WHEREAS, Springville City currently does not have these services under contract; and

WHEREAS, the contract between FHN for an initial term of three (3) years, City may extend this Agreement for two (2) additional one-year terms, renewable on an annual basis, under the same terms and conditions; and

WHEREAS, after considering the facts, comments and recommendations presented to the City Council. The Council finds the contract attached to this Resolution to be in the best interest of Springville City.

NOW, THEREFORE, be it resolved by the City Council of Springville, Utah as follows:

PART I: The Mayor is authorized to sign the FHN Financial Main Street Advisors agreement, attached as Exhibit A, per final review of the City Attorney,

PART II: This resolution shall take effect immediately.

PASSED AND APPROVED this 07th day of September 2021.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder

EXHIBIT A

FHN Financial Main Street - Investment Adviser Services Agreement

INVESTMENT ADVISER SERVICES AGREEMENT

THIS AGREEMENT is between SPRINGVILLE CITY CORPORATION, a Utah municipal corporation (“City”), and FHN Financial Main Street Advisors, a Nevada Limited Liability Company (“Investment Adviser” or “Adviser”), and is dated _____, 2021.

RECITALS

1. Investment Adviser desires to provide certain investment adviser services for City’s Treasury Office; and
2. City desires to engage Investment Adviser for such services.

AGREEMENT

In consideration of the promises and covenants hereinafter contained, the parties agree as follows:

1. Investment Adviser shall provide certain investment adviser services for City’s Treasurer’s Office as described in Exhibit “A” for an initial term of three (3) years commencing as of _____. City may extend this Agreement for two (2) additional one-year terms, renewable on an annual basis, under the same terms and conditions. Notice of term extensions shall be in writing served upon Investment Adviser by regular mail at least thirty (30) days before the expiration of the original term of this Agreement, or any renewal term, in order for such extension to be effective. After all annual term extensions have been exercised, City shall have the right to extend this Agreement for an additional term of up to four (4) months by giving Investment Adviser written notice at least ten (10) days before the expiration of the last annual extension, provided, however, that City may terminate such additional term by giving Investment Adviser at least five (5) days prior written notice of such termination. This is a non-exclusive contract and City reserves the right to acquire the service, at its discretion, from other sources during the term of this Agreement. All financial commitments by City shall be subject to the appropriation of funds approved by the City Council and the limitations on future budget commitments provided under applicable Utah law, including the Utah Constitution.
2. For services provided to City, Investment Adviser shall be paid as specified under Exhibit “B” (Price Schedule).
3. For such consideration, Investment Adviser shall furnish all materials, supervision, labor, and equipment to complete the requirements of this Agreement.
4. The following indemnification requirements apply to this Agreement:

- A. Investment Adviser shall indemnify, save harmless, and defend City, its officers and employees, from and against all losses, claims, demands, actions, damages, costs, charges, and causes of action of every kind or character, including attorney's fees, arising out of Investment Adviser's intentional, reckless, or negligent performance hereunder. Investment Adviser's duty to defend City shall exist regardless of whether City or Investment Adviser may ultimately be found to be liable for anyone's negligence or other conduct. If City's tender of defense, based upon this indemnity provision, is rejected by Investment Adviser, and Investment Adviser is later found by a court of competent jurisdiction to have been required to indemnify City, then in addition to any other remedies City may have, Investment Adviser shall pay City's reasonable costs, expenses, and attorney's fees incurred in proving such indemnification, defending itself, or enforcing this provision. Nothing herein shall be construed to require Investment Adviser to indemnify the indemnitee against the indemnitee's own negligence. The provisions of this section 4 shall survive the termination of this Agreement.
- B. City assumes no responsibility for any damage or loss that may occur to Investment Adviser's property, except the obligation City assumes that it will not willfully or intentionally damage the property of Investment Adviser. City has no responsibility for any equipment maintenance, or for Investment Adviser's employees. Nothing in this Agreement shall be construed to create a partnership, joint venture, or employment relationship.

5. The following insurance requirements apply to this Agreement:

A. GENERAL INSURANCE REQUIREMENTS FOR ALL POLICIES.

- (1) Any insurance coverage required herein that is written on a "claims made" form rather than on an "occurrence" form shall (i) provide full prior acts coverage or have a retroactive date effective before the date of this Agreement, and (ii) be maintained for a period of at least two (2) years following the end of the term of this Agreement or contain a comparable "extended discovery" clause.
- (2) All policies of insurance shall be issued by insurance companies licensed to do business in the state of Utah and either:
- (a) Currently rated A- or better by A.M. Best Company;
 - OR—
 - (b) Listed in the United States Treasury Department's current *Listing of Approved Sureties (Department Circular 570)*, as amended.
- (3) Investment Adviser shall furnish certificates of insurance, acceptable to City, verifying the foregoing matters concurrent with the execution hereof and thereafter as required.

- (4) In the event any work is subcontracted, Investment Adviser shall require its subcontractor, at no cost to City, to secure and maintain all minimum insurance coverages required of Investment Adviser hereunder.
- (5) Investment Adviser agrees to provide 30 days' prior written notice to the City if any insurance required in this Agreement is substantially modified or cancelled and replacement coverage is not already secured.

B. REQUIRED INSURANCE POLICIES.

Investment Adviser, at its own cost, shall secure and maintain during the term of this Agreement, including all renewal terms, the following minimum insurance coverage:

- (1) Worker's compensation and employer's liability insurance sufficient to cover all of Investment Adviser's employees pursuant to Utah law, unless a waiver of coverage is allowed and acquired pursuant to Utah law. In the event any work is subcontracted, Investment Adviser shall require its subcontractor (s) similarly to provide worker's compensation insurance for all of the latter's employees, unless a waiver of coverage is allowed and acquired pursuant to Utah law.
- (2) Commercial general liability (CGL) insurance with a blanket policy endorsement naming Springville City Corporation and the City's officers, directors, employees and agents as additionally insured on a primary and non-contributory basis in comparison to all other insurance including City's own policy or policies of insurance, in the minimum amount of \$1,000,000 per occurrence with a \$3,000,000 general aggregate and \$3,000,000 products-completed operations aggregate. The policy shall include contractual liability insurance for the indemnity provided under this Agreement. These limits can be covered either under a CGL insurance policy alone, or a combination of a CGL insurance policy and an umbrella insurance policy and/or a CGL insurance policy and an excess insurance policy. The policy shall protect City, Investment Adviser, and any subcontractor from claims for damages for bodily injury, including accidental death, and property damage that may arise from Investment Adviser's operations under this Agreement, whether performed by Investment Adviser itself, any subcontractor, or anyone directly or indirectly employed by either of them. Such insurance shall provide coverage for premises operations, acts of independent contractors, products and completed operations.
- (3) Commercial automobile liability insurance that provides coverage for owned, hired, and non-owned automobiles used in connection with this Agreement in the minimum amount of a combined single limit of \$1,000,000 per occurrence or \$500,000 liability per person, \$1,000,000 liability per occurrence, and \$250,000 property damage. These limits can be reached either with a

commercial automobile liability insurance policy alone, or with a combination of a commercial automobile liability insurance policy and an umbrella insurance policy and/or a commercial automobile liability insurance policy and an excess insurance policy. If the policy only covers certain vehicles or types of vehicles, such as scheduled autos or only hired and non-owned autos, Investment Adviser shall only use those vehicles that are covered by its policy in connection with any work performed under this Agreement.

- (4) A minimum of \$10 million coverage in errors and omissions insurance or Investment Adviser professional liability insurance, per occurrence, along with a minimum of \$10 million in additional coverage through excess insurance.
- (5) Investment Adviser, at its own cost, shall secure and maintain during the term of this Agreement, including all renewal terms, fidelity bond coverage to meet the limit of City's portfolio it manages and to meet requirements of Rule 15.6.B of the Rules of the State Money Management Council. At all times during the term of this Agreement, it shall be the responsibility of Investment Adviser to purchase and maintain sufficient fidelity bond coverage to meet the size of the portfolio it manages for the City, including any changes in portfolio size, based on the following schedule:

Utah Public funds under management	Percent of bond
\$0 to \$25,000,000	10% but not less than \$1,000,000
\$25,000,001 to \$50,000,000	8% but not less than \$2,500,000
\$50,000,001 to \$100,000,000	7% but not less than \$4,000,000
\$100,000,001 to \$500,000,000	5% but not less than \$7,000,000
\$500,000,001 to \$1.250 billion	4% but not less than \$25,000,000
\$1,250,000,001 and higher	Not less than \$50,000,000

- 6. Investment Adviser shall obey all federal, state, county, and municipal laws, ordinances, regulations, and rules applicable to its operations. Said laws include, but are not limited to, the Equal Employment Opportunity laws, the Fair Labor Standards Act, Occupational Safety & Health Administration (OSHA) laws, Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and the Utah Immigration Accountability and Enforcement Act. Any violation of applicable law shall constitute a breach of this Agreement and Investment Adviser shall hold City harmless from any and all liability arising out of, or in connection with, said violations including any attorney's fees and costs incurred by City as a result of such violation.
- 7. City may cancel this Agreement for any reason, and without any liability therefor, upon giving Investment Adviser 30 days prior written notice. Such notice shall be sent to the last known address of Investment Adviser.

8. City may, without prejudice to any right or remedy, and without the necessity of giving the 30-day notice provided in paragraph 7 above, terminate this Agreement for cause in the event Investment Adviser fails to fulfill, in a timely or satisfactory manner, any of the terms and conditions set forth in this Agreement and fails to cure such failure within seven days after written notice from City of such failure.
9. If this Agreement is canceled or terminated as provided herein, City shall pay Investment Adviser on the basis of actual services satisfactorily performed as calculated by City.
10. Investment Adviser, for itself, its successors and assigns, covenants that no person, solely on the grounds of race, color, national origin, age, sex, religion, or non-job-related disability, shall be excluded from participation in, denied the benefits of, or be otherwise subject to discrimination in the furnishing of services hereunder, unless the characteristic is a bona fide occupational qualification.
11. Representation regarding ethical standards for City officers and employees and former City officers and employees. Investment Adviser represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business.
12. Government records access and management act. City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code Annotated or its successor ("GRAMA"). All materials submitted by Investment Adviser pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure shall rest solely with Investment Adviser. Any materials for which Investment Adviser claims a privilege from disclosure shall be submitted marked as "Business Confidential" and accompanied by a concise statement of reasons supporting Investment Adviser's claim of business confidentiality. City will make reasonable efforts to notify Investment Adviser of any requests made for disclosure of documents submitted under a claim of business confidentiality. Investment Adviser may, at Investment Adviser's sole expense, take any appropriate actions to prevent disclosure of such material. Investment Adviser specifically waives any claims against City related to disclosure of any materials required by GRAMA.
13. Investment Adviser is not an employee of City for any purpose whatsoever. Investment Adviser is an independent Investment Adviser at all times during the performance of the services specified herein.
14. All notices shall be directed to the following addresses:

City: Springville City Corporation
Attn: Bruce Riddle, Finance Director

Heather Penni, City Treasurer
(For U.S. Postal Service delivery)
110 S. Main Street
Springville, Utah 84663

-OR-

(For hand delivery or express courier delivery)
110 S. Main Street, Finance Department
Springville, Utah 84663

With a copy to:

Investment Adviser: FHN Financial Main Street Advisors
Attn: Rick Phillips, President
10655 Park Run Drive, Suite 120
Las Vegas, Nevada 89144

15. This Agreement may be assigned by either party but only with the prior written consent of the other party.
16. Investment Adviser's obligations are solely to City and City's obligations are solely to Investment Adviser. This Agreement shall confer no third-party rights whatsoever.
17. Investment Adviser certifies that it is not presently nor has ever been debarred, suspended, proposed for debarment, or declared ineligible by any governmental department or agency, whether international, national, state, or local. Investment Adviser must notify City's Contracts Administrator within thirty (30) days if Investment Adviser has been debarred, suspended, proposed for debarment, declared ineligible, or involuntarily excluded from participation in any contract by any governmental entity during this Agreement.
18. This Agreement embodies the entire Agreement between the parties relating to the subject matter of this Agreement and shall not be altered except in writing signed by both an authorized representative of Investment Adviser and by City's Mayor or the Mayor's designee. The terms of this Agreement shall supersede any additional or conflicting terms or provisions that may be set forth or printed on Investment Adviser's work plans, cost estimate forms, receiving tickets, invoices, or any other related standard forms or documents of Investment Adviser that may subsequently be used to implement, record, or invoice services hereunder from time to time, even if such standard forms or documents have been signed or initialed by a representative of City. The intent of the parties is that the terms of this Agreement shall prevail in any dispute between the terms of this Agreement and the terms printed on any such standard forms or documents, and such standard forms or documents shall not be considered written amendments of this Agreement.
19. This Agreement shall be enforced in and governed by the laws of the state of Utah.

SPRINGVILLE CITY CORPORATION

By _____

Title _____

ATTEST AND COUNTERSIGN:

City Recorder

Recordation Date

FHN FINANCIAL MAIN STREET
ADVISORS

By 

Title President

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2021, by _____, the _____ of SPRINGVILLE CITY CORPORATION, a Utah Municipal Corporation.

NOTARY PUBLIC, residing in Utah County

My Commission Expires:

CONTRACT EXHIBIT “A”
SCOPE OF WORK
INVESTMENT ADVISER SERVICES

I. GENERAL

A. Adviser, if doing business under an assumed name, i.e. an individual, association, partnership, corporation, or otherwise, shall be registered with the Utah State Division of Corporations and Commercial Code.

NOTE: Forms and information on how to get registered may be obtained by calling (801) 530-4849 or by accessing www.corporations.utah.gov .

- B. Adviser shall be solely responsible for the safety of Adviser's employees and others relative to Adviser's work, work procedures, material, equipment, transportation, signage, and related activities and equipment.
- C. Adviser shall be certified by the Securities Division of the Utah Department of Commerce and shall be listed on the Utah Money Management Council's current Certified Investment Advisers list.
- D. Adviser shall possess and keep in force all licenses and permits required to perform services under this Agreement.
- E. No guarantee of the actual service requirement is implied or expressed by this Agreement. Service requirements shall be determined by actual need.
- F. City hereby appoints the Adviser as the investment adviser of those assets designated by City (the "Advisory Account").
- G. Adviser shall invest the assets of the Advisory Account as directed by City in accordance with the written investment objectives, policies and restrictions of City. City shall provide Adviser with an initial investment policy or list of authorized investments.
- H. Adviser shall provide City, on a monthly basis, a written report detailing transactions for the period and an inventory of the investments in the Advisory Account. Adviser, in the maintenance of records, shall not assume responsibility for the accuracy of information furnished by City or by any other agency or person other than Adviser or its employees.
1. The monthly reports shall include return on investment percentage and return on investment net fees.
 2. In addition to monthly reporting, Adviser shall provide an annual report, coinciding with the City's fiscal year, of investment performance. This report should be directed to the City Council and include both a written

document as well as an in-person presentation or video or conference call as agreed to by the parties.

- I. Decisions concerning investments subject to this Agreement shall be made by City's authorized representative(s) with the assistance of Adviser. The approval of City shall be required before the execution of any investment transaction for the Advisory Account. Adviser, when expressly instructed by City, shall buy or sell securities and place orders for the execution of such transactions with or through such brokers, dealers, or issuers as Adviser may select, subject to approval by City. Such brokers, dealers, or issuers shall be certified or qualified dealers except as provided in section 51-7-11.5 (3) of the Utah State Money Management Act, and shall purchase only the types of securities listed in sections 51-7-11 and 51-7-13 of the Utah State Money Management Act.
- J. City shall notify Adviser promptly in writing of any modifications to the investment objectives, policies or restrictions applicable to the Advisory Account. City shall notify the Adviser promptly of any withdrawal of securities from the Advisory Account initiated by City.
- K. When placing orders for the execution of transactions for the Advisory Account, Adviser shall take into consideration not only the available prices but also other relevant factors such as, without limitation, execution capabilities and safekeeping arrangements. Adviser shall exercise good faith in obtaining the best price and execution for each transaction for the Advisory Account.
- L. Adviser shall not have custody or possession of the assets of the Advisory Account of City. City shall select and authorize a custodian bank to hold the assets of the Advisory Account in safekeeping for City. City shall be solely responsible for all fees involved with any custodial arrangements.
- M. It is understood that Adviser performs investment advisory services for other clients. City agrees that Adviser may give advice and act with respect to any of its other clients that may differ from advice given, or the timing or nature of action taken, with respect to the Advisory Account.
- N. City represents that this Agreement has been duly authorized by appropriate action and is binding upon City in accordance with its terms.
- O. City hereby acknowledges receipt of the Adviser's Brochure (U.S. Securities and Exchange Commission [SEC] Form ADV Part II) at least 48 hours before to the date of execution of this Agreement in compliance with Rule 204-3 of the Investment Advisers Act of 1940 ("the Act"). Adviser shall provide City with a copy of each annual renewal of SEC Form ADV Part II.

II. RESPONSIBILITIES OF THE ADVISER

Adviser shall conduct investment transactions on behalf of City as permitted by Utah State statute, Rules of the Utah Money Management Council, and City ordinance and/or policy. Adviser shall be responsible for researching and finding investments that meet the criteria of the Utah State Money Management Act. Upon authorization of City Treasurer or City's authorized representative(s), Adviser shall purchase investments on behalf of City. The responsibilities of Adviser include, but shall not be limited to, the following.

- A. Adviser shall be responsible for researching and recommending investments and shall have authority to conduct investment transactions on behalf of City Treasurer as permitted by Utah State statute, Rules of the Utah Money Management Council, and City ordinance and/or policy. City may continue to manage all or a portion of its own investment portfolio. Adviser assumes no responsibility or liability for any City investments for which Adviser has not been appointed as Investment Adviser.
- B. Adviser shall meet the following investment objectives, stated in order of priority, when depositing and investing City funds:
 1. Safety of principal;
 2. Need for liquidity;
 3. Maximum yield on investments consistent with the first two objectives; and
 4. Maturity of investments, so that the maturity date of the investment does not exceed the anticipated date of the expenditure of funds.
- C. Adviser shall deliver all securities to City Treasurer or to City Treasurer's safekeeping bank or to City's designated trust company to be held in safekeeping by that custodian. City Treasurer shall have custody of all securities purchased or held and all evidence of deposits and investments of public funds.
- D. Adviser shall assist City in designing and implementing a customized investment management program. Adviser's responsibilities include, but shall not be limited to, the following.
 1. Active Investment Management
 - a. Provide full-time management of the portion of the investment portfolio under management.
 - b. Develop and implement active investment strategies for the portion of the portfolio under management designed to enhance portfolio

performance under current and future market conditions within the parameters of the investment policy and cash flow needs.

- c. Provide technical and fundamental market research, including yield curve analysis.

2. Trade Execution

- a. Obtain and document competitive prices for securities transactions.
- b. Assist with trade settlements.

3. Management Information

- a. Provide monthly investment reports for the portfolio detailing securities holdings portfolio composition and sector analyses, portfolio return and weighted average maturity, and daily transaction activity.
- b. Provide separate portfolio performance reports on a monthly basis.
- c. Reports shall be prepared in accordance with generally accepted accounting principles (GAAP) and in compliance with Governmental Accounting Standards Board (GASB) pronouncements, including GASB Statements 31, 40 and 72.
- d. Reports shall be accessible online within ten (10) business days of month's end.
- e. Transaction detail of investment activity will be available for download.

4. Review and Evaluation Services

- a. Perform due diligence reviews of current and proposed broker/dealers.
- b. Monitor the creditworthiness of the investments in the portfolio.
- c. Evaluate safekeeping and custodial procedures and agreements.
- d. Review and update City's investment policy as needed.
- e. Work with City to develop and update cash flow projections.

- f. Provide reviews of the investment program and portfolio performance to City upon request.
- E. Adviser shall provide qualified personnel to provide services to City under this Agreement. Certain key members of Adviser's team that will provide the services to City are identified below. Adviser shall not of its own volition change or replace such key personnel for the provision of services hereunder without first consulting with City.
 - a. Rick Phillips, President and Chief Investment Officer
 - b. Greg Balls, Senior Portfolio Manager

III. DISCLOSURE OF CITY RECORDS

Because City shall own the documents generated by Investment Adviser pursuant to this Agreement, Investment Adviser shall not, without written approval by City, disclose publicly said records. Investment Adviser understands that the information obtained in the performance of this Agreement is confidential and may be shared with employees of City or others only on a need to know basis.

CONTRACT EXHIBIT "B"
PRICE SCHEDULE
INVESTMENT ADVISER SERVICES

I. GENERAL

- A. Prices stated include all costs associated with the performance of the services specified, including materials, supervision, labor, insurance, transportation, delivery, fuel or other surcharges, demurrage, and related costs. No other charges shall be allowed. All prices and fees are stated in U.S. dollars.
- B. City is exempt from sales, use, and federal excise taxes on these products and services. Exemption certificates shall be furnished upon request.
- C. Fees stated shall be firm for the full term of this Agreement, including any renewal terms.

II. FEES

- A. Fee schedule. The fees for investment advisory services shall be based on the average market value of the cash and securities in the portfolio (an average of last month's ending market value and the current month's ending market value), excluding balances in local government investment pools. The annual fee for providing investment advisory services for City shall be as follows:

ASSETS	ANNUAL FEE
All assets under management of the Adviser	4 basis points (0.04%)

- B. Payment schedule. A pro rata portion of the annual fee (1/4) shall be billed each quarter.

III. INVOICING AND PAYMENT

City shall pay Investment Adviser for all products and services provided by Investment Adviser pursuant to this Agreement. Investment Adviser shall submit a written invoice, in duplicate, for services rendered and City shall pay the invoiced fee within thirty (30) days after receipt of the invoice by City. Fees will be billed quarterly, in arrears. Investment Adviser shall list City contract number on all invoices, quotes, correspondence, and documentation relating to this contract.

Invoices shall be submitted to: Springville City Corporation Treasurer's Office
110 S Main Street
Springville, Utah 84663



STAFF REPORT

DATE: September 1, 2021
TO: Honorable Mayor and City Council
FROM: Josh Yost
SUBJECT: Traditional Neighborhood Development Overlay Zone

RECOMMENDED MOTION

Motion to adopt Ordinance #XX-2021 amending the Traditional Neighborhood Development Overlay Zone as Springville City Code Title 11, Chapter 5, Article 8

SUMMARY OF ISSUES/FOCUS OF ACTION

Springville Code 11-7-101 lists two primary issues that shall be considered when amending City Code

1. Is the proposed amendment in accordance with the General Plan of the City?
2. Do changed or changing conditions make the proposed amendment necessary to the promotion of the purposes of the Development Code of Springville, Utah?

The focus of this action is to establish a framework for the creation of individual new neighborhood plans for areas where traditional neighborhood development is desired.

BACKGROUND

Springville City has been collaborating with David Simpson for over a year and a half to create a plan and code to enable the development of a traditional neighborhood project called Westfields Central, on 20 vacant acres adjacent to Meadow Brook Elementary School at 700 S and 950 West. This proposed Traditional Neighborhood Development Zone code will enable this development and other projects in similar situations.

DISCUSSION

The proposed code provides a simple method for adopting specific new neighborhood plans that differ from the general city zoning code. The code requires the creation of a "New Neighborhood Plan" for the area to which the zone is applied. This plan is adopted through the legislative process by the City Council upon recommendation from the Planning Commission. The code provides flexibility to design the best plan for a specific site or area without the constraints of the standard zoning code, but retains legislative authority to approve each plan on an individual basis. From the code,

"Upon adoption of a new neighborhood plan by the City Council, the parcel shall become a special planning area and shall be marked as such on the zoning map. Within the special planning area, this Code shall govern all development and shall supersede any other conflicting provisions of the Springville Municipal Code."

The zone may only be applied to properties of at least 10 acres in size. The new neighborhood plan proposed for each zone area include the following elements as listed in the code.

- (a) Transect zone descriptions;
- (b) A regulating plan consisting of one or more maps showing and regulating at least the following, in compliance with the standards described in this Article:
 - (i) Transect zones,
 - (ii) Civic zones,
 - (iii) Thoroughfare network,
 - (iv) Special Requirements, if any, and
 - (v) Calculation of permitted density.
- (c) Standards for each lot type, including at least:
 - (i) Type description,
 - (ii) Lot dimension,
 - (iii) Dimensional standards keyed to graphic diagram,
 - (iv) Height, and
 - (v) Form-based graphic diagram.
- (d) A table of permitted lot types within each Transect Zone
- (e) One set of preliminary site plans for each Transect Zone.

(2) New neighborhood plans may include the following:

- (a) Thoroughfare standards,
- (b) Civic space standards,
- (c) Storm water management standards,
- (d) Architectural standards, or
- (e) Landscape standards.

The code itself establishes no development entitlements. Subsection 11-5-803 (3) of the proposed code states that

No development entitlement exists under the TND Overlay Zone until the adoption of a new neighborhood plan that meets the requirements of this Article 8. The new neighborhood plan shall include those regulations for the development that supplement Springville City's land use regulations for the special planning area. All of Springville City's land use regulations that are not revised the by the new neighborhood plan shall remain in effect for the special planning area.

The proposed amendment advances the purposes of the General Plan and the Westfields Plan to provide diverse housing types within high quality, well connected neighborhoods.

The changing conditions of the housing market, the shrinking amount of developable land, and evolution of planning practice make the proposed amendment necessary, especially in order to accommodate creative implementation of best planning practices in individual developments.

PLANNING COMMISSION REVIEW

The Planning Commission considered the proposed zone text amendment on August 10, 2021.



The planning commission discussed the method of obtaining development entitlements under the proposed zone and reviewed the elements that the zone requires for each new neighborhood plan.

No members of the public were present to speak at the public hearing.

COMMISSION ACTION: Motion to recommend adoption of the Traditional Neighborhood Development Overlay Zone as Springville City Code Title 11, Chapter 5, Article 8

Commission Vote

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Genevieve Baker	X	
Karen Ellingson	X	
Michael Farrer	Absent	
Kay Heaps	Absent	
Brad Mertz	X	
Rod Parker	X	
Frank Young	X	

After the Planning Commission acted on this item, the minimum area for the zone was discussed and the commission expressed no concern with reducing or eliminating the minimum area requirement.

ALTERNATIVES

Deny the request to adopt the Traditional Neighborhood Development Overlay Zone as Springville City Code Title 11, Chapter 5, Article 8

Continue discussion of the request to adopt the Traditional Neighborhood Development Overlay Zone as Springville City Code Title 11, Chapter 5, Article 8

Name: Josh Yost
Title: Community Development Director

Attachments

Traditional Neighborhood Development Overlay Zone
Planning Commission Staff Report
Planning Commission Minutes



Title 11, Chapter 5, Article 8

Traditional Neighborhood Development (TND) Zone

Article 8 - Traditional Neighborhood Development (TND) Overlay Zone

11-5-801 Purpose and Intent.

The purpose of this zone is to accommodate the development of traditional neighborhoods through the adoption of form-based code regulating plans, lot types and other associated regulations.

11-5-802 Definitions.

In addition to those definitions found in Section 11-3-402, the following words shall have the definitions in this Article 8

“Active Transportation Plan” means the current Springville Active Transportation Plan as adopted and amended by the City Council from time to time.

“Lot Type” means a specific set of requirements establishing the parameters of development for each lot.

“Civic Building Zone” means a site dedicated for buildings generally operated by government entities or not-for-profit organizations with a dedicated use for culture, education, religion, government, transit and municipal parking, or for a use approved by the City Council.

“Civic Space” or “Civic Zone” means either a civic building zone or a civic space zone.

“Civic Space Zone” means a public site permanently dedicated to open space for use by the general public.

“Development Area” means the total area of each traditional neighborhood development zone.

“New Neighborhood Plan” means the sum of regulations adopted to implement each Traditional Neighborhood Zone area.

“Neighborhood Unit” means a regulatory category defining the physical form, Density, and extent of a settlement.

“Net Site Area” means cumulative of all areas of the new neighborhood plan that are not part of the T1 and T2 zones and exclusive of thoroughfares and land assigned to civic zones.

“Public Frontage” means that space along a thoroughfare or civic space that includes sidewalks, curbs, planters, bicycle facilities and street trees. The public frontage contributes to the character of the transect zone.

“Special Planning Area” means an area of land to which the TND zone has been applied and for which a new neighborhood plan has been adopted.

“Thoroughfare” means a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage.

“Transect Zone” or “T-Zone” means one of several sub-zones within an area regulated by the Traditional Neighborhood Development. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

“Vehicle Lane Dimensions” means. the standards for vehicular lane width as shown in Vehicular Lane Dimensions in each Thoroughfare standard.

11-5-803 TND Overlay Zone Application.

- (1) **Development Agreement.** When a property is zoned with the TND Overlay Zone, the TND Overlay Zone shall not change the underlying zone and become effective until the property owner and City have entered into a development agreement that outlines how the requirements of the TND Overlay Zone apply within the special planning area. The development agreement must include, without limitation, the following:
 - (a) An adopted new neighborhood plan;
 - (b) A term that does not exceed five years or the minimum number of years allowed by the Utah Municipal Land Use, Development and Management Act, whichever number is lower;
 - (c) An agreement by the developer to abide by all design standards, as required by Section 10-9a-534 of the Utah Code and any other Utah Code Sections;
- (2) **Minimum area of Zone.** The TND Overlay Zone shall be applied to development areas of no less than 10 acres.
- (3) **New Neighborhood Plan.** No development entitlement exists under the TND Overlay Zone until the adoption of a new neighborhood plan that meets the requirements of this Article 8. The new neighborhood plan shall include those regulations for the development that supplement Springville City’s land use regulations for the special planning area. All of Springville City’s land use regulations that are not revised the by the new neighborhood plan shall remain in effect for the special planning area.

11-5-804 New Neighborhood Plans.

- (1) **Preparation and adoption of new neighborhood plans.**

- (a) A new neighborhood plan may be prepared by the planning department, property owner, and/or consultant. New neighborhood plans may contain more than one T-Zone and/or shall contain more than one Lot Type.
- (b) A new neighborhood plan must be adopted through legislative action of the City Council upon recommendation from the Planning Commission. The City Council maintains all of its legislative rights and authorities in considering a new neighborhood plan and is not required to adopt a new neighborhood plan.
- (c) Upon adoption of a new neighborhood plan by the City Council, the parcel shall become a special planning area and shall be marked as such on the zoning map. Within the special planning area, this Code shall govern all development and shall supersede any other conflicting provisions of the Springville Municipal Code.

(2) New neighborhood plans shall include the following:

- (a) Transect zone descriptions;
- (b) A regulating plan consisting of one or more maps showing and regulating at least the following, in compliance with the standards described in this Article:
 - (i) Transect zones,
 - (ii) Civic zones,
 - (iii) Thoroughfare network,
 - (iv) Special Requirements, if any, and
 - (v) Calculation of permitted density.
- (c) Standards for each lot type, including at least:
 - (i) Type description,
 - (ii) Lot dimension,
 - (iii) Dimensional standards keyed to graphic diagram,
 - (iv) Height, and
 - (v) Form-based graphic diagram.
- (d) A table of permitted lot types within each Transect Zone
- (e) One set of preliminary site plans for each Transect Zone.

(3) New neighborhood plans may include the following:

- (a) Thoroughfare standards,
- (b) Civic space standards,
- (c) Storm water management standards,
- (d) Architectural standards, or
- (e) Landscape standards.

Section 11-5-805 Requirements for New Neighborhood Plan Elements

(1) Transect Zones.

- (a) Transect zones shall be assigned and mapped on each new neighborhood plan.
- (b) A transect zone may include any of the elements indicated for its T-zone number throughout this Code, in accordance with the transect zone descriptions.

(4) Civic Space.

- (a) Civic space dedicated for public use shall be required for each neighborhood unit and designated on the new neighborhood plan as a civic space zone and/or civic building zone.
- (b) The City has to approve all civic space as part of the neighborhood plan.

(5) Thoroughfare Standards.

- (a) If no specific thoroughfare standards are adopted with the new neighborhood plan, the existing City land use regulations for thoroughfare standards shall apply.
- (b) If specific thoroughfare standards are adopted, they shall adhere to the following standards and shall superseded the otherwise adopted City standards.

(i) General:

- (A) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.
- (B) Thoroughfares shall generally consist of vehicular lanes and public frontages.
- (C) Thoroughfares shall be designed in context with the urban form and desired design speed of the transect zones through which they pass.
- (D) Frontages of thoroughfares that pass from one transect zone to another shall be adjusted accordingly or, alternatively, the transect zone may follow the alignment of the thoroughfare to the depth of one Lot, retaining a single public frontage throughout its trajectory.
- (E) Within the most rural zones (typically named the T1 and T2 zones within a neighborhood development plan) pedestrian comfort shall be a secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle.
- (F) Within the more urban transect zones (typically named T3 through T6 zones) pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- (G) The thoroughfare network shall be designed to define blocks. A block shall not exceed 300'x600'. The perimeter shall be

measured as the length of the right-of-way line at the perimeter of the block.

- (H) All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to those on adjacent sites.
- (I) Each lot shall front on a vehicular thoroughfare or a path or trail in a civic space zone. In the event that a lot fronts on a path or trail, the new neighborhood plan must demonstrate how the lots will be easily accessed by both lot owners and people visiting the lot. Front doors of homes need to have available public parking within 150 feet of the door, and lots need to be easily accessed by owners by either a public street or private alley.
- (J) Standards for paths and bicycle trails shall conform to the Active Transportation Plan.

(ii) Vehicular Lanes.

- (A) Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in vehicular lane dimensions.
- (B) A bicycle network consisting of bicycle trails, bicycle routes and bicycle lanes should be provided throughout the special planning area as defined in the Active Transportation Plan. The community bicycle network shall be connected to existing or proposed regional networks as defined in the Active Transportation Plan.

(iii) Public Frontages

- (A) The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance and tolerant of soil compaction.
- (B) The public frontage shall include trees planted in a regularly-spaced alee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least 10 feet.
- (C) At retail public frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

(c) **Density Calculations.**

- (i) The net site area shall be allocated to the various transect zones as defined by the new neighborhood plan.
- (ii) Density shall be expressed in terms of housing units per acre as specified for the area of each transect zone. For purposes of density calculation, the transect zones do not include the thoroughfares or land assigned to civic zones.

- (iii) The City is not required to approve and adopt a new neighborhood plan that allows for higher densities than the underlying zone within the TND Overlay Zone.
- (d) **Special Requirements.** A new neighborhood plan may designate any of the following special requirements:
 - (i) Designations for mandatory and/or recommended retail frontage requiring or advising that a building provide a shopfront at sidewalk level along the entire length of its private frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the sidewalk. The first floor shall be confined to retail use for the first 40'.
 - (ii) Designations for mandatory and/or recommended gallery frontage, requiring or advising that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a retail frontage designation.
 - (iii) Designations for mandatory and/or recommended arcade frontage, requiring or advising that a building overlap the sidewalk such that the first-floor facade is a colonnade. The arcade frontage designation may be combined with a retail frontage designation.
 - (iv) A designation for coordinated frontage, requiring that the public frontage and private frontage be coordinated as a single, coherent landscape and paving design.
 - (v) Designations for mandatory and/or recommended terminated vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location.
 - (vi) A designation for cross block passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.



**PLANNING COMMISSION
STAFF REPORT**

Agenda Item 2
August 10, 2021

August 6, 2021

TO: Planning Commission Members

FROM: Josh Yost

RE: **Traditional Neighborhood Development Zone**

Petitioner: Springville Community Development

Summary of Issues

Is the proposed amendment in accordance with the General Plan of the City?

Do changed or changing conditions make the proposed amendment necessary to the promotion of the purposes of the Development Code of Springville, Utah?

Background

Springville City has been collaborating with David Simpson for over a year and a half to create a plan and code to enable the development of a traditional neighborhood project called Westfields Central, on 20 vacant acres adjacent to Meadow Brook Elementary School at 700 S and 950 West. This proposed Traditional Neighborhood Development Zone code establishes a framework for the creation of individual new neighborhood plans for areas where traditional neighborhood development is desired, such as the proposed Westfields Central New Neighborhood Plan.

Analysis

The proposed code provided a simple method for adopting specific new neighborhood plans that differ from the general city zoning code. The code requires the creation of a neighborhood plan for the area to which the zone is applied. This neighborhood plan is adopted through the legislative process by the City Council upon recommendation from the Planning Commission. The code provides flexibility to design the best plan for a specific site or area without the constraints of the standard zoning code, but retains legislative authority to approve each plan on an individual basis. From the code,

“Upon adoption of a new neighborhood plan by the City Council, the parcel shall become a special planning area and shall be marked as such on the zoning map. Within the special planning area, this Code shall govern all development and shall supersede any other conflicting provisions of the Springville Municipal Code.”

The zone may only be applied to properties of at least 10 acres in size. The new neighborhood plan proposed for each zone area include the following elements as listed in the code.

- (a) Transect zone descriptions;
- (b) A regulating plan consisting of one or more maps showing and regulating at least the following, in compliance with the standards described in this Article:
 - (i) Transect zones,
 - (ii) Civic zones,
 - (iii) Thoroughfare network,
 - (iv) Special Requirements, if any, and
 - (v) Calculation of permitted density.
- (c) Standards for each lot type, including at least:
 - (i) Type description,
 - (ii) Lot dimension,
 - (iii) Dimensional standards keyed to graphic diagram,
 - (iv) Height, and
 - (v) Form-based graphic diagram.
- (d) A table of permitted lot types within each Transect Zone
- (e) One set of preliminary site plans for each Transect Zone.

(2) New neighborhood plans may include the following:

- (a) Thoroughfare standards,
- (b) Civic space standards,
- (c) Storm water management standards,
- (d) Architectural standards, or
- (e) Landscape standards.

The code itself establishes no development entitlements. Subsection 11-5-803 (3) of the proposed code states that

No development entitlement exists under the TND Overlay Zone until the adoption of a new neighborhood plan that meets the requirements of this Article 8. The new neighborhood plan shall include those regulations for the development that supplement Springville City's land use regulations for the special planning area. All of Springville City's land use regulations that are not revised the by the new neighborhood plan shall remain in effect for the special planning area.

The proposed amendment advances the purposes of the General Plan and the Westfields Plan to provide diverse housing types within high quality, well connected neighborhoods.

The changing conditions of the housing market, the shrinking amount of developable land, and evolution of planning practice make the proposed amendment necessary, especially in order to accommodate creative implementation of best planning practices in individual developments.

Staff Recommendation

Staff finds that the proposed amendment advances the purposes of the General Plan and is a justifiable addition to the Springville City Code.

Recommended Motion

Move to recommend adoption of the Traditional Neighborhood Development Zone.

Attachments:

Proposed Traditional Neighborhood Development Zone

IN ATTENDANCE

Commissioners Present: Chair Karen Ellingson, Genevieve Baker, Frank Young, Brad Mertz, and Rod Parker

Commissioners Excused: Michael Farrer and Kay Heaps

City Staff: Josh Yost, Community Development Director
John Penrod, City Attorney
Laura Thompson, City Planner

City Council: Matt Packard

CALL TO ORDER

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

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

July 27, 2021

Commissioner Baker moved to approve the July 27, 2021 meeting minutes. Commissioner Mertz seconded the motion. The vote to approve the meeting minutes was unanimous.

CONSENT AGENDA

- 1. Western Refining Retail, LLC seeking minor subdivision and commercial site plan approval for Speedway, a convenience store with fuel sales, located at 353 S 2200 W in the RC-Regional Commercial Zone.*

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

48 LEGISLATIVE SESSION:

49
50 **2. Springville Community Development requests amendments to Springville**
51 **Code Title 11 Development Code, to adopt the Westfields Central Traditional**
52 **Neighborhood Development Zone**

53
54 **3. Springville Community Development requests a zone map amendment for**
55 **Parcel 26:041:0068 located at approximately 700 South and 950 West from**
56 **the R1-10 Zone to the Westfields Central Traditional Neighborhood**
57 **Development Zone.**

58
59 Josh Yost, Community Development Director, presented. This is being renamed the
60 Traditional Neighborhood Development Overlay Zone. The Westfields Central name is
61 being removed, so it can be applied in multiple places. It is a framework zone that
62 provides the regulatory framework for creating plans that respond to specific situations
63 in specific areas. It doesn't create development entitlement until after the adoption of the
64 new neighborhood plan until that new neighborhood plan is adopted by the City Council
65 upon recommendation from the Planning Commission. He showed an example of a
66 regulating plan. It must include transect zone descriptions, which are implemented for a
67 form-based code process. A regulating plan like this would show where the transect
68 zones are, where the civic zones and open spaces are, the thoroughfares which are
69 streets and pedestrian ways, special requirements on this example of where retail
70 frontages are needed, lots that need special attention to such as their view at the end of
71 a street and other potential requirements. It also needs to show the calculation of
72 density anticipated in the plan and standards for each lot type being proposed for the
73 area. It also gives us a table for which lot types are permitted in each transect zone. And
74 one set of preliminary site plans for each transect zone. A neighborhood plan can also
75 include thoroughfare standards specifically for that design.

76
77 Commissioner Young asked if this was a form-based code. Director Yost said it is like a
78 picture frame to put the form-based code in. In and of itself, it doesn't tell you what to
79 build, but it is not a PUD. It is much better.

80
81 Commissioner Baker said this is a zone that says that there are elements that the plan
82 needs to include. We are not saying what that has to look like, per se, but it has to
83 include these elements. Director Yost said it doesn't bind the City Council or the
84 Planning Commission to recommend or adopt anything greater in density or create
85 entitlements. It creates the structure to bring in a concept and plan for adoption.

86
87 Commissioner Baker said it is saying that this area is possible for you to bring a plan if
88 you have these elements. Director Yost said these are the elements we need to see in
89 the plan and the Council retains legislative discretion to adopt that plan.

90
91 Commissioner Young asked what the size of the development is. Director Yost said it is
92 currently written as 10 acres. It also requires a development agreement to accompany
93 the new neighborhood plan. It establishes a process and a framework for implementing
94 individual form-based codes and regulating plans.

95
96 Chair Ellingson asked if it is something that is meant to be preemptively put in. Where
97 we look at an area and say this is going to develop, we want to put this in place, so

98 whoever comes in, has to do it. Director Yost said we could. He anticipates it to be more
99 likely to be used by people that are proposing developments of these types. This makes
100 it so we don't have to reinvent the wheel every time, but have a framework of code to
101 adopt a specific plan, whatever it is. We aren't worried about having any development
102 entitlement by right. Chair Ellingson clarified that it is more to get this area to work that
103 we need these tweaks to happen, rather than worrying that it is a city-wide effect for
104 containing it. Director Yost said this is an area we think would benefit from specific
105 planning and could yield interesting results that are specifically important or has unique
106 characteristics, bring us your plan and then we have a framework to review and adopt it.

107
108 Commissioner Baker asked if there are concerns with a conditional use permit. If there
109 is a plan, would there be issues rejecting it. Chair Ellingson said it is arbitrary. Director
110 Yost said Attorney Penrod has a spent a long time crafting this to make it clear that no
111 entitlement exists under this zone and that the City Council retains its legislative
112 discretion to make that decision which is a different set of criteria or legislative approval.

113
114 Commissioner Young asked if we have any concerns about them breaking the grid on
115 the roadways. Director Yost said that we are not adopting any specific plan at this time.
116 This is an example of the West Fields Central Zone. We are not breaking the grid. There
117 is only one connection that is not being made, everywhere else we make the exterior
118 connections. Commissioner Young said on the existing grid lines. Director Yost
119 confirmed. This action today is just for a recommendation on adopting the text of the
120 zone and applying it to this property, not on the actual plan. We will be back to you with
121 the actual plan. Commissioner Baker said we are deciding on the elements. Director
122 Yost said we are deciding if we want to adopt a framework that allows us to bring these
123 types of plans to you on a case-by-case basis.

124
125 Commissioner Baker listed the elements that are in this zone are the transect zone, civic
126 zone, thoroughfare network, special requirements and permitted density and then the
127 standards. She asked if that is correct. Director Yost said yes. It says this is what the
128 new neighborhood plan looks like and these are the elements you need to have when
129 you bring us a neighborhood plan under this code.

130
131 Commissioner Baker asked where to find the ordinance. Director Yost said the
132 ordinance is in the packet and it specifically delineates each of the required and optional
133 requirements of the neighborhood plan. Commissioner Baker said it is a fairly detailed
134 framework. Director Yost said yes, it is like a framework and it establishes what the
135 categories of the regulations are, but none of the specific regulations.

136
137 Commissioner Parker pointed out in 11-5-803, it doesn't change the underlying zone
138 and clarified we are not changing the zone. Director Yost agreed and said we are adding
139 an overlay to the zone. The first item is simply to adopt this text into the code so that we
140 have something to apply to the property. And the second is to apply this code as an
141 overlay to the zoning map. Commissioner Parker said the zones will change because
142 the densities go up. Director Yost said yes, but adopting this zone and applying it to the
143 property doesn't raise the densities, the only thing that does that is coming back and
144 getting that plan adopted by the City Council per the Planning Commission's
145 recommendation. In 11-5-803 (3) it specifically states that 'no development entitlement
146 exists under the TND Overlay Zone until the adoption of a new neighborhood plan that

147 meets the requirements of Article 8.' This allows you to bring this plan in and get it
148 adopted.

149
150 Commissioner Mertz said that also in 11-5-803, three items spell out what the
151 development agreement must include. This is great. He asked if other items are
152 included in that development agreement or does it just need those three elements.
153 Director Yost said Attorney Penrod could speak more to that specifically. Commissioner
154 Mertz asked if there is room to do things on the city side. Director Yost said these are
155 the minimum requirements. It is not an exhaustive list.

156
157 Commissioner Young said that you don't have a approve the higher density if you don't
158 want to. Director Yost said correct. In the development agreement, the developer could
159 proffer additional methods of design regulation or any other types of guarantees. In the
160 Westfields Central, there is an element in there that says this much public park and
161 open space is being dedicated or improved to this level and design is being handled this
162 way. There would be some additional elements that are established in the code.

163
164 Chair Ellingson pointed to 11-5-803 (1) where it says 'when a property is zoned with the
165 TND Overlay Zone, the TND Overlay Zone shall not change the underlying zone and
166 become effective...' She asked if that should that be 'and' or 'or' 'become effective until
167 the property owner and City have entered into a development agreement...' Director Yost
168 asked her isn't that the same thing. It isn't going to change the zone. Chair Ellingson
169 said it is the same thing.

170
171 Director Yost said the map amendment is for the property located at 450 W and 700 S is
172 what you have seen presentations on. We request a positive recommendation for this
173 proposal.

174
175 Chair Ellingson asked Mr. Simpson to come and address the Commission. Dave
176 Simpson, applicant, said that he has enjoyed working with the City and it has been
177 excellent. We have a seminar with Tom Lowe to talk about this situation and others in
178 the City. If he is going to put his name on it, he wants a good project. He thanked them
179 for their time.

180
181 Chair Ellingson opened the Public Hearing at 7:19 p.m. Seeing no speakers, Chair
182 Mertz moved to close the public hearing. Commissioner Baker seconded. The public
183 hearing was closed at 7:20 p.m.

184
185 Chair Ellingson called for Commissioner discussion on both items as they had both
186 been presented. Commissioner Young said it looks good. Commissioner Mertz said it
187 looks great and is a good process.

188
189 Commissioner Mertz moved to recommend adoption of the Traditional Neighborhood
190 Development Zone. Commissioner Baker seconded. The vote to approve the Legislative
191 item was unanimous.

192
193 Commissioner Mertz moved to recommend the approval of zone map amendment as
194 listed in the agenda at approximately 700 S and 950 W from the R1-10 zone to the
195 Traditional Neighborhood Development Overlay Zone. Commissioner Baker seconded.
196 The vote to approve the Legislative item was unanimous.

197 ADMINISTRATIVE SESSION

198

199 1. *Presentation and discussion of a concept for a Holdaway Park South*
200 *subdivision.*

201

202 John Penrod, City Attorney, presented. He showed the location of the property on the
203 map. One of the issues with Holdaway Park is that activities are way back in the park
204 and there aren't a lot of eyes on it. There is a walkthrough and people park in front of the
205 homes to watch soccer games or they have to walk a long way. The property on the
206 South side came up for sale and it was purchased by a developer. We knew who the
207 developer was and as he was purchasing it, Josh Yost, Community Development
208 Director, saw that this was another way to access this park. Now this shows 5 lots and
209 they are different on both sides. You wouldn't have to do 5 lots, but the City would like to
210 add more density. To make sure we have parking, so they are not parking on the street.
211 Nice landscaping to make it inviting. The lots range from 5,000 to 6,300 square feet. We
212 want to get the feel from the Commission before we move this forward. On the West
213 side of Holdaway park, we have lots that range from roughly 4,300 to 8,700 square feet.
214 On the North, they are 6500 square feet and there are a couple that are almost 10,000
215 square feet. On the East is 10,000 square feet and the old Holdaway home is roughly
216 6.9 acres. The lots do fit in with surrounding communities. Commissioner Baker asked
217 what the lots are like across the street. Attorney Penrod said they are very similar to
218 these lots. They are long and deep.

219

220 Commissioner Baker asked what the frontage is going to be for those lots. Attorney
221 Penrod said it would be about 6,429. Commissioner Baker asked what the frontage is
222 currently along 200 North. Attorney Penrod said it is about 7,500. Commissioner Baker
223 said so it will be about the same. Attorney Penrod said yes, although the actual frontage
224 of these lots will be a lot more. Commissioner Baker said along the new road. Attorney
225 Penrod said exactly.

226

227 Attorney Penrod said this is just an idea we are looking at and wanted to present to you
228 before working with the developer. We want landscaping that looks nice coming into the
229 drive. These houses will face 200 South. We are thinking of possibly moving the front
230 setbacks for the lots in the back of the subdivision to pull them away from the houses on
231 the side. We are talking with the developer to put this in. Possible housing types would
232 be worked out in the neighborhood plan as well.

233

234 Commissioner Baker said that this is close enough to the Historic District that the 5000
235 size lots are ok with her because it fits into the surrounding area. There are pockets of
236 small lots. This is a great solution to Holdaway Park as it is very inaccessible and hard
237 to get to. Chair Ellingson agreed. Commissioner Baker said that it won't impact the
238 neighborhood negatively to have the increased density with the surrounding larger lots.

239

240 Attorney Penrod said that is our solution. Even though there may be smaller lots, there
241 are a lot of places in this area where they have smaller houses on bigger lots. And the
242 houses on these lots will be bigger than some of the houses. It reduces lot size for their
243 personal use, but they can do a lot of things in the park. Commissioner Baker said that
244 is the thing to watch out for. The housing types are going to be important so they don't
245 overshadow and stick out from the current homes.. Attorney Penrod said one of the
246 great things Mr. Yost is accomplishing with this overlay is we get to see what the product

247 is going to be before you agree to it. Commissioner Young said isn't this too small for
248 the overlay. Attorney Penrod said we would have to change that. We can just put it on
249 here and make it very simple.

250
251 Commissioner Parker asked if there is a way to bring more parking toward the park.
252 Attorney Penrod said that you could. Commissioner Parker said it doesn't solve the
253 problem, but it would it alleviate some of the on-street parking by doing both. Attorney
254 Penrod said it could. There are 20 parking stalls. The idea is, as part of this
255 development, you know that people are going to park in front of your home.

256
257 Commissioner Parker said we can't call it a TND if we are sticking to that 10 acres.
258 Attorney Penrod agreed. That is a good point and he would ask the Commission to
259 consider something smaller. That is what we overlooked today.

260
261 Chair Ellingson said if this comes to us, some sort of overlay will be adopted. Attorney
262 Penrod said that we want to keep this TND and it would be nice to have one
263 mechanism. If you are OK with lowering that, we could take it to City Council.
264 Commissioner Young said that it works. Commissioner Baker said the 10 acres is
265 arbitrary as far as she is concerned. Commissioner Mertz said it works too. He asked
266 what the intent was for the 10 acres. Attorney Penrod said that came about from looking
267 at a different development. Commissioner Baker asked with transects if that is part of
268 why they need a larger lot. Attorney Penrod said no. Chair Ellingson said recapped that
269 we agree that the 10 acres are negotiable and whatever City Council wants to change it
270 to is fine.

271
272 Attorney Penrod said they will go and work more with the developer to bring back
273 something more substantial.

274
275 Mr. Yost said that he sent an email about the 1600 South/Dry Creek Charette, starting
276 the process together. David Simpson is bringing in Tom Lowe, who did the Westfields
277 Central Plan. For almost a week there will be intense design work. You are all invited to
278 the initial meeting and any other focus meetings or mid-stream meetings. They are
279 noticed as public meetings.

280
281 With nothing further to discuss, Commissioner Young moved to adjourn the meeting.
282 Commissioner Parker seconded the motion.

283
284 Chair Ellingson adjourned the meeting at 7:40 p.m.

ORDINANCE #XX-2021

AN ORDINANCE ADOPTING THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY ZONE AS SPRINGVILLE CITY CODE TITLE 11, CHAPTER 5, ARTICLE 8

WHEREAS the Springville City Development Code governs land use decisions within Springville City in fulfillment of the recommendations of the General Plan as well as the future vision of the City as established by the Mayor and Council; and

WHEREAS Springville City may, from time to time, amend its Code to reflect its commitment to maintaining the vision established in the General Plan and as established by the Mayor and Council; and

WHEREAS City staff examine the Code to ensure viability, compatibility and desirability and have recommended amendments to the Code; and

WHEREAS the Planning Commission conducted a public hearing on August 10, 2021 and reviewed the proposed text amendment and has recommended favorably of the amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Springville, Utah that the Traditional Neighborhood Development Overlay Zone be adopted as Springville City Code Title 11, Chapter 5, Article 8 as follows:

Article 8 - Traditional Neighborhood Development (TND) Overlay Zone

11-5-801 Purpose and Intent.

The purpose of this zone is to accommodate the development of traditional neighborhoods through the adoption of form-based code regulating plans, lot types and other associated regulations.

11-5-802 Definitions.

In addition to those definitions found in Section 11-3-402, the following words shall have the definitions in this Article 8

“Active Transportation Plan” means the current Springville Active Transportation Plan as adopted and amended by the City Council from time to time.

“Lot Type” means a specific set of requirements establishing the parameters of development for each lot.

“Civic Building Zone” means a site dedicated for buildings generally operated by government entities or not-for-profit organizations with a dedicated use for culture, education, religion, government, transit and municipal parking, or for a use approved by the City Council.

“Civic Space” or “Civic Zone” means either a civic building zone or a civic space zone.

“Civic Space Zone” means a public site permanently dedicated to open space for use by the general public.

“Development Area” means the total area of each traditional neighborhood development zone.

“New Neighborhood Plan” means the sum of regulations adopted to implement each Traditional Neighborhood Zone area.

“Neighborhood Unit” means a regulatory category defining the physical form, Density, and extent of a settlement.

“Net Site Area” means cumulative of all areas of the new neighborhood plan that are not part of the T1 and T2 zones and exclusive of thoroughfares and land assigned to civic zones.

“Public Frontage” means that space along a thoroughfare or civic space that includes sidewalks, curbs, planters, bicycle facilities and street trees. The public frontage contributes to the character of the transect zone.

“Special Planning Area” means an area of land to which the TND zone has been applied and for which a new neighborhood plan has been adopted.

“Thoroughfare” means a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage.

“Transect Zone” or “T-Zone” means one of several sub-zones within an area regulated by the Traditional Neighborhood Development. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

“Vehicle Lane Dimensions” means the standards for vehicular lane width as shown in Vehicular Lane Dimensions in each Thoroughfare standard.

11-5-803 TND Overlay Zone Application.

- (1) **Development Agreement.** When a property is zoned with the TND Overlay Zone, the TND Overlay Zone shall not change the underlying zone and become effective until the property owner and City have entered into a development agreement that outlines how the requirements of the TND Overlay Zone apply within the special planning area. The development agreement must include, without limitation, the following:
 - (a) An adopted new neighborhood plan;
 - (b) A term that does not exceed five years or the minimum number of years allowed by the Utah Municipal Land Use, Development and Management Act, whichever number is lower;
 - (c) An agreement by the developer to abide by all design standards, as required by Section 10-9a-534 of the Utah Code and any other Utah Code Sections;
- (2) **Minimum area of Zone.** The TND Overlay Zone shall be applied to development areas of no less than 10 acres.
- (3) **New Neighborhood Plan.** No development entitlement exists under the TND Overlay Zone until the adoption of a new neighborhood plan that meets the requirements of this Article 8. The new neighborhood plan shall include those regulations for the development that supplement Springville City’s land use regulations for the special planning area. All of Springville City’s land use regulations that are not revised by the new neighborhood plan shall remain in effect for the special planning area.

11-5-804 New Neighborhood Plans.

- (1) **Preparation and adoption of new neighborhood plans.**
 - (a) A new neighborhood plan may be prepared by the planning department, property owner, and/or consultant. New neighborhood plans may contain more than one T-Zone and/or shall contain more than one Lot Type.
 - (b) A new neighborhood plan must be adopted through legislative action of the City Council upon recommendation from the Planning Commission. The City Council maintains all of its legislative rights and authorities in considering a new neighborhood plan and is not required to adopt a new neighborhood plan.
 - (c) Upon adoption of a new neighborhood plan by the City Council, the parcel shall become a special planning area and shall be marked as such on the zoning map.

Within the special planning area, this Code shall govern all development and shall supersede any other conflicting provisions of the Springville Municipal Code.

(2) New neighborhood plans shall include the following:

- (a) Transect zone descriptions;
- (b) A regulating plan consisting of one or more maps showing and regulating at least the following, in compliance with the standards described in this Article:
 - (i) Transect zones,
 - (ii) Civic zones,
 - (iii) Thoroughfare network,
 - (iv) Special Requirements, if any, and
 - (v) Calculation of permitted density.
- (c) Standards for each lot type, including at least:
 - (i) Type description,
 - (ii) Lot dimension,
 - (iii) Dimensional standards keyed to graphic diagram,
 - (iv) Height, and
 - (v) Form-based graphic diagram.
- (d) A table of permitted lot types within each Transect Zone
- (e) One set of preliminary site plans for each Transect Zone.

(3) New neighborhood plans may include the following:

- (a) Thoroughfare standards,
- (b) Civic space standards,
- (c) Storm water management standards,
- (d) Architectural standards, or
- (e) Landscape standards.

Section 11-5-805 Requirements for New Neighborhood Plan Elements

(1) Transect Zones.

- (a) Transect zones shall be assigned and mapped on each new neighborhood plan.
- (b) A transect zone may include any of the elements indicated for its T-zone number throughout this Code, in accordance with the transect zone descriptions.

(4) Civic Space.

- (a) Civic space dedicated for public use shall be required for each neighborhood unit and designated on the new neighborhood plan as a civic space zone and/or civic building zone.
- (b) The City has to approve all civic space as part of the neighborhood plan.

(5) Thoroughfare Standards.

- (a) If no specific thoroughfare standards are adopted with the new neighborhood plan, the existing City land use regulations for thoroughfare standards shall apply.
- (b) If specific thoroughfare standards are adopted, they shall adhere to the following standards and shall superseded the otherwise adopted City standards.
 - (i) General:
 - (A) Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.

- (B) Thoroughfares shall generally consist of vehicular lanes and public frontages.
 - (C) Thoroughfares shall be designed in context with the urban form and desired design speed of the transect zones through which they pass.
 - (D) Frontages of thoroughfares that pass from one transect zone to another shall be adjusted accordingly or, alternatively, the transect zone may follow the alignment of the thoroughfare to the depth of one Lot, retaining a single public frontage throughout its trajectory.
 - (E) Within the most rural zones (typically named the T1 and T2 zones within a neighborhood development plan) pedestrian comfort shall be a secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle.
 - (F) Within the more urban transect zones (typically named T3 through T6 zones) pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
 - (G) The thoroughfare network shall be designed to define blocks. A block shall not exceed 300'x600'. The perimeter shall be measured as the length of the right-of-way line at the perimeter of the block.
 - (H) All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to those on adjacent sites.
 - (I) Each lot shall front on a vehicular thoroughfare or a path or trail in a civic space zone. In the event that a lot fronts on a path or trail, the new neighborhood plan must demonstrate how the lots will be easily accessed by both lot owners and people visiting the lot. Front doors of homes need to have available public parking within 150 feet of the door, and lots need to be easily accessed by owners by either a public street or private alley.
 - (J) Standards for paths and bicycle trails shall conform to the Active Transportation Plan.
- (ii) Vehicular Lanes.
 - (A) Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. The standards for vehicular lanes shall be as shown in vehicular lane dimensions.
 - (B) A bicycle network consisting of bicycle trails, bicycle routes and bicycle lanes should be provided throughout the special planning area as defined in the Active Transportation Plan. The community bicycle network shall be connected to existing or proposed regional networks as defined in the Active Transportation Plan.
 - (iii) Public Frontages

- (A) The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance and tolerant of soil compaction.
- (B) The public frontage shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least 10 feet.
- (C) At retail public frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

(c) **Density Calculations.**

- (i) The net site area shall be allocated to the various transect zones as defined by the new neighborhood plan.
- (ii) Density shall be expressed in terms of housing units per acre as specified for the area of each transect zone. For purposes of density calculation, the transect zones do not include the thoroughfares or land assigned to civic zones.
- (iii) The City is not required to approve and adopt a new neighborhood plan that allows for higher densities than the underlying zone within the TND Overlay Zone.

(d) **Special Requirements.** A new neighborhood plan may designate any of the following special requirements:

- (i) Designations for mandatory and/or recommended retail frontage requiring or advising that a building provide a shopfront at sidewalk level along the entire length of its private frontage. The shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the sidewalk. The first floor shall be confined to retail use for the first 40'.
- (ii) Designations for mandatory and/or recommended gallery frontage, requiring or advising that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a retail frontage designation.
- (iii) Designations for mandatory and/or recommended arcade frontage, requiring or advising that a building overlap the sidewalk such that the first-floor facade is a colonnade. The arcade frontage designation may be combined with a retail frontage designation.
- (iv) A designation for coordinated frontage, requiring that the public frontage and private frontage be coordinated as a single, coherent landscape and paving design.
- (v) Designations for mandatory and/or recommended terminated vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location.
- (vi) A designation for cross block passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.

END OF ORDINANCE

This ordinance shall become effective upon adoption by the Council of Springville City.

ADOPTED by the City Council of Springville, Utah, this 7th day of September 2021.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder



STAFF REPORT

DATE: September 1, 2021
TO: Honorable Mayor and City Council
FROM: Josh Yost
SUBJECT: Zone Map Amendment - Traditional Neighborhood Development Overlay

RECOMMENDED MOTION

Motion to approve Ordinance #XX-2021 zone map amendment for Parcel 26:041:0068 located at approximately 700 South and 950 West to apply the Traditional Neighborhood Development Overlay Zone.

SUMMARY OF ISSUES/FOCUS OF ACTION

Does the proposed zone map amendment adhere to the General Plan and further the orderly development of the city?

BACKGROUND

This zone map amendment application is the first application of the Traditional Neighborhood Development Overlay Zone. The Westfields Central project is a traditional neighborhood development of 20 acres at 700 South and 950 West that as described in the Zone Text Amendment staff report, has been in design development for over 18 months.

DISCUSSION

The proposed zone map amendment adheres to the General Plan and the Westfields Community Plan as it provides for the flexibility for a new neighborhood plan to be proposed that addresses the specific goals and objectives of those plans.

Although the approval of this application would apply the TND overlay to the subject property, it does not entitle any development. The new neighborhood plan still must be approved through the legislative process for a land use application. The Planning Commission has reviewed the plan and made a recommendation to the City Council.

PLANNING COMMISSION REVIEW

The Planning Commission considered the zone map amendment on August 10, 2021. There was no additional discussion regarding the zone map amendment after the discussion of the proposed TND Overlay text.
No members of the public were present to speak in the public hearing.

COMMISSION ACTION: Motion to recommend the approval of zone map amendment as listed in the agenda at approximately 700 S and 950 W from the R1-10 zone to the Traditional Neighborhood Development Overlay Zone.

Commission Vote

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Genevieve Baker	X	
Karen Ellingson	X	
Michael Farrer	Absent	
Kay Heaps	Absent	
Brad Mertz	X	
Rod Parker	X	
Frank Young	X	

ALTERNATIVES

Deny the requested zone map amendment for Parcel 26:041:0068 located at approximately 700 South and 950 West to apply the Traditional Neighborhood Development Overlay Zone.

Continue discussion of the requested zone map amendment for Parcel 26:041:0068 located at approximately 700 South and 950 West to apply the Traditional Neighborhood Development Overlay Zone.

Name: Josh Yost
Title: Community Development Director

Attachments
Planning Commission Staff Report
Planning Commission Minutes





**PLANNING COMMISSION
STAFF REPORT**

Agenda Item 3
August 10, 2021

August 9, 2021

TO: Planning Commission Members

FROM: Josh Yost

RE: Springville Community Development requests a zone map amendment for Parcel 26:041:0068 located at approximately 700 South and 950 West from the R1-10 Zone to the Traditional Neighborhood Development Overlay Zone.

Petitioner: Springville Community Development

Summary of Issues

Does the proposed zone map amendment adhere to the General Plan and further the orderly development of the city?

Background

This zone map amendment application is the first application of the Traditional Neighborhood Development Overlay Zone. The Westfields Central project is a traditional neighborhood development of 20 acres at 700 South and 950 West that as described in the Zone Text Amendment staff report, has been in design development for over 18 months.

Analysis

The proposed zone map amendment adheres to the General Plan and the Westfields Community Plan as it provides for the flexibility for a new neighborhood plan to be proposed that addresses the specific goals and objectives of those plans.

Although the approval of this application would apply the TND overlay to the subject property, it does not entitle any development. The new neighborhood plan still must be approved through the legislative process for a land use application. The Planning Commission will review the plan and make a recommendation to the City Council.

Staff Recommendation

Staff finds that the proposed zone map amendment adheres to the General Plan and retains legislative discretion in the adoption of the ultimate new neighborhood plan for the subject property.

Recommended Motion

Move to recommend approval of the zone map amendment for Parcel 26:041:0068 located at approximately 700 South and 950 West from the R1-10 Zone to the Traditional Neighborhood Development Overlay Zone.

Subject Property Map



IN ATTENDANCE

Commissioners Present: Chair Karen Ellingson, Genevieve Baker, Frank Young, Brad Mertz, and Rod Parker

Commissioners Excused: Michael Farrer and Kay Heaps

City Staff: Josh Yost, Community Development Director
John Penrod, City Attorney
Laura Thompson, City Planner

City Council: Matt Packard

CALL TO ORDER

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

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

July 27, 2021

Commissioner Baker moved to approve the July 27, 2021 meeting minutes. Commissioner Mertz seconded the motion. The vote to approve the meeting minutes was unanimous.

CONSENT AGENDA

- 1. Western Refining Retail, LLC seeking minor subdivision and commercial site plan approval for Speedway, a convenience store with fuel sales, located at 353 S 2200 W in the RC-Regional Commercial Zone.*

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

48 LEGISLATIVE SESSION:

49
50 **2. *Springville Community Development requests amendments to Springville***
51 ***Code Title 11 Development Code, to adopt the Westfields Central Traditional***
52 ***Neighborhood Development Zone***

53
54 **3. *Springville Community Development requests a zone map amendment for***
55 ***Parcel 26:041:0068 located at approximately 700 South and 950 West from***
56 ***the R1-10 Zone to the Westfields Central Traditional Neighborhood***
57 ***Development Zone.***

58
59 Josh Yost, Community Development Director, presented. This is being renamed the
60 Traditional Neighborhood Development Overlay Zone. The Westfields Central name is
61 being removed, so it can be applied in multiple places. It is a framework zone that
62 provides the regulatory framework for creating plans that respond to specific situations
63 in specific areas. It doesn't create development entitlement until after the adoption of the
64 new neighborhood plan until that new neighborhood plan is adopted by the City Council
65 upon recommendation from the Planning Commission. He showed an example of a
66 regulating plan. It must include transect zone descriptions, which are implemented for a
67 form-based code process. A regulating plan like this would show where the transect
68 zones are, where the civic zones and open spaces are, the thoroughfares which are
69 streets and pedestrian ways, special requirements on this example of where retail
70 frontages are needed, lots that need special attention to such as their view at the end of
71 a street and other potential requirements. It also needs to show the calculation of
72 density anticipated in the plan and standards for each lot type being proposed for the
73 area. It also gives us a table for which lot types are permitted in each transect zone. And
74 one set of preliminary site plans for each transect zone. A neighborhood plan can also
75 include thoroughfare standards specifically for that design.

76
77 Commissioner Young asked if this was a form-based code. Director Yost said it is like a
78 picture frame to put the form-based code in. In and of itself, it doesn't tell you what to
79 build, but it is not a PUD. It is much better.

80
81 Commissioner Baker said this is a zone that says that there are elements that the plan
82 needs to include. We are not saying what that has to look like, per se, but it has to
83 include these elements. Director Yost said it doesn't bind the City Council or the
84 Planning Commission to recommend or adopt anything greater in density or create
85 entitlements. It creates the structure to bring in a concept and plan for adoption.

86
87 Commissioner Baker said it is saying that this area is possible for you to bring a plan if
88 you have these elements. Director Yost said these are the elements we need to see in
89 the plan and the Council retains legislative discretion to adopt that plan.

90
91 Commissioner Young asked what the size of the development is. Director Yost said it is
92 currently written as 10 acres. It also requires a development agreement to accompany
93 the new neighborhood plan. It establishes a process and a framework for implementing
94 individual form-based codes and regulating plans.

95
96 Chair Ellingson asked if it is something that is meant to be preemptively put in. Where
97 we look at an area and say this is going to develop, we want to put this in place, so

98 whoever comes in, has to do it. Director Yost said we could. He anticipates it to be more
99 likely to be used by people that are proposing developments of these types. This makes
100 it so we don't have to reinvent the wheel every time, but have a framework of code to
101 adopt a specific plan, whatever it is. We aren't worried about having any development
102 entitlement by right. Chair Ellingson clarified that it is more to get this area to work that
103 we need these tweaks to happen, rather than worrying that it is a city-wide effect for
104 containing it. Director Yost said this is an area we think would benefit from specific
105 planning and could yield interesting results that are specifically important or has unique
106 characteristics, bring us your plan and then we have a framework to review and adopt it.

107
108 Commissioner Baker asked if there are concerns with a conditional use permit. If there
109 is a plan, would there be issues rejecting it. Chair Ellingson said it is arbitrary. Director
110 Yost said Attorney Penrod has a spent a long time crafting this to make it clear that no
111 entitlement exists under this zone and that the City Council retains its legislative
112 discretion to make that decision which is a different set of criteria or legislative approval.

113
114 Commissioner Young asked if we have any concerns about them breaking the grid on
115 the roadways. Director Yost said that we are not adopting any specific plan at this time.
116 This is an example of the West Fields Central Zone. We are not breaking the grid. There
117 is only one connection that is not being made, everywhere else we make the exterior
118 connections. Commissioner Young said on the existing grid lines. Director Yost
119 confirmed. This action today is just for a recommendation on adopting the text of the
120 zone and applying it to this property, not on the actual plan. We will be back to you with
121 the actual plan. Commissioner Baker said we are deciding on the elements. Director
122 Yost said we are deciding if we want to adopt a framework that allows us to bring these
123 types of plans to you on a case-by-case basis.

124
125 Commissioner Baker listed the elements that are in this zone are the transect zone, civic
126 zone, thoroughfare network, special requirements and permitted density and then the
127 standards. She asked if that is correct. Director Yost said yes. It says this is what the
128 new neighborhood plan looks like and these are the elements you need to have when
129 you bring us a neighborhood plan under this code.

130
131 Commissioner Baker asked where to find the ordinance. Director Yost said the
132 ordinance is in the packet and it specifically delineates each of the required and optional
133 requirements of the neighborhood plan. Commissioner Baker said it is a fairly detailed
134 framework. Director Yost said yes, it is like a framework and it establishes what the
135 categories of the regulations are, but none of the specific regulations.

136
137 Commissioner Parker pointed out in 11-5-803, it doesn't change the underlying zone
138 and clarified we are not changing the zone. Director Yost agreed and said we are adding
139 an overlay to the zone. The first item is simply to adopt this text into the code so that we
140 have something to apply to the property. And the second is to apply this code as an
141 overlay to the zoning map. Commissioner Parker said the zones will change because
142 the densities go up. Director Yost said yes, but adopting this zone and applying it to the
143 property doesn't raise the densities, the only thing that does that is coming back and
144 getting that plan adopted by the City Council per the Planning Commission's
145 recommendation. In 11-5-803 (3) it specifically states that 'no development entitlement
146 exists under the TND Overlay Zone until the adoption of a new neighborhood plan that

147 meets the requirements of Article 8.' This allows you to bring this plan in and get it
148 adopted.

149
150 Commissioner Mertz said that also in 11-5-803, three items spell out what the
151 development agreement must include. This is great. He asked if other items are
152 included in that development agreement or does it just need those three elements.
153 Director Yost said Attorney Penrod could speak more to that specifically. Commissioner
154 Mertz asked if there is room to do things on the city side. Director Yost said these are
155 the minimum requirements. It is not an exhaustive list.

156
157 Commissioner Young said that you don't have a approve the higher density if you don't
158 want to. Director Yost said correct. In the development agreement, the developer could
159 proffer additional methods of design regulation or any other types of guarantees. In the
160 Westfields Central, there is an element in there that says this much public park and
161 open space is being dedicated or improved to this level and design is being handled this
162 way. There would be some additional elements that are established in the code.

163
164 Chair Ellingson pointed to 11-5-803 (1) where it says 'when a property is zoned with the
165 TND Overlay Zone, the TND Overlay Zone shall not change the underlying zone and
166 become effective...' She asked if that should that be 'and' or 'or' 'become effective until
167 the property owner and City have entered into a development agreement...' Director Yost
168 asked her isn't that the same thing. It isn't going to change the zone. Chair Ellingson
169 said it is the same thing.

170
171 Director Yost said the map amendment is for the property located at 450 W and 700 S is
172 what you have seen presentations on. We request a positive recommendation for this
173 proposal.

174
175 Chair Ellingson asked Mr. Simpson to come and address the Commission. Dave
176 Simpson, applicant, said that he has enjoyed working with the City and it has been
177 excellent. We have a seminar with Tom Lowe to talk about this situation and others in
178 the City. If he is going to put his name on it, he wants a good project. He thanked them
179 for their time.

180
181 Chair Ellingson opened the Public Hearing at 7:19 p.m. Seeing no speakers, Chair
182 Mertz moved to close the public hearing. Commissioner Baker seconded. The public
183 hearing was closed at 7:20 p.m.

184
185 Chair Ellingson called for Commissioner discussion on both items as they had both
186 been presented. Commissioner Young said it looks good. Commissioner Mertz said it
187 looks great and is a good process.

188
189 Commissioner Mertz moved to recommend adoption of the Traditional Neighborhood
190 Development Zone. Commissioner Baker seconded. The vote to approve the Legislative
191 item was unanimous.

192
193 Commissioner Mertz moved to recommend the approval of zone map amendment as
194 listed in the agenda at approximately 700 S and 950 W from the R1-10 zone to the
195 Traditional Neighborhood Development Overlay Zone. Commissioner Baker seconded.
196 The vote to approve the Legislative item was unanimous.

197 ADMINISTRATIVE SESSION

198

199 1. *Presentation and discussion of a concept for a Holdaway Park South*
200 *subdivision.*

201

202 John Penrod, City Attorney, presented. He showed the location of the property on the
203 map. One of the issues with Holdaway Park is that activities are way back in the park
204 and there aren't a lot of eyes on it. There is a walkthrough and people park in front of the
205 homes to watch soccer games or they have to walk a long way. The property on the
206 South side came up for sale and it was purchased by a developer. We knew who the
207 developer was and as he was purchasing it, Josh Yost, Community Development
208 Director, saw that this was another way to access this park. Now this shows 5 lots and
209 they are different on both sides. You wouldn't have to do 5 lots, but the City would like to
210 add more density. To make sure we have parking, so they are not parking on the street.
211 Nice landscaping to make it inviting. The lots range from 5,000 to 6,300 square feet. We
212 want to get the feel from the Commission before we move this forward. On the West
213 side of Holdaway park, we have lots that range from roughly 4,300 to 8,700 square feet.
214 On the North, they are 6500 square feet and there are a couple that are almost 10,000
215 square feet. On the East is 10,000 square feet and the old Holdaway home is roughly
216 6.9 acres. The lots do fit in with surrounding communities. Commissioner Baker asked
217 what the lots are like across the street. Attorney Penrod said they are very similar to
218 these lots. They are long and deep.

219

220 Commissioner Baker asked what the frontage is going to be for those lots. Attorney
221 Penrod said it would be about 6,429. Commissioner Baker asked what the frontage is
222 currently along 200 North. Attorney Penrod said it is about 7,500. Commissioner Baker
223 said so it will be about the same. Attorney Penrod said yes, although the actual frontage
224 of these lots will be a lot more. Commissioner Baker said along the new road. Attorney
225 Penrod said exactly.

226

227 Attorney Penrod said this is just an idea we are looking at and wanted to present to you
228 before working with the developer. We want landscaping that looks nice coming into the
229 drive. These houses will face 200 South. We are thinking of possibly moving the front
230 setbacks for the lots in the back of the subdivision to pull them away from the houses on
231 the side. We are talking with the developer to put this in. Possible housing types would
232 be worked out in the neighborhood plan as well.

233

234 Commissioner Baker said that this is close enough to the Historic District that the 5000
235 size lots are ok with her because it fits into the surrounding area. There are pockets of
236 small lots. This is a great solution to Holdaway Park as it is very inaccessible and hard
237 to get to. Chair Ellingson agreed. Commissioner Baker said that it won't impact the
238 neighborhood negatively to have the increased density with the surrounding larger lots.

239

240 Attorney Penrod said that is our solution. Even though there may be smaller lots, there
241 are a lot of places in this area where they have smaller houses on bigger lots. And the
242 houses on these lots will be bigger than some of the houses. It reduces lot size for their
243 personal use, but they can do a lot of things in the park. Commissioner Baker said that
244 is the thing to watch out for. The housing types are going to be important so they don't
245 overshadow and stick out from the current homes.. Attorney Penrod said one of the
246 great things Mr. Yost is accomplishing with this overlay is we get to see what the product

247 is going to be before you agree to it. Commissioner Young said isn't this too small for
248 the overlay. Attorney Penrod said we would have to change that. We can just put it on
249 here and make it very simple.

250
251 Commissioner Parker asked if there is a way to bring more parking toward the park.
252 Attorney Penrod said that you could. Commissioner Parker said it doesn't solve the
253 problem, but it would it alleviate some of the on-street parking by doing both. Attorney
254 Penrod said it could. There are 20 parking stalls. The idea is, as part of this
255 development, you know that people are going to park in front of your home.

256
257 Commissioner Parker said we can't call it a TND if we are sticking to that 10 acres.
258 Attorney Penrod agreed. That is a good point and he would ask the Commission to
259 consider something smaller. That is what we overlooked today.

260
261 Chair Ellingson said if this comes to us, some sort of overlay will be adopted. Attorney
262 Penrod said that we want to keep this TND and it would be nice to have one
263 mechanism. If you are OK with lowering that, we could take it to City Council.
264 Commissioner Young said that it works. Commissioner Baker said the 10 acres is
265 arbitrary as far as she is concerned. Commissioner Mertz said it works too. He asked
266 what the intent was for the 10 acres. Attorney Penrod said that came about from looking
267 at a different development. Commissioner Baker asked with transects if that is part of
268 why they need a larger lot. Attorney Penrod said no. Chair Ellingson said recapped that
269 we agree that the 10 acres are negotiable and whatever City Council wants to change it
270 to is fine.

271
272 Attorney Penrod said they will go and work more with the developer to bring back
273 something more substantial.

274
275 Mr. Yost said that he sent an email about the 1600 South/Dry Creek Charette, starting
276 the process together. David Simpson is bringing in Tom Lowe, who did the Westfields
277 Central Plan. For almost a week there will be intense design work. You are all invited to
278 the initial meeting and any other focus meetings or mid-stream meetings. They are
279 noticed as public meetings.

280
281 With nothing further to discuss, Commissioner Young moved to adjourn the meeting.
282 Commissioner Parker seconded the motion.

283
284 Chair Ellingson adjourned the meeting at 7:40 p.m.

ORDINANCE #XX-2021

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO APPLY THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY ZONE TO PARCEL 26:041:0068, A 20.29 ACRE PARCEL LOCATED AT APPROXIMATELY 700 SOUTH AND 950 WEST.

WHEREAS, the City has an Official Zone Map which delineates zone boundaries for the various city zones; and

WHEREAS, a land owner or agent may propose to amend the Official Zone Map to a zone or zones they find to be more appropriate and a better use of the land; and

WHEREAS, the City Planning Commission considered the amendment and conducted a public hearing on August 10, 2021 and has recommended approval of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Council of Springville City, Utah that the Official Zone Map is hereby amended to apply the Traditional Neighborhood Development Overlay Zone to parcel 26:041:0068, a 20.29-acre parcel located at approximately 700 South and 950 West and as attached hereto in Exhibit A.

This ordinance shall become effective upon adoption by the Council of Springville City.

ADOPTED by the City Council of Springville, Utah, this 7th day of September 2021.

Richard J. Child, Mayor

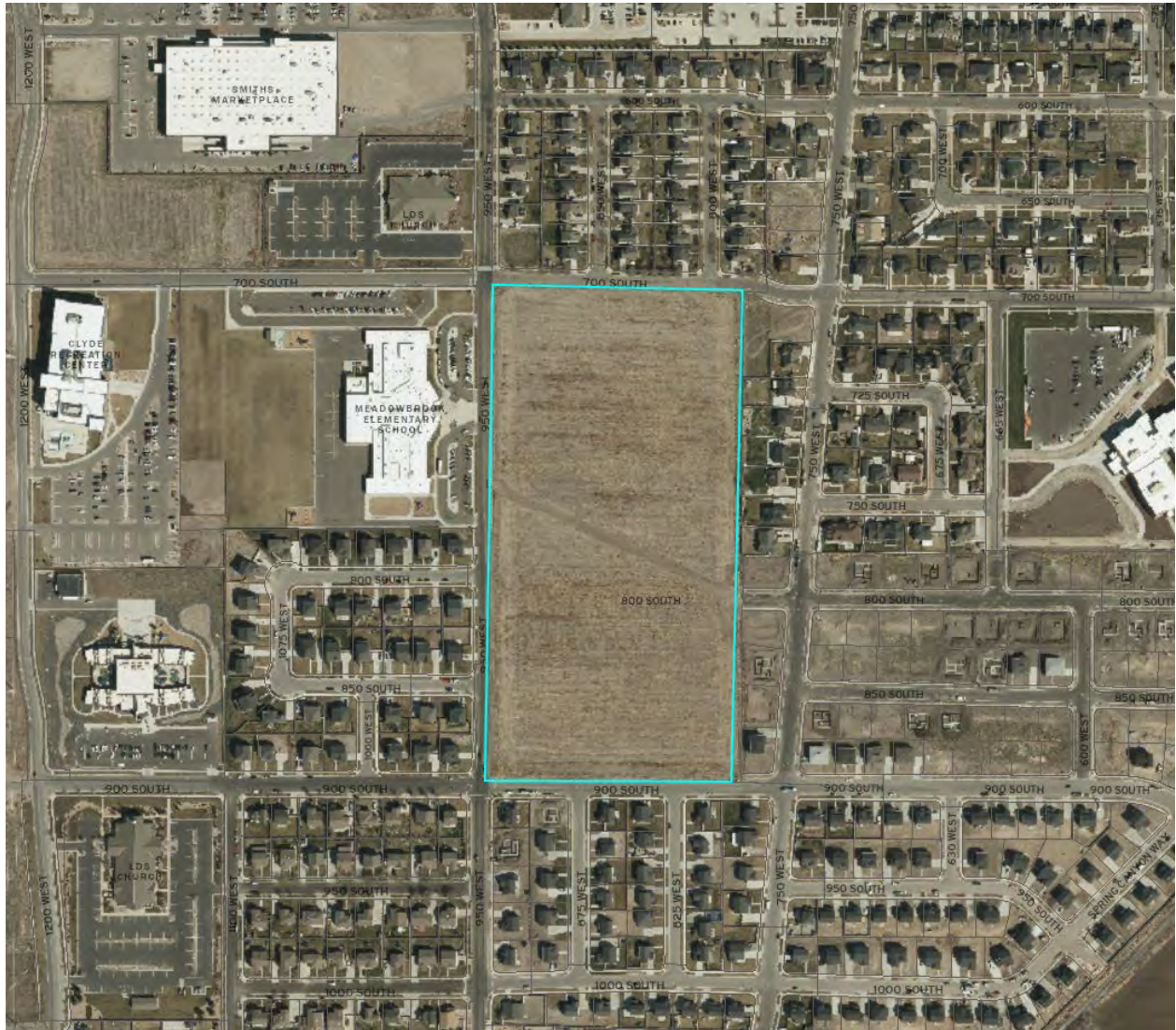
ATTEST:

Kim Crane, City Recorder

EXHIBIT A

26:041:0068

Legal Description: COM S 626.25 FT & W 316.26 FT FR N 1/4 COR. SEC. 5, T8S, R3E, SLB&M.; S 0 DEG 53' 30" W 1330.03 FT; S 89 DEG 38' 0" E 663.17 FT; N 1 DEG 19' 0" E 1318.06 FT; N 88 DEG 36' 14" W 672.95 FT TO BEG. AREA 20.294 AC.





STAFF REPORT

DATE: September 3, 2021

TO: Honorable Mayor and City Council

FROM: Kim Crane, City Recorder

SUBJECT: ANNEXATION PETITION FOR THE FACKRELL PROPERTY, XX ACRES
PROPOSED TO BE ANNEXED INTO SPRINGVILLE CITY

RECOMMENDED MOTION

A Motion to Approve Resolution #2021-XX and accept the Annexation Petition for further study regarding the Fackrell Property.

SUMMARY OF ISSUES/FOCUS OF ACTION

Should the City Council accept the proposed Fackrell Annexation Petition for further consideration as required by Utah Code Annotated (U.C.A.) § 10-2-405?

BACKGROUND

Keith and Jerrie Fackrell have submitted an annexation petition to Springville City proposing that their property, which is currently unincorporated, be annexed into the City's municipal boundary. A map of the Fackrell property can be found as an attachment to the Resolution that accompanies this Staff report. The requirements put into place for filing an annexation petition with the City by U.C.A. § 10-2-403 have been followed and the petition now comes to the City Council for approval or denial.

CITY COUNCIL REVIEW CRITERIA

According to Springville City Code 11-3-305, the review criteria to be followed by the City Council and the Planning Commission for an annexation petition consists of the following:

CITY COUNCIL MEMORANDUM

- (1) Whether the City desires to annex additional land.
- (2) Whether the City has the capability of supplying adequate municipal services to the area proposed for annexation, such as water, sewer, police, fire, and street maintenance.
- (3) Whether the water rights to be conveyed, if any, pursuant to Section 11-3-107 produce a sufficient quantity of water.
- (4) Whether the proposed annexation is consistent with the City's General Plan.
- (5) What conditions, if any, should be attached to proposed annexations that are necessary for proper implementation of the General Plan.
- (6) Whether all required fees have been paid.

DISCUSSION

Staff believes the proposed annexation is supported by an analysis of the annexation according to the above-listed review criteria. Annexing the Fackrell property is consistent with the City's General Plan and including the property within Springville's boundaries should not place an undue burden on City resources. Springville City Code 11-3-307 does not require water rights to be tendered at the time of annexation so such water rights, if any, should not hinder the proposed annexation. The Fackrell property seems to be a natural fit for the City. The proposed annexation will also undergo additional analysis of the stated review criteria with the Planning Commission as part of the process of further considering the acceptability of this Petition.

STAFF RECOMMENDATION

At this time, it is proposed that the City Council accept the proposed Fackrell Annexation Petition for further consideration. Accepting the proposal does not obligate the City Council to later approve the Annexation, but does initiate the formal review process that is to be done by the City Recorder with the assistance of the City Attorney. Staff supports Council approval of the Resolution for further consideration of this Petition.

ALTERNATIVES

Decline the annexation petition.

Kim Crane
City Recorder

CITY COUNCIL

RESOLUTION #2021-XX

A RESOLUTION ACCEPTING FOR FURTHER CONSIDERATION THE PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF UTAH STATE CODE TITLE 10, CHAPTER 2, PART 4 UCA, AS AMENDED.

WHEREAS, on June 04, 2021, the owners of certain real property (petitioners) filed a petition with the City Recorder of Springville City, Utah County, State of Utah requesting that such property be annexed to the municipality of Springville City; and

WHEREAS, said petition complies with all of the requirements of Utah State Code Title 10, Chapter 2, Part 4 UCA, as amended; and

WHEREAS, said petition now appears before the City Council of Springville City, Utah County, State of Utah, pursuant to Utah State Code Section 10-2-405(1) as the appropriate municipal legislative body to accept or deny the petition for further consideration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Springville City, Utah County, State of Utah, that the Annexation Petition, attached hereto as Exhibit A, is hereby accepted for further consideration under the provisions of Utah State Annexation Law and is hereby referred to the City Recorder for a review pursuant to Utah State Code Section 10-2-405(2) UCA, as amended.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately, as allowed by law.

ADOPTED AND PASSED by the City Council this 7th day of September 2021.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder



Petition for Annexation

Name of Annexation: Fackrell Annexation

Approximate Address of Subject Property: 2295 E 700 S, Springville, UT 84663

A legal description of the Subject Property must be submitted electronically to the City Recorder. You may attach a hard copy of the legal description to this Petition, if available, but an electronic submission **must be received.**

Petitioner respectfully represents the following:

- 1. This Petition meets the requirements of Utah Code Annotated (U.C.A.) § 10-2-403(2), that call for the following steps to be taken before this Petition is filed, specifically:
 - A. Petitioners have filed the notice of intent as required by U.C.A. § 10-2-403(2)(a) with the City Recorder and sent a copy of the notice to each affected entity as defined in U.C.A. § 10-2-401(1)(a), and
 - B. The City has received a copy of the notice that Utah County is required to send by U.C.A. § 10-2-403(2)(b) and a certificate from Utah County indicating that the notice has been mailed to the parties listed in section (2)(b)(i)(A).

PLEASE NOTE: Sections 1A and 1B require the sending of two separate notices and these notices must be sent before the City can accept any Petition for Annexation. Please review U.C.A. § 10-2-403(2) in order to meet these prerequisites for filing your Petition.

- 2. The Subject Property meets the requirements that must be met for a contiguous, unincorporated area to be annexed into a municipality as stated in U.C.A. § 10-2-402.
- 3. The Petition contains the signatures required by U.C.A. § 10-2-403(3)(b).
- 4. The Petition is accompanied by:
 - A. An accurate and recordable map, prepared by a licensed surveyor in accordance with U.C.A. § 17-23-20, of the area proposed for annexation; and
 - B. A copy of the notice sent to affected entities as required above in Section 1A of this Petition and a list of the affected entities to which the notice was sent.
- 5. This Petition designates the following signers of the petition as sponsors, one of whom is designated as the Contact Sponsor, with the mailing address of each sponsor being indicated:

Print Clearly (Contact Sponsor = **CS**, Sponsor = **S**)

Petitioner(s)	Address	Phone
CS Kent Stephens	135 E Magnolia Ln, Mapleton, UT 84664	801-706-3085
S <i>Keith R. Venable</i>		
S <i>Jennie S Fackrell</i>		
S		
S		

- 6. This Petition does not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.
- 7. On the date of this Petition being filed, the Petition sponsors shall deliver or mail a copy of the Petition to the Utah County clerk.
- 8. If annexed, the petitioners request the property be zoned R1-10. Making this request does not ensure that the property will be zoned as requested.
- 9. This petition meets any and all requirements for an annexation petition as stated in U.C.A. § 10-2-403 and all other related and relevant sections of the Utah Code Annotated.

Wherefore, the Petitioners hereby request that this petition be considered at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed; that a resolution be adopted accepting this Petition for annexation for further consideration; and that the governing body take such steps as required by law to complete the annexation herein petitioned.

DATED this 31st day of August, 2021

Signatures to follow:

CS Keith Stephens dotloop verified
08/31/21 12:53 PM
PDT

S Keith A. Packard

S Jessie S. Packard

S _____

S _____

NOTICE:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the Springville City Recorder. If you choose to withdraw your signature, you shall do so no later than 30 days after Springville City receives notice that the petition has been certified. (UCA (10-2-403(3)(d))



Community Development
110 South Main Street
Springville, UT 84663
801.491.7861
www.springville.org

PROPERTY OWNERS
CONSENT FORM

(We) (I) Keith and Jerrie Fackrell, the undersigned owner(s)
of real property located at 2295 E 700 SOUTH, Springville, Utah,
identified by tax serial number(s) 26:005:0112, 26:005:0029, 26:005:0007, 26:006:0100, 26:06:0102

hereby grant Kent Stephens permission to apply to the
Springville City Planning Commission for the following changes to the property:

- Zone Change from R1-15 to R1-10
Subdivision Approval
Annexation into Springville City
Other

Dated this 29th day of May, 2021.

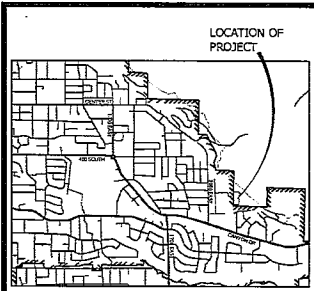
Handwritten signatures of Keith R Fackrell and Jerrie S Fackrell

State of Utah)
: ss.
County of Utah)

On this 1st day of June 2021, appeared before me
Keith & Jerrie Fackrell, the signer(s) of the foregoing instrument
who acknowledged execution thereof.

Handwritten signature of Notary Public and the text NOTARY PUBLIC



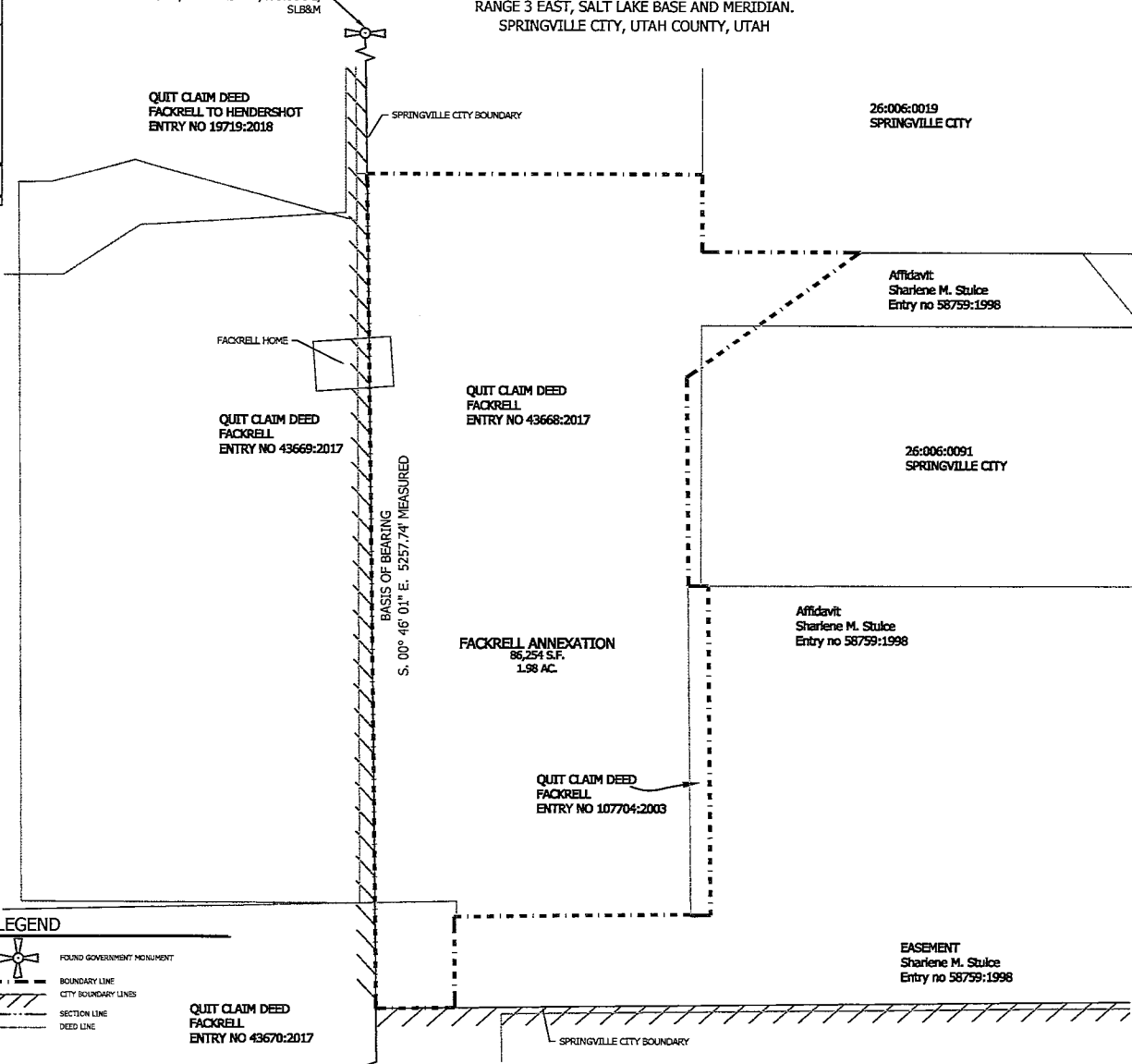


SPRINGVILLE CITY, UTAH
VICINITY MAP
SCALE: N.T.S.

FOUND NORTH QUARTER CORNER IN CONCRETE MARKING SECTION 2, TOWNSHIP 8 S, RANGE 3 E, SLB&M

FACKRELL ANNEXATION

NE¼ SECTION 2, TOWNSHIP 8 SOUTH,
RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN.
SPRINGVILLE CITY, UTAH COUNTY, UTAH



LEGEND

	FOUND GOVERNMENT MONUMENT
	BOUNDARY LINE
	CITY BOUNDARY LINES
	SECTION LINE
	DEED LINE

FOUND SOUTH QUARTER CORNER 2" IN ASPHALT MARKING SECTION 2, TOWNSHIP 8 S, RANGE 3 E, SLB&M

APEX
Engineering, Inc.
661 N. Main St., Spanish Fork, UT

SCALE: 1" = 30'

26:006:0019
SPRINGVILLE CITY

Affidavit:
Sharlene M. Stulce
Entry no 58759:1998

26:006:0091
SPRINGVILLE CITY

FACKRELL ANNEXATION
86,254 S.F.
1.98 AC.

Affidavit:
Sharlene M. Stulce
Entry no 58759:1998

EASEMENT
Sharlene M. Stulce
Entry no 58759:1998

SURVEYOR CERTIFICATE

I, SPENCER J. WOODS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 10718009 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE CLIENT, A FINAL LOCAL ENTRY PLAT, IN ACCORDANCE WITH SECTION 17-20-20 OF UTAH STATE CODE WAS PREPARED BY ME OR UNDER MY DIRECTION. THIS AND ANY OTHER PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE TRACT OF LAND TO BE ANNEXED IN TO GOSHEN CITY LIMITS, COMPILED FROM THE BEST AVAILABLE RECORDS, AS DEPICTED ON THIS PLAT.
(SEE SEAL BELOW)

BOUNDARY DESCRIPTION

A PARCEL OF LAND THAT LIES FULLY WITHIN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, COMPRISING OF 1.98 ACRES OR AN ACRE OF THAT PARTICULAR PARCEL OF LAND AS FOUND IN QUIT CLAIM DEED ENTRY NO. 10774-2003 IN THE UTAH COUNTY RECORDER'S OFFICE, 1/8 OF AN ACRE OF THAT PARTICULAR PARCEL OF LAND AS FOUND IN QUIT CLAIM DEED ENTRY NO. 43670-2017 IN THE UTAH COUNTY RECORDER'S OFFICE, AND 5/32 ACRES OF THAT PARTICULAR PARCEL OF LAND AS FOUND IN THE QUIT CLAIM DEED ENTRY NO. 43668-2017 IN THE UTAH COUNTY RECORDER'S OFFICE, AREAS OF BEARING LIES 80° 47' 01.6" E. 2027.24 FEET, MEASURED, BETWEEN THE NORTH UTAH COUNTY MONUMENTS MARKING THE QUARTER SECTION LINE BETWEEN THE NORTH QUARTER CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 2. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EXISTING SPRINGVILLE CITY BOUNDARY, SAID POINT LIES 80.59 FEET & 00' 46" 01.1" E ALONG THE SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, RUNNING THENCE ALONG THE PARCELS PROPERTY AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE ENTRY NO. 43682-2017 THE FOLLOWING (5) FIVE COURSES: (1) EAST 192.10 FEET; (2) SOUTH 44.84 FEET; (3) EAST 80.30 FEET; (4) S 40° 20' 52.6" W 122.46 FEET; (5) S 07° 20' 41.8" E 26.35 FEET TO THE NORTHERLY LINE OF SAID PARCEL AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE ENTRY NO. 10774-2003; THENCE ALONG SAID PARCELS PROPERTY AS FOLLOWS (4) FOUR COURSES: (1) EAST 11.28 FEET; (2) S 30° 37' 08.1" E 180.5 FEET; (3) S 89° 09' 08.1" W 14.14 FEET; (4) IN 00° 27' 06.1" W 0.42 FEET TO THE SOUTHERLY LINE OF SAID PARCELS PROPERTY ENTRY NO. 43682-2017; THENCE S 89° 09' 08.1" W 132.00 FEET ALONG SAID PARCELS PROPERTY TO THE NORTHWESTERLY CORNER OF SHARLENE STULCE'S PROPERTY AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE ENTRY NO. 58759:1998; THENCE S 07° 27' 42.1" E 62.49 FEET ALONG WESTERLY LINE OF SAID SHARLENE PROPERTY TO THE SPRINGVILLE CITY EXISTING BOUNDARY; THENCE ALONG SAID EXISTING SPRINGVILLE CITY BOUNDARY THE FOLLOWING (2) TWO COURSES: (1) S 80° 28' 38.1" W 49.30 FEET TO THE QUARTER SECTION LINE; (2) IN 00° 46' 01.1" W 481.20 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 86,250 SQUARE FEET OR 1.98 ACRES.

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED INTO THE CITY OF SPRINGVILLE AND BOUNDARY COMMISSION ACT (UVU 10-10-102-40) HAS BEEN PREPARED FOR FILING HERWITHAL IN ACCORDANCE WITH THE CITY APPROVE AND ACCEPT THE ANNEXION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE FACKRELL ANNEXATION.
DATED THIS ____ DAY OF _____, 2021
APPROVED:

CITY RECORDER'S SIGNATURE (SEE SEAL BELOW)

UTAH COUNTY SURVEYOR
APPROVED THIS ____ DAY OF _____, A.D. 2021, A.D.
COUNTY SURVEYOR (SEE SEAL BELOW) _____ DATE _____

APPROVED AS TO FORM _____ DAY OF _____, A.D. 2021, A.D.
COUNTY ATTORNEY _____ DATE _____

BOUNDARY COMMISSION
POLICY DECLARATION ADOPTED BY LEGISLATIVE BODY OF _____ CITY ON _____ PROTEST FILED BY: _____
BOUNDARY COMMISSION ACTION: _____
ANNEXATION READY TO RECORD: _____
NO PROTESTS RECEIVED: _____
BOUNDARY COMMISSION CHAIRMAN _____

FACKRELL ANNEXATION
LOCATED IN THE SE¼ OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SPRINGVILLE CITY, UTAH COUNTY, UTAH

RECORDER SEAL	COUNTY SURVEYOR SEAL	SURVEYOR SEAL

UTAH COUNTY RECORDING CERTIFICATE

BOUNDARY DESCRIPTION

A PARCEL OF LAND THAT LIES FULLY WITHIN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN. COMPRISING OF 1.98 ACRES, 0.05 OF AN ACRE OF THAT PARTICULAR PARCEL OF LAND AS FOUND IN QUIT CLAIM DEED ENTRY NO. 107704:2003 IN THE UTAH COUNTY RECORDER'S OFFICE, 0.06 OF AN ACRE OF THAT PARTICULAR PARCEL OF LAND AS FOUND IN QUIT CLAIM DEED ENTRY NO. 43670:2017 IN THE UTAH COUNTY RECORDER'S OFFICE, AND 1.93 ACRES OF THAT PARTICULAR PARCEL OF LAND AS FOUND IN THE QUIT CLAIM DEED ENTRY NO 43668:2017 IN THE UTAH COUNTY RECORDER'S OFFICE. BASIS OF BEARING LIES S 00° 46' 01" E. 5257.74 FEET, MEASURED, BETWEEN THE TWO FOUND UTAH COUNTY MONUMENTS MONUMENTING THE QUARTER SECTION LINE BETWEEN THE NORTH QUARTER CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 2. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING SPRINGVILLE CITY BOUNDARY, SAID POINT LIES 882.92 FEET S. 00° 46' 01" E. ALONG THE SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG THE FACKRELL PROPERTY AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE ENTRY NO 43668:2017 THE FOLLOWING (5) FIVE COURSES (1) EAST 192.10 FEET, (2) SOUTH 44.88 FEET, (3) EAST 90.00 FEET, (4) S 53° 46' 35" W 122.46 FEET; (5) S 00° 37' 06" E 120.26 FEET TO THE NORTHERLY LINE OF FACKRELL PROPERTY AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE ENTRY NO 107704-2003; THENCE ALONG SAID FACKRELL PROPERTY THE FOLLOWING (4) FOUR COURSES, (1) EAST 11.28 FEET, (2) S 00° 37' 06" E 190.05 FEET, (3) S 89° 28' 00" W 11.48 FEET, (4) N 00° 37' 06" W 0.42 FEET TO THE SOUTHERLY LINE OF SAID FACKRELL PROPERTY ENTRY NO 43668:2017; THENCE S 89° 28' 00" W 135.30 FEET ALONG SAID FACKRELL PROPERTY TO THE NORTHWESTERLY CORNER OF SHARLENE STULCE'S PROPERTY AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE ENTRY NO 58759:1998; THENCE S 00° 37' 42" E 52.40 FEET ALONG WESTERLY LINE OF SAID SHARLENE'S PROPERTY TO THE SPRINGVILLE CITY EXISTING BOUNDARY; THENCE ALONG SAID EXISTING SPRINGVILLE CITY BOUNDARY THE FOLLOWING (2) TWO COURSES, (1) S 89° 28' 39" W 45.30 FEET TO THE QUARTER SECTION LINE, (2) N 00° 46' 01" W 481.33 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 86,280 SQUARE FEET OR 1.981 ACRES.



DATE: July 28, 2021

TO: Honorable Mayor and City Council

FROM: Josh Yost

SUBJECT: Springville Community Development seeks to amend Springville's Official Zone Map from the Highway Commercial (HC) and Light Industrial Manufacturing (LIM) Zones to the Regional Commercial (RC) zone in parts of the following general areas. The areas are first, from 400 South to 1400 North between 2600 West and 1650 West, second, at the northeast quadrant of the intersection of I-15 and 1600 South, and third, along 1600 South between 1200 West and SR 51.

On July 6th, I made a presentation to the Council regarding the above noted application. The Council directed that I should meet with each property owner who filed written objection or otherwise communicated concern with the proposed zone amendment. Since that meeting, of the nine owners in these categories, I have met with five, have meetings scheduled with one more, and am awaiting a meeting schedule from one. One owner has not returned multiple phone calls and emails and the last owner has been sent a letter as we could locate no other contact information.

Of the owners with whom I have met, three have no immediate plans for their property but are concerned about limiting the future use of their property. Of the other two, one submitted an application for a subdivision to develop office warehouse buildings after the pending legislation was initiated and the other is working to sell their property to a developer who is interested in office warehouse product, but would also be interested in developing other types of product depending on the outcome of the planning process. One additional owner whom I spoke with prior to the meeting was actively marketing his property for warehouse-distribution uses and was frustrated by the timing of the pending legislation. I will be prepared to discuss each of these meetings at Tuesday's meeting.

After conducting these meetings and considering the concerns that were communicated, the staff recommendation has not changed since the previous meeting and the original staff report. I still believe that the long term interests of the city in conducting an intentional and thorough planning process for these areas outweighs the immediate opposition or development interests of the property owners.

Please find attached the staff report and other materials from July 6th.





STAFF REPORT

DATE: June 30, 2021

TO: Honorable Mayor and City Council

FROM: Josh Yost

SUBJECT: Springville Community Development seeks to amend Springville's Official Zone Map from the Highway Commercial (HC) and Light Industrial Manufacturing (LIM) Zones to the Regional Commercial (RC) zone in parts of the following general areas. The areas are first, from 400 South to 1400 North between 2600 West and 1650 West, second, at the northeast quadrant of the intersection of I-15 and 1600 South, and third, along 1600 South between 1200 West and SR 51.

RECOMMENDED MOTION

Move to amend Springville's Official Zone Map from the Highway Commercial (HC) and Light Industrial Manufacturing (LIM) Zones to the Regional Commercial (RC) for those parcels as shown in the attached table.

SUMMARY OF ISSUES/FOCUS OF ACTION

Does the proposed zone map amendment adhere to the General Plan and further the orderly development of the city?

Does the City want to limit the accelerating pace of office/warehouse and light industrial manufacturing uses in the city by amending the zone map?

BACKGROUND

On March 30, the City Council requested that staff present to the council a review of zoning in certain areas of the city. The council had expressed concern about getting development applications for the wrong use in the wrong place. This presentation was made on April 6. Staff asserted that there are a number of areas in the city where office/warehouse and light industrial manufacturing uses could be developed that would either pre-empt a current planning process or severely limit future development options. Council expressed a desire to "get it right" when planning for future land use. Following this discussion, staff analyzed the areas in light of the Council's discussion and presented a resolution (Attachment 1) to initiate the process of pending legislation to begin the zone map amendment. Council directed staff to expand the area of consideration for the zone map amendment. Staff presented this zone map amendment to the Planning Commission on June 22, 2021.

DISCUSSION

Springville City currently has three planning processes in varying stages of work. First, the city has selected a consultant and is underway with a corridor and area plan for 1600 S from I-15 to SR 51. The city and private development partners are nearly ready to present the Lakeside Landing Special District Plan for adoption, which encompasses most of the undeveloped land to the west of the existing frontage road development on the west side of I-15, from 400 South to 500 North. Lastly, a full update to the General Plan is set for this year and a key question to be answered is if the large amount of Highway Commercial property in the city's best interest, and if not, what adjustments should be made? Prior to the completion of these planning processes, it is in the City's interest to preserve the broadest range of future land use options.

CITY COUNCIL AGENDA

Meeting Date:

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. The Regional Commercial zone is applied to 466 acres in two areas centered around the 1400 N and 400 S I-15 interchanges.

Highway Commercial is the most broadly applied commercial zone in Springville and hundreds of acres of property within the zone remain undeveloped. The area of the Regional Commercial zone is much smaller. The stated purpose of the zone as follows.

The RC zoning district is intended to provide an area in which a full range of commercial and service uses may locate in a limited area. The limited area of this district functions to heighten the intensity of uses, concentrate activities and make it a major commercial destination. These districts should abut arterial streets and be located near freeway access, as well as mass transit lines.

A primary difference between the RC and HC zones is the inclusion in the HC zone of uses such as Light Industry - Manufacturing Processes, Warehousing - Storage and Distribution and Wholesale Trade and Warehousing. Springville currently has over 1.5 million square feet of these type of uses in the development pipeline.

This proposed zone map amendment will reduce development pressure and protect future land use options while the stated planning processes are ongoing, while also providing interim development opportunities for property owners.

The proposed amendment includes 82 parcels. A table of the affected parcels, sorted by owner name, is included as Attachment 1. A map of these parcels is included as Attachment 2.

PLANNING COMMISSION REVIEW

The Planning Commission considered the Zone Map Amendment on June 22, 2021.

Three individuals made comments during the public hearing.

Harold Mitchell:

Mr. Mitchell spoke on behalf of his client McCollins LTD., the owner of property located at 1852 W 1000 N in the HC Zone. Mr. Mitchell stated that some of the differences in uses between the HC and RC zones appear to be arbitrary and do not seem to relate to the purposes of the zone. He expressed concern that changing the zoning of his client's property to the RC Zone would limit the number of economically viable uses of the property.

Jeff Kronenberger:

Mr. Kronenberger stated that the North Main Street corridor merits similar consideration to determine the appropriate future land uses.

Tim Parker:

Mr. Parker expressed concern that the proposed map amendment would not leave any parcels that could be eligible for the Materials Processing and Storage Overlay Zone, leaving the single parcel with the overlay currently applied as the only possible location of the zone, leading to a case of "spot zoning".

The Planning Commission discussed the action. The primary point of discussion was the balance between the city's desire to study and implement appropriate future land uses and the property owners' right to use their property in a manner consistent with the long term expectations created by the current zone. The intended temporary nature of the proposed zone map amendment and each property owners' right to protest the inclusion of their property were also discussed.

COMMISSION ACTION:



Commission Vote

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Genevieve Baker	X	
Karen Ellingson	Absent	
Michael Farrer		X
Kay Heaps	X	
Brad Mertz	X	
Rod Parker	X	
Frank Young	X	

ALTERNATIVES

Deny the proposed zone map amendment.
Continue the proposed zone map amendment.

Josh Yost
Community Development Director

Attachments

1. Parcel List
2. Parcel Map
3. Planning Commission Minutes





MINUTES
Planning Commission
Regular Session
Tuesday, June 22, 2021

IN ATTENDANCE

Commissioners Present: Genevieve Baker, Frank Young, Brad Mertz, Michael Farrer, Rod Parker and Kay Heaps

Commissioners Excused: Chair Karen Ellingson,

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

City Council: Matt Packard

CALL TO ORDER

Vice-Chair Baker called the meeting to order at 7:01 p.m.

APPROVAL OF THE AGENDA

Commissioner Heaps moved to approve the agenda as written. Commissioner Mertz seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

June 8, 2021

Commissioner Young moved to approve the June 8, 2021 meeting minutes. Commissioner Parker seconded the motion. The vote to approve the meeting minutes was unanimous.

CONSENT AGENDA

- 1. Jamie Evans seeking plat amendment approval for Spring Point Retail Center Subdivision, Plat 'K' located at 2106 W 800 N in the HC-Highway Commercial Zone.*
- 2. David Stanworth seeking site plan approval of the Shark Robot 2 warehouse located at 1688 W 500 N in the L-IM Light Industrial Manufacturing Zone.*
- 3. Shivam Shah is seeking site plan approval for an office/warehouse project located at 317 N 2000 W in the HC-Highway Commercial Zone.*
- 4. Garth Green seeking approval of the Garth Green Subdivision located at 940 S 2000 W in the HC-Highway Commercial Zone.*

50 **4. *Springville Community Development seeks to amend Springville's Official***
51 ***Zone Map from the Highway Commercial (HC) and Light Industrial***
52 ***Manufacturing (LIM) Zones to the Regional Commercial (RC) zone in parts***
53 ***of the following general areas. The areas are first, from 400 South to 1000***
54 ***North between 2600 West and 1650 West, second, at the northeast***
55 ***quadrant of the intersection of I-15 and 1600 South, and third, along 1600***
56 ***South between 1200 West and SR 51.***

57
58 Director Yost presented. In March, the City Council requested a review of zoning. They
59 directed staff to present on areas of potential concern. Those at risk for getting a
60 proposal we don't want, or receiving a proposal that may interfere with or short circuit a
61 planning process being worked on. On April 6, staff presented to the Council on a
62 number of areas in the City that may be subject to L-IM warehouse/distribution type
63 uses.

64
65 On June 1, we took a resolution to the Council for a zone map amendment. They
66 wanted us to expand it. This is what comes to you tonight.

67
68 Reasons: There are three relevant planning processes. 1) Area plan for 1600 S from I -
69 15 to SR 51, 2) Lakeside Landing Special District Plan and 3) General Plan Update with
70 I-15 Corridor focus area. It is in our best interest to preserve the broadest range of future
71 land use options.

72
73 He showed a map showing proposed zone map amendment parcels.

74
75 The HC Zone currently includes LIM - Manufacturing Processes; Warehousing - Storage
76 and distribution; Wholesale Trade and Warehousing; 1.5 million square feet in the
77 development pipeline. The RC zone is not intended as the permanent designation. New
78 zones and other standards were adopted at the conclusion of the planning processes.

79
80 We recommend the Planning Commission forward a positive recommendation to City
81 Council for this extensive zone map amendment.

82
83 Commissioner Heaps asked what this does to existing businesses. Director Yost said
84 nothing. If they are operating a use that is not a listed use in the RC zone, it would be a
85 legal, non-conforming use or in other words a grandfathered use. The majority of these
86 parcels are undeveloped and vacant. Some at the 1600 South corridor have property on
87 them, but the majority of the land is vacant. We are most concerned with the property
88 that is yet to be developed.

89
90 Commissioner Heaps asked in order to be grandfathered, would they have to come in
91 and apply. Director Yost said no, no action is required on behalf of the property owners.

92
93 Vice-Chair Baker asked that because this is a City promoted zone change, the owners
94 were notified. Director Yost said yes. Every property owner received a letter in the mail
95 stating the extent of the rezone. He did notice that the language in the letter stated it
96 includes property from 400 South to 1000 North and there are a few parcels extending
97 North of that.

99 Director Yost received five communications from property owners regarding this. Two
100 had substantial concerns. One of the property owners sent a formal objection of their
101 property being included in this. He distributed it to the Planning Commission to be part
102 of the record.

103
104 Vice-Chair Baker pointed out that the RC will not allow the two uses listed. Director Yost
105 clarified that it is the three uses not listed. These are essentially the primary differences
106 between the RC and HC zones.

107
108 Commissioner Parker asked if Director Yost anticipated, with a consultant, to have this
109 completed by the end of the fiscal year. Director Yost said yes, by the end of the next
110 fiscal year. Then we will then present the recommendations of the General Plan.

111 Vice-Chair Baker opened the public hearing at 7:59 p.m.

112
113 Jeff Kroneberger
114 323 S 1850 E

115 Mr. Kroneberger is excited about this and has talked to Director Yost. He thinks it is
116 good to look at the zones and see how they should be done. He wants to add 400 North
117 up Main Street, saying the CC zone is outdated. It is zoned for retail. He'd like to add
118 that Springville could do things with the properties there that could enhance the zones.
119 His property is partly zoned CC for 750 feet and he is stuck in the zoning. He is
120 manufacturing. There should be a different zone going North. Needs to be looked at to
121 see what it could be. He is impressed with Josh and the team.

122
123 Harold Mitchell
124 Represents McCaullins Properties
125 1852 W 1000 N

126 His client is opposed to this rezoning. He said that Mr. Yost said let's make some
127 changes until we get something done. Mr. Mitchell says let's leave it as is until we get
128 something done. There are differences that need to be looked at. You can have assisted
129 living in the HC, not the RC. No one would build that there. Major auto repair in the HC,
130 not the RC. He asks what the difference is between major and minor. No one knows.
131 Let's leave it. You can store autos and boats outside in HC, not RC. Makes no sense. I
132 have can a towing service in RC but not HC. I couldn't store the cars there I towed. L-IM
133 is a conditional use in HC, not allowed at all in RC. We may need warehousing and
134 storage in the RC area. Particularly on the lot behind what used to be the Stouffers
135 outlet store. We can't do wholesale trades in RC. The small piece of property is well
136 suited with access from 1750 W by Flying J. In HC, you can have an indoor race track,
137 but not in the RC. Outdoor storage is not allowed in the RC zone. Indoor storage isn't
138 always practical, economically not feasible. He prefers that this property, which is North
139 of 1000 North, be left out of this proposal and then he can participate in the changes or
140 development process or planning process the City plans to go through in the next year.
141 He doesn't know what the results will be. He prefers and requests that this property be
142 eliminated from the zone change and keep the HC zone where it is.

143
144 Commissioner Heaps asked Mr. Mitchell what he is requesting to be left out of the North
145 side. Mr. Mitchell said the North side of 1000 N, the one that crosses the railroad tracks.

146
147 Tim Parker
148 2310 S State

149 One thing that hasn't been addressed is the Heavy Industrial overlay how will it be
150 impacted with this RC designation, if at all. Sixty citizens that border the L-IM signed the
151 petition a while ago, want the overlay dropped completely. What properties are left
152 within that overlay that could be used other than the one the overlay was made for. If no
153 one else is required or allowed to apply for the overlay, that means we have one
154 company that is in there and that is spot zoning. And we don't allow that. He feels the
155 notification was poor. No such notification was given when we did an overlay in an L-IM.
156 He is against it. He is not included in the RC zoning change.

157
158 Commissioner Young and Parker asked Director Yost to address these issues. Director
159 Yost said what Mr. Parker is referring to is the Materials Processing and Storage overlay
160 that was applied only to one property. It was not applied to the entire L-IM area. There
161 are many areas in the city that remain L-IM and are eligible to apply for the overlay.
162 Currently, there is only one property zoned with the MPS overlay. And that property
163 owner was noticed and they were the applicant on the request. The rezone tonight only
164 applies to only those properties on the map, not down to SR-51. It doesn't affect any
165 current land use applications or other proceedings going on. Commissioner Heaps said
166 he asked what impact it would have on future L-IM. Director Yost said that the only
167 effect it would have is on the properties that are proposed to be rezoned if the council
168 chooses to rezone them. They would no longer be L-IM and then they would not be
169 allowed to apply for the overlay as it only can be applied to L-IM.

170
171 Commissioner Young asked Director Yost to show the property on 1000 North. Director
172 Yost showed on the map where it is.

173
174 Vice-Chair Baker clarified that it continues South of their property. Director Yost said no,
175 it takes from the ditch line to skipping over the creek and the Wavetronix site and then
176 picks up at 550 N and the southern border of the HC Zone. Vice-Chair Baker said it
177 skips Wavetronix because it is being developed now. Director Yost said yes because we
178 know what is being developed there. Vice-Chair Baker said the areas are mostly
179 undeveloped. Director Yost said yes, there a few structures but mostly undeveloped.

180
181 Commissioner Young moved to close the public hearing. Commissioner Heaps
182 seconded. The public hearing was closed at 8:18 p.m.

183
184 Vice-Chair Baker asked for a moment to read the materials given.

185
186 Commissioner Heaps asked Director Yost about Mr. Mitchell saying a storage
187 warehouse would have been a perfect fit, under the new proposal would be prohibited.
188 He asked if that is what would happen. Director Yost said if there is a use currently
189 permitted in the HC that isn't in the RC, then yes, that is correct. Commissioner Heaps
190 said if there is an existing business there currently... Director Yost said it only impacts
191 future businesses. It only impacts anything from the point of adopting the future pending
192 legislation onwards. Mr. Mitchell was referring to potential development opportunities for
193 that property in the future. And the proposed zone text amendment would reduce those
194 possibilities by the number of uses he cited that are not permitted in the RC zone.

195
196 Vice-Chair Baker asked Attorney Penrod if he had an opportunity to read through the
197 comments that were given. Attorney Penrod said he did.

198

199 Commissioner Mertz asked if the consultants they are using on the other zoning
200 amendments also are providing information on this. Director Yost said there are three
201 projects. The one closest to adoption is the Lakeside Landing project. We just began the
202 1600 South study with the kickoff meeting this morning, and are coming up with
203 proposals for the General Plan.

204
205 Vice-Chair Baker asked if the 1000 North area would be included in the General Plan.
206 Director Yost said yes. Vice-Chair Baker asked if it is anticipated to be finished next
207 summer. Director Yost said yes.

208
209 Commissioner Heaps wants to understand. This would be the new RC zone, which is
210 like a holding zone. Director Yost said we are intending to employ it as such. All
211 changes to the land use and zoning map go through Planning Commission and City
212 Council. There is no reversion clause or any binding promise that this zone would
213 change to anything in the future. We are in a sense employing it to give us room to go
214 through these processes to make definite plans for the future. Commissioner Heaps
215 added so we don't limit our options. Director Yost said right, so we don't get a big
216 office/warehouse right in the middle of where we want a different type of land use.
217 Commissioner Heaps said the concern he has is, come July, it is still in place until we
218 decide that we change that zoning in any particular area until an application is made
219 with Planning Commission and City Council. Director Yost said the RC zone would be
220 the governing zone until that was changed through the public process.

221
222 Commissioner Mertz said even then, someone that is in the RC zone could still apply for
223 a Conditional Use Permit. Director Yost said no. None of those uses are listed as
224 Conditional Uses under the RC zone.

225
226 Commissioner Heaps asked if are we completely wiping out L-IM. Director Yost said any
227 area rezoned to RC will not have the L-IM uses permitted. Commissioner Heaps asked if
228 they wanted to, they could ask for a change in zoning. Director Yost said they could ask
229 for a change in zoning. We generally feel that it will maximize the development potential
230 and ability to rely on the development character of the areas and will be better in the
231 long run.

232
233 Vice-Chair Baker asked what the possibility is for the involvement of property owners in
234 that process of determining what would be best for that area. Director Yost said
235 extensive. The property owners are involved. All of them have been engaged throughout
236 the process. In 1600 South we are making a list of those property owners that want to be
237 involved and providing individual invitations inviting them to be involved. In the General
238 Plan, it will be broad-based, general outreach to the public for engagement and focused
239 outreach to those areas with particular focus such as the I-15 corridor or the North Main
240 Street Corridor.

241
242 Commissioner Farrer is uncomfortable with the types of restrictions being proposed.
243 Once this is in place, it won't be changed easily. He doesn't think rezoning will happen.
244 He is opposed to this restriction being put in place. Commissioner Parker thinks it is a
245 valid point. Commissioner Farrer wants to improve the areas. And yet, it is on the
246 freeway. The face is the City, not the freeway. He likes to see retail going in those
247 places, but it is unlikely.

248

249 Vice-Chair Baker said she thinks there are differences in the areas. For example, 1600
250 South is changing. It was a smaller road and now it is being made into an off-ramp. Give
251 us time to decide what those changes mean. To her, the Flying J area is the same
252 general area it has been. She asked if it is because there is a proposed road there.
253 Director Yost said no, that is 1200 West. He said 1750 West is the street between
254 Wendy's and Del Taco. It has prominent freeway exposure and is zoned for HC and
255 anticipated potential to go that way, its developability and its prominent location that we
256 have a development proposal come in there. Commissioner Farrer is comfortable with
257 that area.

258

259 Vice-Chair Baker sees the purpose on 1600 South and Lakeside, but she would be
260 more comfortable if the Northern area wasn't included in the motion.

261 Commissioner Heaps said his major concern is helping the City protect and not limit
262 future development. He thinks a lot of it does stem from 1600 South off-ramp.

263

264 Commissioner Young moved to recommend amendment of Springville's Official Zone
265 Map from the Highway Commercial (HC) and Light Industrial Manufacturing (LIM) Zones
266 to the Regional Commercial (RC) for those parcels as shown in the attached table.

267 Commissioner Parker seconded. Vice-Chair Baker called for a roll call vote. It was as
268 follows: Commissioners Young, Parker, Baker, Mertz, Heaps aye. Commissioner Farrer,
269 nay.

270

271 Commissioner Mertz said that we have one shot to do this with the City and we need to
272 do a good job. Commissioner Parker said they are not cut off and have an opportunity to
273 rezone.

274

275 Vice-Chair Baker said the aye's have it and it goes to City Council. Director Yost said it
276 will be on the July 6 City Council meeting. She invited the attendees to come again and
277 voice concerns at the City Council meeting.

278

Josh Yost,

I would like to file a written objection to being included in the proposed zone change to Regional Commercial. My existing property 1055 N 1750 W (former Stoffers outlet) is set up for equipment sales, auto sales, light industrial, warehousing, outside storage etc. By changing the zoning, you are significantly limiting my current allowed uses. At the very least I would like to see all the existing uses be kept as (conditional uses). I own properties in Provo, Lindon, and Pleasant Grove. I have been a commercial real estate agent / developer for the past 18 years. I understand that a zone change like this is typically intended to keep areas clean and desirable as to attract more business. But the reality of this zone change is that it will limit growth and prevent business from wanting to move in. The more this area gets developed the more other business will come. I believe the city would be better served by leaving things as they are and reassessing the zone limitations once you have a more business in the area. If the cities desire is to ensure "clean" users, keep as many Conditional uses as possible. This way the city maintains some control and a potential tenant only needs to apply for a conditional use permit, rather than de deterred by a zone change. I have found that to be a much better strategy for cities. I would be happy to discuss this with any decision makers.

Sincerely,

Mike McMurtrey

Vice President – Commercial Utah

Investments & Analysis

mike.mcmurtrey@colliers.com

801-735-4747



PARCEL ID	SITE ADDRESS	OWNER NAME
23:027:0010	SPRINGVILLE, UT 84663	AVERETT, JERRY LYNN & TERI WINDLEY
23:025:0007	84663	BC INVESTMENT HOLDINGS LLC
23:026:0012	84663	BC INVESTMENT HOLDINGS LLC
23:028:0052		BJS VI LLC
26:054:0050	84663	BOARD OF EDUCATION OF NEBO SCHOOL DISTRICT
23:028:0041	84663	BRIAN, EARREL DEAN & DONA LEA
23:028:0042	84663	BRIAN, EARREL DEAN & DONA LEA
23:028:0040	84663	CHRISTENSEN, RODNEY JAY & JILL C
23:028:0044	84663	CLEMENTS, DAVID H & CINDY A (ET AL)
23:028:0037	84663	CLOWARD, BURKE J & DOROTHY D (ET AL)
23:028:0038	84663	CLOWARD, BURKE J & DOROTHY D (ET AL)
23:028:0039	84663	CLOWARD, BURKE J & DOROTHY D (ET AL)
23:028:0003	SPRINGVILLE, UT 84663	CLOWARD, BURKE J & DOROTHY D (ET AL)
23:028:0004	SPRINGVILLE, UT 84663	CLOWARD, BURKE J & DOROTHY D (ET AL)
26:040:0049	84663	DAHL, PHILLIP D & SANDRA P
26:043:0019	596 W 1600 SOUTH, SPRINGVILLE, UT 84663	DAHL, PHILLIP D & SANDRA P
26:057:0027	245 W 1600 SOUTH, SPRINGVILLE, UT 84663	DDD & B INVESTMENTS SPRINGVILLE LLC
23:023:0109		DOUBLE O OUTFIT LLC (ET AL)
23:026:0063		DOUBLE O OUTFIT LLC (ET AL)
23:028:0049		DOUBLE O OUTFIT LLC (ET AL)
23:028:0050		DOUBLE O OUTFIT LLC (ET AL)
23:029:0059		DOUBLE O OUTFIT LLC (ET AL)
26:044:0046		EMB INVESTMENTS LLC
26:054:0020	599 W 1600 SOUTH, SPRINGVILLE, UT 84663	FEWKES, ELDRED BLAINE & LINDA
41:699:0002	1055 N 1750 WEST, SPRINGVILLE, UT 84663	FULMINATED MERCURY 13 LLC (ET AL)
23:028:0035	84663	HALES, LYNN RAY & SHARON H
23:028:0051		HARWARD, MARSHA & JUD
23:029:0062		HARWARD, MARSHA & JUD
26:054:0049	84663	JOHNSTON & PHILLIPS INC
26:043:0022	510 W 1600 SOUTH, SPRINGVILLE, UT 84663	KILGORE COMPANIES, LLC
41:699:0003	1852 W 1000 NORTH, SPRINGVILLE, UT 84663	MCCOLLINS LTD
23:025:0057	84663	MEADOWBROOK LAND LLC
23:025:0063	84663	MEADOWBROOK LAND LLC
23:025:0034	84663	MEADOWBROOK LAND LLC
26:024:0006	84663	MINER FARMS SPRINGVILLE LLC
26:024:0005	SPRINGVILLE, UT 84663	MINER FARMS SPRINGVILLE LLC



Josh Yost

From: R Spratling <ronspratling@outlook.com>
Sent: Tuesday, June 22, 2021 2:29 PM
To: Kim Crane; Josh Yost
Cc: Doug Cole; Michael Glauser; Brent Pace
Subject: Objection opposing rezone and requesting removal from consideration

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kim,

Please be advised that Spratling Collaborative et al. ,as referenced in the June 8 letter from Josh Yost, Community Development Director, Springville City, and all other interested parties oppose this rezone entirely and object to the manner which it is being proposed. We view this as a taking that will delay our development and damage our value.

As you are aware, Spratling Collaborative et. al. is the owner of approximately 19 acres on the far north end of this proposed rezone. Said acreage is designated in your letter as parcels 23-025-0064, 23-025-0014, 23-025-0016.

Let this be notice of an official complaint and objection as per the instructions provided. Please present said strenuous objection to the Planning Commission, City Council, Mayor, and make it a part of the record at tonight's meeting.

Would you kindly document receipt of same by responding to this email.

We urge that the Planning Commission remove our acreage from consideration along with any other parcel whose owner objects.

Regards,

Ron Spratling III
801-560-4747

Josh Yost

From: Mike Glauser <mike@odysseyptrs.com>
Sent: Tuesday, June 22, 2021 3:30 PM
To: Kim Crane
Cc: Josh Yost; Brent Pace; R Spratling
Subject: Objection Opposing Rezone and Requesting Removal From Consideration

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kim,

As real estate consultants for Spratling Collaborative, we echo Ron's sentiments that this rezone shouldn't happen to their property. After reviewing the permitted uses under the proposed zone, we don't feel that it fits this area with the already existing and surrounding uses.

Please put this on file as an official complaint and objection per the city's instructions.

Thank you,

Mike Glauser
President - Odyssey Partners
801-828-5545
Mike@OdysseyPtrs.com



On Tue, Jun 22, 2021 at 2:29 PM R Spratling <ronspratling@outlook.com> wrote:

Kim,

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Regards,

Ron Spratling III
801-560-4747

ORDINANCE #XX-2021

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FROM THE HIGHWAY COMMERCIAL (HC) ZONE AND THE LIGHT INDUSTRIAL MANUFACTURING (LIM) ZONE TO THE REGIONAL COMMERCIAL (RC) ZONE FOR THE PARCELS AS ATTACHED HERETO IN EXHIBIT A PARCEL LIST AND EXHIBIT B PARCEL MAP.

WHEREAS, the City has an Official Zone Map which delineates zone boundaries for the various city zones; and

WHEREAS, the City may propose to amend the Official Zone Map to a zone or zones they find to be more appropriate and a better use of the land; and

WHEREAS, on June 1, 2021, pursuant to Section 11-7-102 of the Springville City Code and Section 10-9a-509 of the Utah Code, the City Council passed a resolution to start a pending ordinance to rezone a number of parcels in Springville City from the HC and LIM zones to the RC zone (the "Pending Ordinance"); and

WHEREAS, the City Planning Commission considered the zone map amendment and conducted a public hearing on June 22, 2021 and has recommended approval of the proposed ordinance to amend zone map; and

WHEREAS, this Ordinance does not cover all of the properties the City Council has included in the Pending Ordinance; and

WHEREAS, the City Council is still considering rezoning the other properties listed and described in the Pending Ordinance and considers the Pending Ordinance to still be a valid Pending Ordinance for those other properties; and

WHEREAS, on August 17, 2021, the City Council considered this Ordinance and found that it was in the interest of the City, including, without limitation, the interest of the City's health, welfare and orderly development and deems it appropriate to adopt this Ordinance to rezone the property from the HC and/or LIM zones to RC zone.

NOW, THEREFORE, BE IT RESOLVED by the Council of Springville City, Utah:

SECTION 1. ZONE MAP AMENDMENT. The Official Zone Map is hereby amended from the HC - Highway Commercial Zone and/or the LIM - Light Industrial Manufacturing Zone to the RC - Regional Commercial Zone for the parcels as attached hereto in Exhibit A Parcel List and Exhibit B Parcel Map.

SECTION 2. PENDING ORDINANCE. The Pending Ordinance that was commenced by the City Council by a resolution, dated June 1, 2021, shall remain in effect for those properties that are listed and/or described in the Pending Ordinance resolution and petition to be rezoned to the RC - Regional Commercial Zone and are not rezoned by this Ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect upon the first publication or posting as required by law.

ADOPTED by the City Council of Springville, Utah, this 7th day of September 2021.

Richard J. Child, Mayor

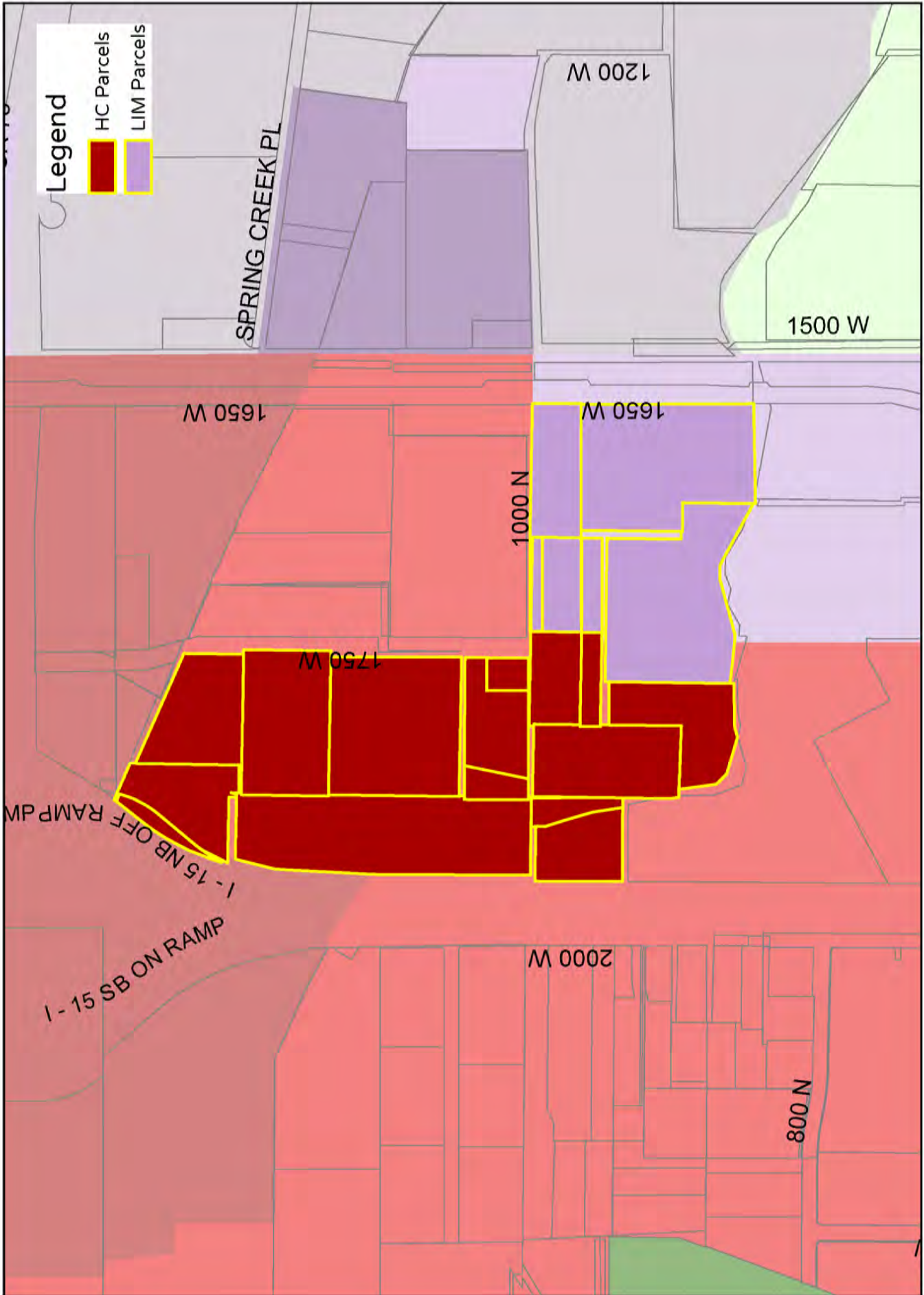
ATTEST:

Kim Crane, City Recorder

EXHIBIT A PARCEL LIST

PARCEL ID	ACREAGE	SITE ADDRESS	OWNER NAME
23:025:0057	3.43	MEADOWBROOK LAND LLC	
23:026:0058	3.99	STATE OF UTAH DEPARTMENT OF NATURAL RESOURCES (ET AL)	
23:025:0068	2.66	STATE OF UTAH DEPARTMENT OF NATURAL RESOURCES (ET AL)	
23:025:0063	10.74	MEADOWBROOK LAND LLC	
23:025:0056	0.62	UTAH DEPARTMENT OF TRANSPORTATION	
23:025:0016	4.51	SPRATLING COLLABORATIVE LC (ET AL)	
23:025:0064	13.45	SPRATLING COLLABORATIVE LC (ET AL)	
23:025:0069	0.86	SUMSION, STEVEN W & STEVEN L	
23:025:0007	1.73	BC INVESTMENT HOLDINGS LLC	
23:025:0012	5.05	SUMSION, STEVEN W & STEVEN L	
23:025:0014	6.00	SPRATLING COLLABORATIVE LC (ET AL)	
23:026:0012	1.06	BC INVESTMENT HOLDINGS LLC	
41:699:0001	0.83	SPRINGVILLE CITY	
41:699:0003	2.80	MCCOLLINS LTD	
41:699:0002	0.65	FULMINATED MERCURY 13 LLC (ET AL)	
23:026:0014	9.41	84663	SUMSION, STEVEN W & STEVEN L
23:025:0006	2.16	84663	SUMSION, STEVEN W & STEVEN L
23:025:0031	0.00	84663	SPRINGVILLE CITY
23:026:0013	1.06	84663	SUMSION, STEVEN W & STEVEN L
23:025:0005	3.15	84663	SUMSION, STEVEN W & STEVEN L
23:026:0015	9.51	84663	SUMSION, STEVEN W & STEVEN L

EXHIBIT B PARCEL MAP





STAFF REPORT

DATE: September 1, 2021
TO: Honorable Mayor and City Council
FROM: Troy Fitzgerald, City Administrator
SUBJECT: COVID-19 ASSISTANCE MATCHING STATE GRANTS

RECOMMENDED MOTION

A Motion to Approve submission of matching grants to the State of Utah seeking Local Assistance Matching Grants for Water and Sewer projects.

SUMMARY OF ISSUES/FOCUS OF ACTION

Should Springville City submit grant applications to the State of Utah seeking matching funds for American Recovery Plan Act dollars to fund City utility projects?

GENERAL PLAN FOCUS

The City's Community Services and Facilities goal is to provide functionally effective community facilities and services to support a safe, healthy, and vibrant community life.

Objective 5: Provide a water system that is safe economical, and meets the needs of Springville City now and in the future.

Objective 7: Provide a wastewater collection and treatment system that protects the health and safety of the City, is economical, and is designed to meet the needs of Springville City now and in the future.

CITY COUNCIL MEMORANDUM

BACKGROUND

Springville City has established both Master Plans and Capital Improvement Plans for both water and wastewater utilities. These programs are currently serviced through utility rate revenues.

The American Rescue Plan Act (ARPA) provided and will provide funds for Springville City which may be used in a variety of ways. The Coronavirus State and Local Fiscal Recovery Funds come in two payments. The first of these has been received by the City in an amount over \$1,900,000.

The State of Utah also received ARPA funds. The legislature determined to establish a COVID-19 Local Assistance Matching Grant Program with \$50,000,000 of State ARPA Funds. A portal to apply for these grant funds opened in mid-August and will close on September 15, 2021.

DISCUSSION

Springville City is preparing a number of grant applications using both Local ARPA funding and rate revenue to match a requested State ARPA fund amount equal to 40% of the estimated costs of the project.

These projects are all scheduled in the current and next anticipated budget from the five-year capital improvement plans. A detail of the proposed projects and grant application breakdown will be provided at the September 7, 2021 City Council Meeting. It is anticipated that we will be asking for more than the \$2,000,000 from the state ARPA grant match program.

Notice of award of these funds will come in November or December of this year. It is anticipated that the City Council will be required to accept these awards. While the expenditure date is currently unclear, ARPA funds must be fully expended by 2026.

Assuming Springville City receives some grant funding, citizens will benefit by having the total cost of needed utility infrastructure projects reduced through both local and State ARPA funding.

All grants have strings. In this case, it currently appears that any such strings are limited to the strings built into ARPA. These seem relatively minor. There will be mandatory

reports and auditing of the use of the funds. However, both the Federal and State rules are NOT final and could include additional strings as final rules are adopted.

ALTERNATIVES

Decline to submit grants applications to the matching program.

FISCAL IMPACT

Springville City could receive grants of any amount up to or exceeding \$2,000,000.

Troy K. Fitzgerald

Troy K. Fitzgerald
City Administrator