



**NOTICE OF MEETING AND AGENDA  
PLANNING COMMISSION  
OCTOBER 26, 2021 AT 7:00 P.M.**  
City Council Chambers  
110 South Main Street  
Springville, Utah 84663

The meeting will begin at **7:00 p.m.**

The agenda will be as follows:

**Call to Order**

- Approval of the Agenda
- Approval of Minutes: September 28, 2021

**Consent Agenda**

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

**Legislative Session – Public Hearing**

1. *Meadowbrook Land LLC seeks recommendation of a Development Agreement for parcels 23:025:0034, 23:025:0030, 23:025:0057, and 23:025:0063, located between approximately 1401 and 1001 N 1850 West.*

**Administrative Session**

2. *A presentation and discussion regarding development concepts for the Allen's Block.*

**Adjournment**

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

This meeting was noticed in compliance with Utah Code 52-4-202 on October 22, 2021. Agendas and minutes are accessible through the Springville City website at [www.springville.org/agendas-minutes](http://www.springville.org/agendas-minutes). Planning Commission meeting agendas are available through the Utah Public Meeting Notice website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html). Email subscriptions to Utah Public Meeting Notices are available through their website.

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



**MINUTES**  
Planning Commission  
Regular Session  
Tuesday, September 28, 2021

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**IN ATTENDANCE**

**Commissioners Present:** Chair Karen Ellingson, Genevieve Baker, Brad Mertz, Michael Farrer, Rod Parker and Kay Heaps

**Commissioners Excused:** Frank Young

**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**

Chair Ellingson called the meeting to order at 7:08 p.m.

**APPROVAL OF THE AGENDA**

Commissioner Parker proposed to move item #1 to the administrative item and discuss it first. Commissioner Mertz seconded the motion. The vote to approve the agenda was unanimous.

**APPROVAL OF THE MINUTES**

*August 24 & 31, 2021*

Commissioner Mertz moved to approve the August 24 & 31, 2021 meeting minutes. Commissioner Heaps seconded the motion. The vote to approve the meeting minutes was unanimous.

**CONSENT AGENDA**

- 2. Jared Pinegar seeking approval of a shared parking agreement between Zeppe's and a medical office on the properties located at 829 W 400 S and 828 W 450 S, pursuant to Section 11-6-113(2)(c) of Springville City Code.*

Commissioner Baker moved to approve the Consent Agenda. Commissioner Farrer seconded the motion. The vote to approve the Consent Agenda was unanimous.

**ADMINISTRATIVE SESSION:**

49 1. ***David Simpson seeking preliminary plan approval for the Westfields Central***  
50 ***Subdivision located in the area of 950 W 700 S in accordance with the***  
51 ***Westfields Central New Neighborhood Plan.***  
52

53 Chair Ellingson invited Director Yost to address the Commission and provide an  
54 overview of the project and what the actions are for the Commission at this point.  
55 Director Yost said we have administrative approval to determine whether or not the  
56 application we have received conforms with the ordinance. The applicable ordinance for  
57 the Westfield's Central Preliminary Plat is the Westfields Central New Neighborhood  
58 Plan, adopted by the City Council last Tuesday. The scope of the Planning  
59 Commission's review is to determine whether the preliminary plat before you complies  
60 with the regulations established in the Westfields Central New Neighborhood Plan. It is  
61 not a discretionary item. If it meets the code, it has to be approved.

62  
63 We have been working on this since 2019. We have crafted a plan where the developer  
64 would provide the stormwater and park improvements and then the city would add and  
65 enhance the items being provided to the developer. Additional residential units were  
66 offered above the base zone. A one-quarter acre lot area would lead to 4.2 units per  
67 acre if 100% of the density bonuses in the Westfields overlay were achieved. The plan  
68 adopted by City Council last week allows a maximum density of 11 units per acre. The  
69 plat before you proposes 218 units. The overall plan includes several types of homes.  
70 They are designed to be no taller than 3 stories or 35 feet. It is designed to be walkable  
71 and provide civic engagement. It provides an excellent design and result.

72  
73 Director Yost apologized for not providing a broader way for the public to speak out,  
74 receive information and be more informed about this project. We moved it forward  
75 through the standard public process, multiple meetings were held with Council and  
76 Planning Commission from last November until now. He did not pursue a level of public  
77 engagement that provided a larger forum for discussion and hearing. He regrets  
78 misunderstandings and hurt feelings. It was noticed in the standard ways. This is a  
79 positive project for the City. Tonight, we are not here to debate the City Council's  
80 approval of the neighborhood plan last week. The underlying scope is to see if this  
81 meets the underlying zone, which is the Westfields New Neighborhood Plan, and we  
82 want the public and those attending to know that the Planning Commission doesn't have  
83 the power under state law, to reconsider, change or do anything about any action that  
84 has taken place to date and can't take anything other action than take substantial  
85 evidence that this plat doesn't meet the code.

86  
87 Chair Ellingson asked Director Yost to explain, for the public benefit, what the public  
88 notice process is. Director Yost said for any land use applications, the City has to  
89 provide notice for a public hearing 10 calendar days before the Planning Commission  
90 meeting. That has to be posted on the Utah State Public Notice website and our public  
91 notice website at Springville.org, and in three community locations. Those are the Clyde  
92 Rec Center, the City Library and the Civic Center. At the meeting, the Planning  
93 Commission holds the public hearing, takes any public comment related to that item and  
94 then forwards a recommendation to the City Council as to the outcome of that item. The  
95 City Council then acts on it in a legislative capacity to make it law or not. In this case, we  
96 had a lot of things we had to do to move the project forward. We had to adopt a new  
97 zone, which is the Traditional New Neighborhood Zone, that came to the Planning  
98 Commission and the City Council for a public hearing, we then came to the Planning

99 Commission for a recommendation on the Westfields Central New Neighborhood Plan  
100 that would be implemented under the Traditional Neighborhood Development Zone.  
101 That came before the Planning Commission for a public hearing separately, those items  
102 were forwarded to the City Council and the City Council acted to adopt the Traditional  
103 Neighborhood Development zone and apply it to the map. Those were two separate  
104 actions: one was to approve the Westfields Central New Neighborhood Plan, which is  
105 the regulating document for this neighborhood, and second, to authorize the city to enter  
106 into a Development Agreement with Landmark Development to establish the parameters  
107 of the development. That is the official process that was undertaken to get to this point.  
108 Previously there were other work meetings before the Planning Commission and City  
109 Council that were noticed through the typical public noticing procedure that the City  
110 follows.

111  
112 Commissioner Mertz said there are 4.2 units per acre, but a max of 11 units per acre.  
113 Director Yost said the underlying R1-10 or 10,000 square foot minimum residential  
114 zone, using 100% of the density bonus allowed under the Westfields overlay, could  
115 have achieved 4.2 units per acre. This Westfields Central New Neighborhood Plan  
116 establishes a maximum density of 11 units per acre. It is a substantial increase over the  
117 number of units per acre that were permitted in the base zone. Commissioner Mertz said  
118 the 11 units were because of the density bonus qualifications which was the dedicated  
119 .33 acres. Director Yost said the additional units were the result of going through a  
120 planning process to determine what units would be buildable, what the ideal layout of  
121 the parks would be and working into what units we wanted to see and then the  
122 developer allocating those units around the site to arrive at a plat. That is how we got  
123 the 218 units. Without getting to the additional units on site, we would be able to receive  
124 the park and open space, which is almost 4 acres.

125  
126 Chair Ellingson said that this is an administrative item and doesn't come with a public  
127 hearing, but we realize the residents are here because they are concerned about this  
128 project. That is important to us. She wishes they knew about this beforehand.  
129 Comments shouted from the audience. She clarified what Director Yost said. He  
130 elaborated on our legal requirements. Under state law, there are notification  
131 requirements that we have to meet before a public body comes together to discuss an  
132 item. Those requirements were met. Director Yost said we could have gone door to door  
133 or put up signs or sent mailers. There could have been extra steps taken to make sure  
134 the public was informed.

135  
136 Chair Ellingson opened the public comment period asking speakers to keep their  
137 comments to three minutes or less. She asked others who agree with the speaker to  
138 raise their hands to let the Commissioners know they agree with what was said. She  
139 reminded that there will be differing opinions. Please be respectful of each other. She  
140 stated she wishes we could have heard from them sooner, but legally our hands are  
141 tied. There is nothing legally able to do at this point with this item.

142  
143 Commissioner Farrer moved to open the public comment. Commissioner Parker  
144 seconded. The vote to open the public comment period was unanimous. The public  
145 comment period was opened at 7:28 p.m.

146  
147 Krystal Mitchell  
148 657 S 850 W

149 She didn't hear about this until this week. She goes to the rec center and didn't see the  
150 notifications there. She asked where they were posted. Chair Ellingson said it is posted  
151 on the electronic board by the front doors. Ms. Mitchell said if she didn't see it cycling  
152 through just right, she wouldn't have seen it.

153  
154 Melissa Hansen  
155 989 W 1000 S

156 She met with Director Yost today and she is happy about how much he values the green  
157 space. She said we were considering putting in an application for a referendum. He  
158 notified her and said if they do that, they may lose the green space. She is grateful to  
159 hear that several things will be posted online. There have been a lot of questions about  
160 what is the plan and other questions. She doesn't know much about the meeting, but  
161 Director Yost said it is so you can see if the plan complies with the ordinances. Some  
162 people have expressed concerns that it doesn't comply. Please make sure that it does  
163 comply. She asked where could we look for more updated info from now on.

164  
165 Amanda Miller  
166 1294 S 1250 W

167 She is asking for clarifications. The packet online says: 'Does the proposed  
168 development meet the requirements of Springville City Code and the Westfields Central  
169 New Neighborhood Plan'. She asks that they look at the crowd tonight. She thinks we  
170 can say the City just needs to work on a process to inform citizens. She is not pointing  
171 fingers at Director Yost or anyone. She asks that this issue be tabled. She doesn't feel  
172 the code is being met. She doesn't feel that their hands are as tied as they say. She is  
173 not a fan of high-density housing.

174  
175 Margaret Mecham  
176 1103 W 1425 S

177 She is concerned about infrastructure, overcrowding in schools and churches. We do all  
178 of our shopping in Spanish Fork because we have nothing here. We have no  
179 restaurants. She is a medically fragile person, and with all the new houses going in, the  
180 Police and Fire departments will be stretched. Instead of building homes, build places  
181 for families to go for entertainment. Worry about the infrastructure before building more  
182 homes.

183  
184 Rebecca Millard  
185 997 W 800 S

186 Ms. Millard thanked the Planning Commission and City Council for all they do. She is  
187 not familiar with this process and is here to be better educated and appreciates learning  
188 how to find notices and how to be more engaged. She lives directly across the street  
189 from where the development will be. She understands that Cities need to expand and  
190 grow. She is not a fan of the current plan. She is worried about increased traffic. If this  
191 becomes an HOA community that they could change things. She wants to have more  
192 consideration of how to keep kids safe around the schools. There have been lots of  
193 close calls around the school.

194  
195 Trent Cole  
196 607 S 575 W

197 He is seeking clarification on legalities on posting and notifications. In 2 (b), it says 'one  
198 of the requirements it should be mailed to each affected entity.' He is curious if the

199 people that live there are not the affected entity and who qualifies as an affected entity.  
200 Director Yost said that refers specifically to notifying a property owner subject to a zone  
201 map amendment. So, if we put an item on the agenda to rezone your property, we would  
202 need to send you a letter stating we are doing that. Affected entity means the property  
203 owners whose property is being rezoned.

204  
205 Chad Tripp  
206 843 W 1450 S

207 He has two children at home, the middle school is bursting. There are 54 children on his  
208 street. There are railroad tracks we cross to get to school, so the kids are being bussed.  
209 The railroad tracks will be decommissioned, which will put our children on foot. He feels  
210 putting high density here is dangerous. His wife was a Meadowbrook Crossing guard for  
211 two years. She left because of fear. Many times, she has almost been run over and had  
212 to yell at people to stop. They speed through that zone. That is a minimal number of  
213 children now compared to who will be crossing that street with this development. There  
214 is one crosswalk. He asked how many parking stalls are being provided for the new  
215 residents. Traditionally, these units have 2-3 cars per unit. He feels 950 W will be lined  
216 with parking. This is a major issue. With the 1600 South off-ramp going in, it is an  
217 increase of traffic altogether. He didn't see the notice at the rec center and feels a step  
218 was missed.

219  
220 Jacob Larsen  
221 701 W 1450 S

222 He used to work with the City. Emergency Services are his biggest concern. Springville  
223 can't do it. We continue to push these things in, and not do anything about emergency  
224 services. We need to look at that before we continue to build more homes.

225  
226 Adam Whitney  
227 738 S 750 W

228 He has been here 9-10 years. He likes it here with a small-town feel. He can't imagine a  
229 three-story building with people looking into their yards. He appreciates green space  
230 and feels there is already plenty. He was there when Mr. Tripp's wife was almost hit and  
231 that was the third time that day. He has seen people almost get hit and traffic is a big  
232 concern. There is a place in Springville for high-density areas. On 400 South, it was  
233 done well. High density doesn't meet the Springville small-town feel. He feels that it is  
234 being sold for green space and he doesn't like that.

235  
236 Ben Stillson  
237 599 W 900 S

238 Mr. Stillson reiterated that things are moving forward and your hands are tied. There are  
239 a lot of residents here. He asked how are we as a community are able to work together  
240 for better transparency. Chair Ellingson explained where to find the postings and  
241 packets and City Council information.

242  
243 Jennelle Youngs  
244 1428 Wallace Dr

245 Twelve years ago, she moved in. She drove down 900 E and it was so cold, she saw a  
246 dead sheep in a ditch. She felt it was a great place to raise her kids away from others  
247 and isolated from each other. She feels the rec center, library and Smith's were all  
248 needed. She feels this is not needed. She wants to keep the small-town feel. Nebo

249 School District won't allow her children to ride the bus. They have divided the street and  
250 her daughter cannot ride the bus. Walking to school is a big issue for her daughter that  
251 struggles with anxiety. This will only be made worse with this development. Ms. Youngs  
252 is friends with Lieutenant Governor Diedre Henderson and she spoke to her about this  
253 matter and she said there was a giant misstep in this process. She didn't get on the  
254 website and she feels that others don't either and don't know the process. In this case,  
255 there were no posted signs. She doesn't look at the website. She doesn't understand  
256 the process. She doesn't like this big town feel and doesn't feel safe with her kids here  
257 now with the kinds of activities that go into subsidized housing. She lived in it growing up  
258 and she says over the years it degrades. She knows there is nothing that can be done at  
259 this point, but she feels like there is something you should do for the citizens, to make us  
260 feel more comfortable and safe.

261  
262 Ryan Miller  
263 1294 S 1250 W

264 There is a disconnect in informing the citizens. For him, it was rank choice voting, which  
265 caused him to run for Mayor. The citizens are here tonight because they feel they were  
266 uninformed. There is a disconnect here. Like his wife stated, they are not for condensed  
267 housing. He knows it is not always doable. His concern with condensed housing is  
268 water. As we build these neighborhoods, we need to about our resources, especially  
269 water. He feels 11 units is extreme.

270  
271 Angela Idle  
272 721 W 550 S

273 Lived here since 2015. They left for two years. When she came back, she was shocked  
274 at the amount of traffic. It is a lot of people in not a lot of space. She is all for  
275 development and making money. When it comes to roads and emergency traffic, you  
276 have to plan for it. There is an accident at the 950 W light almost every day. She feels  
277 the planning of the roads isn't enough for what we are putting into the area.

278  
279 Tina Cole  
280 607 S 575 W

281 Her concern is that the green space designated is not useable space. It is a drainage  
282 space. She feels that it will bring mosquitos. She feels that although the developer is  
283 throwing us a bone, and the City doesn't have money to build a park, this is not the way  
284 to do it. If you ask any of the neighbors, they would much rather have single-family  
285 homes rather than this high density. In the posted plans, the amount of apartments/units  
286 are 256, which is not what Director Yost said. This was an oversight or the plans were  
287 incorrect that were voted on by the City Council. They include someone else's land on  
288 the plan that was posted. The plan was never given to them and never showed what it  
289 looked like without our neighbor's land on it. There was an apartment complex placed  
290 right on top of it. She feels this is underhanded, frustrating and seems sneaky. She is  
291 extremely concerned about the ACD units were not listed on the side in the legend. But  
292 they were on the plan. She wants to know what those ACD units are. There are 70 of  
293 those. The only thing she could find is that this is modeled after Daybreak. When she  
294 looked up ACD units at Daybreak, all that came up was affordable housing. She says  
295 they were told there is no subsidized housing, low-income housing. She wants to know  
296 where is the transparency. She feels this has been dishonest.

297  
298 Krystal Mitchell

299 657 S 850 W  
300 Ms. Mitchell stood again and asked if they could provide evidence that public notice was  
301 not provided, would that change things? John Penrod, City Attorney, said having heard  
302 a lot about noticing, it is something he will look into. He can't give exact guidance and  
303 suggests talking to an attorney. He has a list of things that were brought up tonight and  
304 he is going to look into them. Ms. Mitchell asked if they as a neighborhood need to hire  
305 an attorney or would you follow up and do the correct thing? Mr. Penrod said that he is  
306 not going to represent this whole group here. He is going to check that it was posted  
307 correctly.

308  
309 Someone from the audience asked for the questions to be answered that were raised.  
310 Chair Ellingson said after the public comment period is over, if there is time, they will be  
311 addressed.

312  
313 Matt Bradley  
314 2025 Canyon Road  
315 He feels the word of the day is transparency. The main takeaway is to avoid situations  
316 like this. This committee didn't plan to have this meeting and the people here didn't plan  
317 to be upset. We need to work on transparency in the future. He is one of the three  
318 people running for Mayor. Come and talk to us.

319  
320 Britney Carpenter  
321 983 W 1350 S  
322 She feels that the trade-off of getting more green space by adding 256 families is not  
323 useful to the current residents.

324  
325 Trever Astle  
326 978 W 950 S  
327 Mr. Astle's concern is parking and visibility on the streets. He wants to know what is  
328 changed on 950 W. Is that turn lane going to be extended all the way down? Is there  
329 going to be a sidewalk? Is the going to be parking on the side of the street? Currently,  
330 there is not. But if you put cars on both sides, you have to take turns going down 950 W.  
331 We are going to increase the housing. Have there been changes in the code since  
332 Camelot was built? There is an accident on 1700 S every day because there are cars  
333 parked from 1600 S to Wal-Mart, even obstructing driveways. What will be done to keep  
334 the parking prevented in the green area? What's preventing it from becoming a private  
335 use only? 950 W is turning into 1750 W. It was asked about the number of stalls per  
336 unit, and he wants to know how many that will be.

337  
338 Margaret Mecham  
339 1103 W 1425 S  
340 Ms. Mecham stood again to express concern about noticing. She said 1200 W in their  
341 neighborhood. You changed the way we can leave 1200 W going from Spanish Fork to  
342 Provo. Before, you could make a left on 1200 W. Now the lane has been blocked. She  
343 said there was no notification made for that meeting and there is a history of not  
344 notifying of meetings. We don't know to go onto the website. Post signs on the side of  
345 the road. She would be at more meetings if she knew about them. What can you do to  
346 notify us in the future?

347  
348 Jennelle Youngs



349 1428 Wallace Dr  
350 Ms. Youngs stood again and said her street is on Kelvin Grove Park. When all the new  
351 freeway comes in, they will cut off her street and there will be more traffic, and they can  
352 only get out one way. It will be impacted even more by all the housing being built.

353  
354 Trent Cole  
355 He had a follow-up question about the notification the initial zoning change was last  
356 year. Chair Ellingson said it was going on in the last month or two. Mr. Cole said he was  
357 under the impression that it was in the last 18 months. Chair Ellingson said refers to the  
358 discussion of possible development that would be been going on a staff level. Mr. Cole  
359 then determined that it wasn't because of COVID closing the Library and Gym.

360  
361 Jennelle Youngs  
362 1428 Wallace Dr  
363 Ms. Youngs stood again and reiterated her question on where to look for information  
364 going forward.

365  
366 Kent Stephens  
367 Lives in Mapleton  
368 He was in the Council meeting when the zone was approved. He is not affiliated with the  
369 developer or project. His experience is that he has worked with many cities in the  
370 Wasatch front and staff and Director Yost take what they do very seriously. They  
371 scrutinize everything to what is the benefit to the city, even to the frustration of the  
372 applicants. They don't just push for more housing. They look to what is best for the city  
373 in the parameters of the State law. This is not so easy to look at from the outside without  
374 knowing all the intricacies and technical challenges of each project. He knows Dave  
375 Simpson and he doesn't do things in a lackadaisical manner. There are challenges in  
376 development and they are hard to overcome. Getting city infrastructure and green space  
377 are often few and far between opportunities for the city. It should not be taken lightly. Mr.  
378 Simpson is a developer that has been around for a long time and has a lot of expertise  
379 in doing things right. Not just doing this to maximize his own benefit. He voiced his  
380 respect for staff and said people should take a close look before they rush to judgment  
381 on these things.

382  
383 Tina Cole  
384 607 S 575 W  
385 Ms. Cole stood again and spoke about getting a notice on her door that her street will be  
386 blocked off because they are doing the blacktop on the street. That is how you notify  
387 people of what is going on in the neighborhood. You don't post it somewhere and  
388 hopefully they will check it out. The apartments on 400 South were snuck in. She was  
389 there when it happened. The owner of the land waited a year and snuck it in. He did it  
390 intentionally. She is not saying anyone is doing that here, but she has seen it in the past  
391 and they were not informed. Now that we are, we are glad you are listening to us. Are  
392 these things mentioned in the City newsletter? If things are online, I don't see them. She  
393 changed her bill to not be paperless so she can get more information. Even if we are  
394 paperless on our utility bills, it would be nice to get those via email. Letters could be  
395 mailed out in advance, changing how the city newsletter works. Give us an opportunity  
396 for more information.

397

398 Dave Simpson, the applicant, addressed the Commission and the citizens. He  
399 appreciates all the questions tonight. These have been answered in the last 18 months.  
400 He is not saying the notification was wrong because he knows Josh is thorough. He  
401 suggested having a neighborhood meeting. The Planning Commission has been here  
402 every other Tuesday and they take their job seriously. As he takes his job seriously. He  
403 is not here to do high density. He is here to take care of the community. There is a major  
404 need for this type of housing. He is here to answer questions. No one is hiding anything.  
405 He was the first subdivider in the Westfields. He has a long history. He takes pride in  
406 being a Red Devil and in Springville. Traffic and concerns that you have were discussed  
407 in the last 18 months. All of the concerns have been addressed. I'm not here to jam it  
408 down anyone's throat. He was surprised that no one was here. Mr. Simpson said he  
409 knows it was posted. Comments shouted from the audience. He is not here to argue.  
410 But he will answer questions.

411  
412 Director Yost seconds Dave Simpson's sentiment that the concerns brought up tonight  
413 have been addressed through this process. He is available any time to sit down to have  
414 individual discussions about this and facilitate a meeting. Not everyone will agree with  
415 the conclusion. He regrets that the process wasn't accessible enough for people to get  
416 the information incrementally along the way. He showed the plan again and explained it.  
417 An illustrative plan is not the plan, it is not regulatory, but shows something that can  
418 work. He explained transects. He showed where it says it allows 11 units per acre,  
419 which would yield 220 units. The adjoining property that belongs to Mr. Lamont was not  
420 able to be obtained. We need to notch this property off on the illustrative plan. The zone  
421 was only applied to the land owned by Mr. Simpson. He clarified that ACD means  
422 Accessory Dwelling Units, not subsidized housing. The developer is not going to pursue  
423 accessory dwelling units and we are not proposing them in this area. We will do better  
424 about notification. He spoke to ways of being informed of meetings. On the State  
425 website, you can sign up for notifications. He agrees on what has been said tonight that  
426 we need to be transparent and wants to meet his obligation to the community.

427  
428 Director Yost answered the parking for an attached and detached single-family is two  
429 off-street parking spaces, which is our standard. For apartment units, if it is not in this  
430 code, then the underlying code applies.

431  
432 Commissioner Mertz asked Director Yost to cover the traffic and safety concerns.  
433 Director Yost agrees about traffic concerns. The plan is focused to move people on foot  
434 and on wheels. The speed limit will be 15 mph in this area. Driveways are alley-loaded  
435 to reduce people/vehicle encounters. He agrees that 950 W needs some traffic calming.  
436 In this project, he can't reduce the amount of traffic getting off of I-15. But he would have  
437 more people living in this area where it is close to a Front Runner station and amenities  
438 than having them drive further into town.

439  
440 Commissioner Heaps asked if the Fire Department has looked at this. Director Yost said  
441 they have. There are two issues: staffing and response and parking. From an  
442 operational standpoint, we have worked with emergency services, public works to make  
443 no parking areas on some streets to get emergency vehicles accessibility. It is easier to  
444 get our revenues to support 24 hours services when we modestly increase the number  
445 of residential units we put in one area.

446

447 Commissioner Baker asked Director Yost to address the green space, parking and the  
448 HOA taking that space back. Director Yost said the land will be an official city park. It will  
449 not be privatized. The City does need stormwater retention. It is a 3-foot basin and we  
450 are paying particular attention to the engineering. Parking is short-term, temporary and  
451 there is no overnight parking for residents.

452  
453 Commissioner Farrer said that one of the things mentioned is the lack of transparency.  
454 He agrees with the citizens. We need more. One of the things that they don't understand  
455 is that we are required to provide more low-income housing by the State, and how are  
456 we supposed to do this without this type of development. We need this type of  
457 community so that citizens will want to move here and afford to move here. It's needed.  
458 The question is if it is the right place. But where is the right place? It has to go  
459 somewhere. This is the fastest-growing area in Utah County and the Planning  
460 Commissioners are under a lot of pressure. He agrees with the transparency issue and  
461 has called it out a number of times. It is a legal issue. Tell the Governor to change the  
462 law on transparency. Commissioner Farrer expressed appreciation for Director Yost and  
463 the staff.

464  
465 Commissioner Heaps said it may be good for the citizens to know the difference  
466 between Planning Commission and City Council. Director Yost explained the Planning  
467 Commission is a recommending body. Information comes to them to review and make a  
468 recommendation to the City Council. They don't establish policies and procedures. They  
469 are volunteers. They are trying to do the best that they can for this city that we love.  
470 Three people here tonight are running for City Council. You can volunteer for the  
471 Planning Commission, you can run for office. They are the filter and the recommending  
472 body to the City Council.

473  
474 Director Yost said two kinds of items come to them: the administrative items which you  
475 look at the applications and see if they meet the code, and if so, then they are approved.  
476 Of those, the Planning Commission is the land-use authority, where they apply a land-  
477 use decision and whether someone followed the rules and they get a yes. The  
478 legislative items are where you are making the laws. In that, they are a recommending  
479 body to the City Council and then the City Council enacts the law.

480  
481 Chair Ellingson asked for a motion. Commissioner Mertz moved to table this motion until  
482 the City Attorney can check on the notification and the residents have the opportunity to  
483 meet with the developers. Commissioner Parker seconded.

484  
485 Director Yost said the motion needs to be continued, not tabled.

486  
487 Commissioner Mertz moved to amend the motion to continue this item until it comes  
488 back to the Planning Commission and the meetings have taken place. Commissioner  
489 Parker seconded. The vote to continue the administrative item was unanimous.

490  
491 Chair Ellingson thanked the citizens for being involved and working with the developer.

492  
493 **3. *Ryan Johnston requesting a zone map amendment to apply the Traditional***  
494 ***Neighborhood Development Overlay Zone; a Neighborhood Plan; and a***  
495 ***development agreement for the property located at 641 E 200 N, Parcel***  
496 ***23:041:0196.***

497 ***5. Lakeside Land Partners and Davies Design Build request a development agreement***  
498 ***for the Lakeside Landing Special District generally located north of 400 South and west***  
499 ***of 2000 West, in the Lakeside Community Area.***

500  
501

502 John Penrod, City Attorney, presented on development agreements. We do not have the  
503 development agreement for you tonight.

504

505 He first spoke about the development South of Holdaway Park. Ryan Johnston has this  
506 property. We have solved the entrance into this park. The property now could be done in  
507 3 lots. The City Council asked for it to be 4 lots. But the developer can't make it work  
508 with less than 5 lots. The setback along the road will be 15 feet. The houses will face  
509 inward to the park, so their front setback will be 15 feet. On the lots along 200 N, the  
510 houses would face into 200 N those lots would have a 20-foot setback. On the outside,  
511 they would have a 10-foot setback. They have spoken to adjoining property owners and  
512 they are favorable with this plan. He showed the style of proposed homes. This will  
513 come back at a future date. Chair Ellingson mentioned she is glad there will be better  
514 access to Holdaway Park.

515

516 Mr. Penrod did an overview of Development Agreements. He then spoke about the  
517 Lakeside Development Agreement specifically. It includes reimbursements. He spoke  
518 about 2600 W and how there could be some upsizing on this road, and accommodations  
519 have been made for it. There will be costs for road improvements beyond minimum  
520 standards. Commissioner Heaps asked who pays for the additional costs. And is it  
521 reimbursement to the developer? Attorney Penrod said yes. On a road to an arterial  
522 road, like 1200 W, MAG has funds for those roads because it helps move traffic through  
523 Springville. Developers pay a portion of those roads and impact fees also pay a portion.  
524 Those are the three funding sources. Commissioner Mertz asked if it is written in the  
525 agreement to provide that flexibility. Attorney Penrod said it is.

526

527 The developer will have to pay for a portion of this out of their pocket, not all has been  
528 engineered yet, but when it is, a reimbursement agreement will need to be entered. That  
529 will go to City Council as an administrative item.

530

531 The off-site sewer extension is going to be a costly project. Currently, the sewer needs  
532 to be upsized from where the development is to the North, under I-15 and to some lift  
533 stations in this area. There is upsizing that needs to take place in those lift stations. And  
534 those stations will pump the sewage to the treatment plant.

535

536 Two parks are in this development: one in the north and one in the south. The developer  
537 is required in the development agreement to develop the park and dedicate it to the City.  
538 The Developer would put in \$6 per square foot and if we go over that, then it would  
539 come out of impact fees from the City. Right now there is a variation in the cost of parks.  
540 Somewhere between \$3-4 to \$12-13 dollars. Commissioner Heaps asked if that is a  
541 typical number. Attorney Penrod said it isn't. We just went through a proposed master  
542 plan for parks and in that, the consultant is suggesting \$400,000 per acre, which is more  
543 than what you would see at \$6 a square foot. However, we have received numbers  
544 recently at what will be in the Westfield's Central park and it isn't even close to those  
545 numbers. It's all over the place how much a park really is.

546 Commissioner Mertz asked about maintenance. Do we factor that into city budgets?  
547 How does the city account for that? It's nice to have new parks, but they need to be  
548 maintained. Attorney Penrod said that we haven't added FTE's. We will have to add  
549 more staff. Bradley Neel is working on it now.

550  
551 Term of agreement: Overall Agreement term Vested rights - change as you go.  
552 Suggested is regulatory provisions 15 years plus consecutive 4 year periods.  
553 Design provisions - 6 years plus consecutive four-year periods.

554  
555 Exemptions to vested rights: Amend the ordinance, State or fed laws change, Safety  
556 code updates, Taxes, Fees, Impact fees, Changes to applicable laws

557  
558 Other Provisions: Formation of owners associations, Design standards, Assignment of  
559 agreement, Default provisions

560  
561 There will be a finalized copy to you for the next meeting. He asked for the item to be  
562 continued.

563  
564 Chair Ellingson opened the public hearing for items 3 and 5 at 9:19 p.m. Seeing no  
565 speakers, Commissioner Mertz moved to close the public hearing. Commissioner Heaps  
566 seconded. The public hearing was closed at 9:19 p.m.

567  
568 Commissioner Baker moved to continue item 3 and item 5 to the next Planning  
569 Commission meeting. Commissioner Mertz seconded. The vote to continue the two  
570 items was unanimous.

571  
572 **4. Kent Stephens requesting a zoning designation on the Fackrell property parcels,**  
573 **due to annexation: 26:006:0100, 26:006:0102 with the R1-10 or R1-15 zone.**

574  
575 Director Yost presented. This is continuous with what we've been calling the Fackrell  
576 property. What should the zoning be if the property comes into the city if it is annexed?  
577 We did anticipate annexing this property at some point. Staff recommends making  
578 recommendation for the R1-15 zone and gave reasons for that.

579  
580 Chair Ellingson opened the public hearing at 9:22 p.m. Commissioner Baker moved to  
581 close the public hearing. Commissioner Parker seconded. The vote to close the public  
582 hearing was unanimous. The public hearing was closed at 9:22 p.m.

583  
584 Mr. Stevens, Petitioner, is on board with staff.  
585 Commissioner Heaps moved to apply the R1-15 zone to the noted parcels upon their  
586 annexation into Springville City. Commissioner Baker seconded. The vote to approve  
587 the item was unanimous.

588  
589 **6. Presentation and discussion of a potential zone map amendment request and**  
590 **development proposal located in the area of 1650 N 1750 West. Ken Holman,**  
591 **Overland Group.**

592  
593 Director Yost said that members of the Overland Group are here. They have  
594 communicated to us about this parcel. We have expressed the message we have given  
595 to property owners consistently on this that it isn't an area where staff is supporting a

596 zone map amendment. Particularly one to a multi-family zoning designation. In the  
597 General Plan process, we hope to have some more solid, predictable and long-range  
598 guidance as to how we like to see this area develop. They were persistent and have 15  
599 minutes to make a pitch to the Planning Commission.  
600

601 Ken Holman from the Overland Group presented. Spring Creek Development proposal  
602 North of 1400 N 1750 W. Industrial and flex space is being proposed. Storage units.  
603 There are dealing with flood plain, lift station, wetlands, spring creek, high voltage  
604 transmission lines, bridge access. 1400 N is the best access in. From the East, down  
605 and around. Most is zoned RC. The KOA is NC.  
606

607 Commissioner Mertz asked about industrial type uses. Mr. Holman said that it would be  
608 an industrial/flex space - office warehouse. Boat and RV storage is needed. Multi-family  
609 is no one's favorite but we are short in demand. We need to catch up more.  
610 Commissioner Farrer said we had talked about keeping this area as RC to keep  
611 warehouse facilities out of here. He asked if Supranatural and Flowserve are considered  
612 flex space. Director Yost said no, it's more of what you see behind Modere. Those are  
613 manufacturing. Commissioner Farrer said he should take a run at it. Commissioner  
614 Mertz asked Director Yost if he is concerned about multi-family there. Director Yost said  
615 he would never support multi-family there. It would never be a complete neighborhood.  
616 There are no schools, community destinations, etc. Commissioner Heaps said that is his  
617 concern. Commissioner Farrer said that he can see that and supports the flex space.  
618 Warehousing is feasible in that area. Commissioner Parker said that is it conducive to  
619 warehousing. Commissioner Farrer said he is not against the RC in that area. Director  
620 Yost said that isn't necessarily the right thing either. He is not saying that what it is  
621 currently zones is correct either. I don't know what it could be. We will be going through  
622 that process with the General Plan. Chair Ellingson said that when we had an applicant  
623 a few months ago, we didn't change it because we want to give staff the opportunity to  
624 complete that process. In her opinion, we should be consistent. Chair Ellingson asked  
625 Director Yost how long it would be until the General Plan process would take. Director  
626 Yost said his goal was to have it done the Fiscal Year 2022, but he is getting farther  
627 behind. It is still a year out.  
628

629 Commissioner Parker said that is a blight on the City. If you'd like to take a run on it,  
630 he'd like to see something out there.  
631

632 Mr. Holman said we would love retail, but it won't happen here. Commissioner Farrer  
633 said that he would like to see something put there that gets used. He is for it.  
634 Commissioner Mertz said to take a run with no residential in that area. Commissioner  
635 Farrer agrees and supports flex space and warehousing. Commissioner Parker is more  
636 conducive to warehousing. Commissioner Farrer said he doesn't like the RC. Josh isn't  
637 tied to it. It will be a big focus of the General Plan coming up.  
638

639 Councilman Packard complimented the Planning Commission on the way they handled  
640 tonight. Commissioner Mertz gave appreciation to staff and Director Yost  
641

642 Commissioner Baker moved to close the meeting. Commissioner Farrer seconded. The  
643 vote to adjourn was unanimous. Chair Ellingson adjourned the meeting at 9:47 p.m.



**PLANNING COMMISSION  
STAFF REPORT**

TO: Planning Commission Members

FROM: John Penrod – City Attorney

RE: **Meadowbrook Land LLC**

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**Petitioner:** Meadowbrook Land LLC

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Several months ago, the Springville City Council started a pending ordinance on property zoned Highway Commercial north of Hobble Creek near the I-15 exchange to determine whether the property should be rezoned Regional Commercial. One of the concerns of the Highway Commercial zone is that it allows office warehouse type uses, which has become a very large use throughout Springville. The City Council asked staff to bring back information regarding whether there was an opportunity to maintain a nice gateway coming into Springville with an office warehouse type use. The proposed development agreement includes information provided by Meadowbrook Land LLC to meet the City Council's desires.

The reason why the development agreement is coming to the Planning Commission for its recommendation is because development agreements sometimes reach beyond administrative actions and become land use regulations. Section 10-9a-532(2)(a) of the Utah Code states:

(2)(a) A development agreement may not:

- ...
- (iii) contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.

The proposed Meadowbrook Land LLC Development Agreement addresses terms that are different from the land use regulations on the Meadowbrook Land LLC property. Accordingly, the development agreement will in essence become a land use regulation, and as such, needs to follow the same process to be approved as any other land use regulation.

The remainder of this report will discuss the provisions of the proposed development agreement.

**Development Agreement Provisions**

The following are some of the provisions within the proposed development agreement:

- Term. The term of the development agreement is for 10 years.
  - Vested Rights. The agreement vests Meadowbrook in the ability to construct the uses of Light Industry—Manufacturing Processes, Warehousing—Storage and Distribution, Wholesale Trade and Warehousing on its property. Meadowbrook would be excluded from allowing any onsite storage.
  - Design Standards/Site Plan/Building Designs. Exhibit B of the Agreement lists the design standards, site plan and buildings designs. These are items that were reviewed with the Planning Commission in the Commission’s last meeting. Instead of including all of those items in this report, please see them at the end of the attached development agreement.
- 

**Recommended Motion:** There is no recommended motion. The City Council wanted feedback concerning whether this is a development that belongs as a gateway development into Springville.

Motion to recommend/deny the approval of the Meadowbrook Land LLC development agreement to the City Council.



**Recording Requested By and  
When Recorded Return to:**  
Springville City  
Attn: John Penrod, City Attorney

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Parcel Nos. 230290061 and 230290055

**DEVELOPMENT AGREEMENT**  
**(Meadowbrook Land LLC)**

This Development Agreement (this “**Agreement**”) is made and entered into and made effective as of the date this Agreement is recorded by the City Recorder (“**Effective Date**”) by and between **SPRINGVILLE CITY**, a Utah municipal corporation (“**City**”) and **MEADOWBROOK LAND LLC**, a Utah limited liability company (“**Developer**”). City and Developer may from time to time be referred to herein each as a “**Party**” or collectively as the “**Parties.**”

**RECITALS**

- A. Developer is the record owner of approximately 17.58 acres of lands located in Utah County, Utah, which are more particularly described and depicted on the attached **Exhibit A** (the “**Property**”).
- B. The Property is located in the Highway Commercial zoning district.
- C. Developer is engaged in planning and developing logistics centers, industrial and warehousing systems and is intending to develop a similar project on the Property.
- D. This Agreement provides the core approvals and commitments that will facilitate the commencement of development within the Property consistent with certain conditions, requirements, entitlements and conditions set forth in this agreement.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

**ARTICLE I**  
**CITY APPROVALS AND VESTING**

1.1 City Approval. City enters into this Agreement after taking all necessary actions to enter into the agreements and understandings set forth herein. City’s enactment of the ordinance approving this Agreement, and entering into this Agreement, are legislative acts allowed and authorized by Utah Code § 10-9a-101, *et seq.*, including specifically Utah Code § 10-9a-102(2) and §10-9a-532. In accordance with Section 10-9a-532 of the Utah Code, this Agreement “contains a term that conflicts with, or is different from, a standard set forth in an existing land use regulation

that governs the area subject” to this Agreement, and this Agreement is following the procedures for enacting a land use regulation under Section 10-9a-502 of the Utah Code. The Parties acknowledge and agree that the development requirements under this Agreement consist of land use regulations for the development of the Property.

1.2 Project Vesting. The Developer is vested with all rights to develop the Property in accordance with the intended uses [defined below]. Developer understands that Developer has to follow all of City’s land use regulations regarding development of the Property. The Parties acknowledge and agree this Agreement provides significant and valuable rights, benefits, and interests in favor of Developer and the Property, including, but not limited to, certain vested rights, development rights, permitted and conditional uses (including for industrial and commercial uses) to facilitate the development of the Property.

1.2.1 “*Intended Uses*” means those uses in the Highway Commercial zoning district described as Light Industry—Manufacturing Processes, Warehousing—Storage and Distribution, Wholesale Trade and Warehousing, but specifically excluding the use of Storage-Outdoor (whether supplementary or otherwise) and Storage-Outdoor (Autos, Boats, Travel Trailers), each which is defined in the Title 11 of the Springville City Code.

1.3 Term. The term of this Agreement shall be the earlier of Ten (10) years beginning on the Effective Date or until the Property is buildout. For purposes of this provision, “*buildout*” means the completion of all development in the Property.

## ARTICLE II DEVELOPMENT

2.1 Development of Property. The development of the Property shall be in accordance with City’s land use regulations (to the extent that they apply as allowed by this Agreement), and this Agreement. A requirement of this Agreement is that in developing the Property, Developer shall follow the site plan, subdivision and building types attached as Exhibit B, which includes the construction of 1950 West that runs along the eastern portion of the Property.

2.2 City Services. City agrees that it shall make available (subject to application for service, tendering of water rights, payment of impact fees, issuance of applicable permits and payment of connection fees and applicable commodity usage rates) culinary water, sanitary sewer, storm water and other municipal services (the “Municipal Services”). Developer agrees and understands that Developer may have to construct, install and bring some of the infrastructure for the Municipal Services to the Property before such services will be made available to the Property. Such services shall be provided to the Property at the same levels of services, on the terms and at rates as charged by City based on uses, amounts, types and other factors that City charges for Municipal Services. Nothing in this section shall obligate Developer to build “system improvements” as that term is defined in the Utah Impact Fees Act, Utah Code Ann. § 11-36a-101, *et seq.*

## ARTICLE III GENERAL MATTERS

3.1 Amendments. Any alteration or change to this Agreement shall be made in a writing executed by Developer and City, after approval by City’s appropriate executive or

legislative bodies. Developer need not obtain the written consent of a subsequent owner of a portion of the Property in order to amend this Agreement.

3.2 No Waiver, Mutual Waiver of Damages. The Parties acknowledge and agree that a non-defaulting Party's only legal recourse and remedies based on the other's default shall be specific performance or injunctive relief and shall not include damages. No Party shall have the right and may not seek from the other Party damages of any kind whatsoever.

3.3 No Third-Party Rights. Unless otherwise specifically provided herein, the obligations of the Parties set forth in this Agreement shall not create any rights in or obligations to any other persons or third parties.

3.4 Notices. All notices shall be in writing and shall be deemed to have been sufficiently given or served when presented personally, or delivered by a reputable overnight courier that keeps receipts of delivery (such as UPS or Federal Express), or when deposited in the United States mail, by registered or certified mail, addressed to the City Recorder in the case of the City or the owner of the Property, as recorded in the office of the Utah County Assessor, in the case of the Developer.

3.5 Entire Agreement. This Agreement, together with documents and all regulatory approvals given by City for the Property, contain and constitute the entire agreement of the Parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the Parties which are not contained in such agreements, regulatory approvals and related conditions.

3.6 Agreement Runs with the Land. This Agreement shall be recorded against the Property as described in the Exhibit A.

3.7 Assignment. Developer may not assign this Agreement to an entity that is not an affiliate of Developer, without the written consent of City, which consent may not be unreasonably withheld, conditioned or delayed.

3.8 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Development Agreement on October \_\_\_\_, 2021.

*[Remainder of Page Intentionally Blank; Signatures Follow]*

**CITY:**

**SPRINGVILLE CITY**, a Utah municipal corporation

ATTEST:

\_\_\_\_\_  
Mayor of Springville City

\_\_\_\_\_  
City Recorder

**ACKNOWLEDGMENT**

STATE OF UTAH            )  
                                      : ss.  
County of Utah            )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before the undersigned notary public in and for the said state, personally appeared \_\_\_\_\_, known or identified to me to be the Mayor of Springville City, who executed the foregoing instrument on behalf of said City and acknowledged to me that said City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Utah  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

*[Signatures Continue on Following Page]*

**DEVELOPER:**

**MEADOWBROOK LAND LLC**, a Utah limited liability company

By: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF UTAH                    )  
  : ss.  
County of Salt Lake            )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before the undersigned notary public in and for the said state, personally appeared \_\_\_\_\_, known or identified to me to be the Manager of **MEADOWBROOK LAND LLC**, a Utah limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Utah

**EXHIBIT A**  
**Legal Description and Map of the Property**  
**Legal Description by Parcel**

The following parcels in Utah County, State of Utah:

## OVERALL BOUNDARY DESCRIPTION

Beginning at a point located South 0°46'17" East 549.02 feet along section line and West 1747.26 feet from the Northeast Corner of Section 30, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence South 0°34'58" East 10.52 feet; thence along the arc of a 1100.00 foot radius curve to the left 84.25 feet through a central angle of 4°23'18" (chord bears South 2°46'37" East 84.23 feet); thence South 0°15'03" West 46.64 feet; thence South 16°01'43" East 39.28 feet; thence along the arc of a 1100.00 foot radius curve to the left 81.29 feet through a central angle of 4°14'02" (chord bears South 11°31'10" East 81.27 feet); thence along the arc of a 1035.72 foot radius curve to the right 29.37 feet through a central angle of 1°37'28" (chord bears South 12°49'20" East 29.36 feet); thence North 69°04'22" West along a fence line a distance of 416.39 feet; thence South 52°40'26" West along a fence line a distance of 63.20 feet; thence South 0°03'19" East along a fence line 393.17 feet; thence North 88°30'20" West along a fence line 179.98 feet; thence South 0°01'56" West along a fence line 1016.79 feet; thence South 0°29'25" West along the westerly boundary of Hobble Creek Bend 289.91 feet; thence South 89°53'59" East 14.89 feet; thence South 0°45'00" West 15.99 feet; thence North 89°00'00" West 383.37 feet; thence parallel to and 1 foot easterly from the UDOT right-of-way fence along Interstate 15 the following three courses and distances: 1) North 0°26'51" East 723.30 feet, 2) North 3°02'38" East 337.06 feet, and 3) North 4°43'04" East 186.08 feet; thence along the arc of a 400.00 foot radius curve to the right 170.33 feet through a central angle of 24°23'53" (chord bears North 16°55'01" East 169.05 feet); thence along the easterly right-of-way of the Interstate 15 off ramp as monumented the following four courses and distances: 1) along the arc of a 819.00 foot radius curve to the right 155.70 feet through a central angle of 10°53'34" (chord bears North 34°33'44" East 155.47 feet), 2) North 40°00'31" East 198.30 feet, 3) along the arc of a 451.00 foot radius curve to the left 223.25 feet through a central angle of 28°21'43" (chord bears North 25°49'40" East 220.98 feet), and 4) along the arc of a 451.00 foot radius non-tangent curve to the left 51.59 feet through a central angle of 6°33'16" (chord bears North 12°04'11" East 51.56 feet); thence North 31°07'12" East 18.59 feet; thence North 89°52'16" East 36.45 feet; thence South 0°07'44" East 72.00 feet; thence North 89°52'16" East 495.84 feet to the point of beginning.

Contains 766,000 sq ft or 17.585 Acres

A map depicting the Property is below:



## **EXHIBIT B**

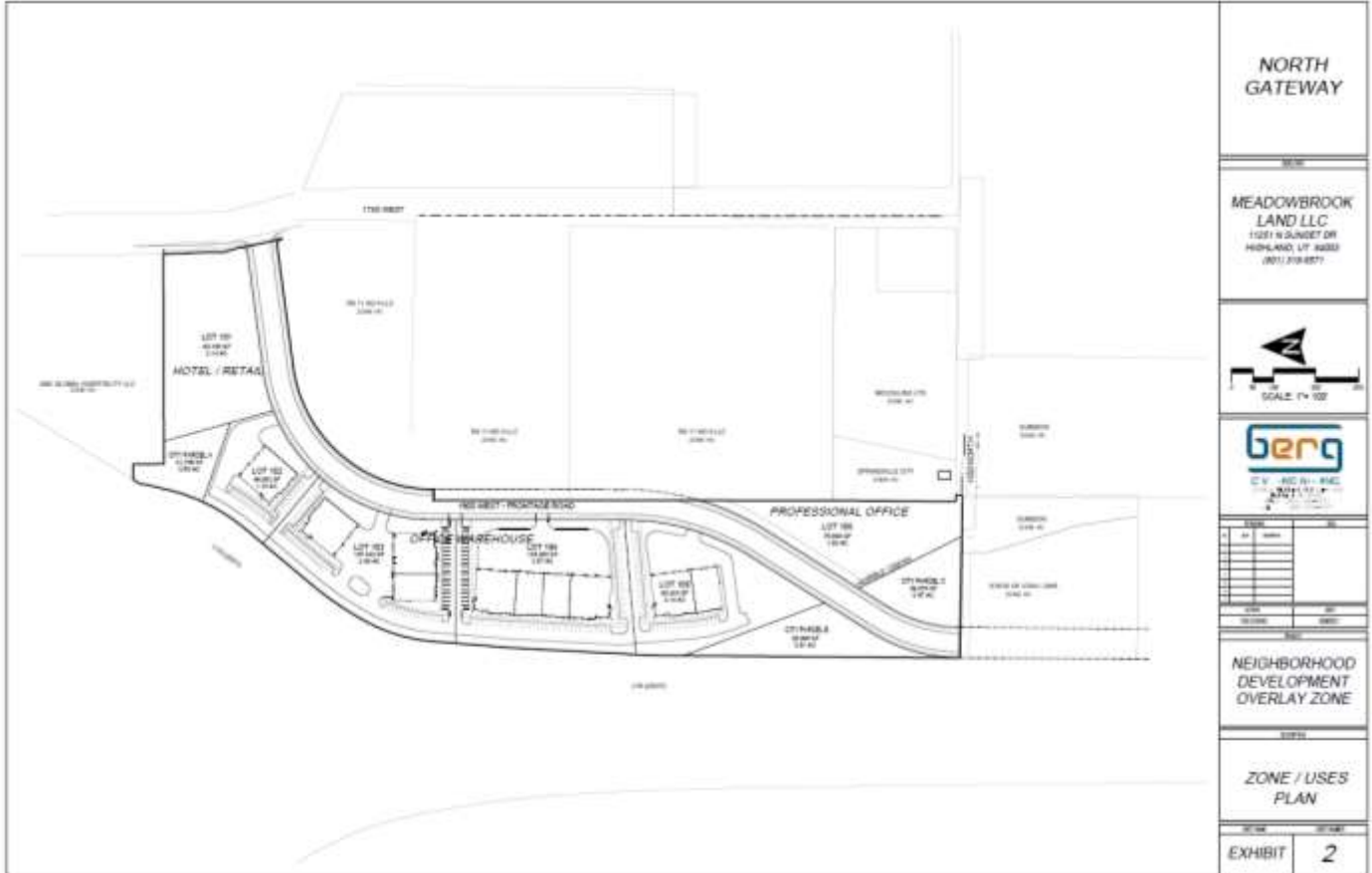
### **[Design Guidelines for Property, Site Plan, Subdivision, Building Types]**

In building any structure for the Light Industry—Manufacturing Processes, Warehousing – Storage and Distribution, or Wholesale Trade and Warehousing uses, on the Property, the following design guidelines must apply:

1. Developer will assure buildings are color integrated with decorative reveals, offset in both the primary wall height and wall planes, recessed header reveals contrasting color, and architectural grade exterior wall mounted light fixtures.
2. Developer will not build prefabricated metal buildings.
3. Developer will assure that design themes and architectural elements remain consistent throughout all buildings developed.
4. Developer will incorporate variations: A minimum of three (3) colors per elevation shall be required.
  - a. Primary Materials: Brick, stone, ceramic tile, wood fiber/composite siding, tilt-up exposed concrete, and concrete masonry units (CMU), are acceptable primary materials. CMU must be colored and feature decorative or architectural finishes such as honed, scored, offset or split face. Gray CMU block is not an acceptable finished building material and shall not be permitted on any finished building elevation with the exception of minimal foundation exposure.
  - b. Secondary Materials: Secondary materials may include, wood siding, awnings, wood timbers or metal components when the components are architectural metal cladding.
5. Developer will assure that each building entrance shall have a minimum of two (2) primary and/or secondary materials. No more than fifty percent (50%) of the building entrances shall be constructed of any one primary material.

## Site Plan/Subdivision

The below site plan and subdivision plat are not final. The Developer is still required to submit the appropriate site plan and subdivision plat applications and follow all Springville City land use regulations for preliminary and final approvals.





## Building Designs

The below building designs are the designs that Developer shall construct on the Property. Any variation to the designs must be approved by City's Community Development Director.



HIGHLAND OFFICE



