

Adopted Minutes
Spanish Fork City Development Review Committee
40 South Main Street
Spanish Fork, UT 84660
April 20, 2022

Staff Members Present: Chris Thompson, Public Works Director; Seth Perrins, City Manager; Dave Anderson, Community Development Director; Brandon Snyder, City Planner; Kimberly Brenneman, Community Development Secretary; Vaughn Pickell, City Attorney; Walter Bird, Assistant City Attorney; Michael Clark, Assistant City Engineer; Jered Johnson, Engineering Division Manager; Shelley Hendrickson, Engineering Division Secretary; Zach Hendrickson, Outside Plant Manager; Jake Theurer, Power and Light Superintendent; Garrett Elmer, Power and Light Assistant Superintendent; Bart Morrill, Parks Maintenance Supervisor. John Little, Chief Building Official, Kasey Woodard, Division Secretary.

Citizens Present: Brandon Anderson, Lane Muggleston, Christina Muggleston, David Isaac, Ben Tuckett, Thomas Lehnardt, David Schmidt.

Chris Thompson called the meeting to order at 10:00 a.m.

ZONE CHANGE
EL DORADO

Brandon Anderson stated he submitted the application, and asked if the DRC has any questions.

Dave Anderson stated the DRC has no questions, but inquired about the meeting taking place after DRC to discuss the east-west road that does not necessarily tie in with this Zone Change. It's been the practice of the DRC that when looking at zone amendments, that unless there is a significant infrastructural deficiency and the proposal is consistent with the City's General Plan the Council would look favorable on the request.

Dave Anderson stated he has no reservations at this time about recommending the Zone Change be approved.

There was discussion on storm drains being an issue in the area and there are no water lines near this area. There are 2 different projects that are currently working to install storm drain going north along 300 West.

Brandon Anderson stated El Dorado is the holding company for Wheeler Machinery, they are a local Utah Caterpillar dealer and both companies are owned by the same family. He stated they have other sites that do not have storm drains, so they installed retention on property in place until storm drains become available for them to tie into.

Chris Thompson stated that LID has not worked very well here based on the past experiences of City. The applicant would need to work with the two projects currently under construction and make sure they can connect to it.

Brandon Anderson stated generally they use general contractors for all projects. They have Dominion Engineering currently doing a survey and GSH checking soil samples and ground water levels and by mid-May they will have a better idea of what they will look like.

Dave Anderson **moved** to recommend approval of the proposed El Dorado Zone Change to I-1 Industrial to the City Council based on the following finding and condition:

Finding:

1. That the proposal is consistent with the City's General Plan Land Use Map designation.

Condition:

1. That the applicant addresses any redline comments in Citizenserve.

John Little **seconded** and the motion **passed** all in favor.

ZONE CHANGE AND PRELIMINARY PLAT **SPANISH HIGHLANDS EAST**

Brandon Snyder stated the property is currently zoned Rural Residential and the applicant has applied to amend the zoning to R-1-12, which is consistent with the City's General Plan of Low Density Residential. The applicant submitted plans for Preliminary Plat approval as a Master Planned Development. There are concerns the applicant would like to discuss with the DRC. Mainly the potential roundabout at the north-east corner as well as comments on the trail.

Chris Thompson stated he believes the DRC feels like the roundabout needs to be built as part of the project. The improvements for the roundabout would be 100% reimbursable with impact fees. He stated it's currently shifted down and they do not think that's necessary.

Brian Gabler stated the circle was a temporary placeholder. Ivory was unsure if the City has had conversations with the adjacent property owners. As long as the City is willing to work with the other landowners to acquire the property needed to build the roundabout, Ivory would not have any issues centering it within the intersection.

Chris Thompson stated he thinks the Church will work with the City in order to purchase the corner needed on the north west corner. He stated the City is very committed to completing this as part of the proposed development and he will have the City's consultant check the roundabout design. Chris Thompson stated the City can assist in the right-of-way acquisition that would be needed.

There was discussion of the City looking at relocating communications and power equipment for the roundabout, but it is far enough in the future that they feel it will be okay for the time being.

Chris Thompson questioned who is designing the roundabout to the South, closer to the gas station.

Brian Gabler stated they designed the right-of-way, but Hales Engineering designed the roundabout.

Travis Warren stated that it is Elevate Engineering that is currently working on the project but he is unaware of who the consultant is.

Chris Thompson stated a developer will do the design but they will hire a consultant to check the design.

Michael Clark questioned what the irrigation district will require for the trail over the existing pipe on the west side of the fence line.

There was discussion of the few connections on the trail and it wasn't known if there was a need for more. There was concern that it potentially could be too narrow with the added landscaping on either side.

Dave Anderson stated people could be routed to the west to get down to the trail by the tracks as an option if the width does not work.

Dave Anderson stated that if Seth Perrins, the City Manager, were present that he would speak to the lack of connection to the church via a walking path, but in his opinion that ship has sailed and Chris Thompson agreed.

There was discussion of the block lengths and long straight streets.

There was discussion of the trail on 100 South being on the south and the trail on Spanish Fork Parkway is on the east side.

Michael Clark stated that the DRC previously discussed the utility corridor between lots 88 and 89. The plans initially showed it as a road, but with calming changes it was downsized to the trail. The question is if this utility easement is needed. There was discussion if the sewer could be abandoned. It was stated that there are sewers in all the streets but you would need to route it through to phase 2.

Dave Anderson stated that he would rather see one down on the south west corner in terms of pedestrian routes. He stated in talking with Bryan Mackie he got the impression when they discussed re-routing the road that he felt like a pedestrian connection was really important to us. Dave Anderson stated he did not feel it was that big of a deal to the City for the reason that Chris Thompson pointed out and he feels that would be a better bang for everyone's buck.

Chris Thompson stated the suggestion this purely for utility access, not because it is needed for pedestrians.

Brandon Snyder stated the length of the access is needed. The current block length is almost 900 feet and our code triggers at 600 feet.

Michael Clark stated many of our smaller subdivisions have 60-foot-wide lots, so scale wise, it doesn't look that big but it is big. He stated that it is a gray area and asked for the thoughts from the DRC.

Chris Thompson stated that he understands that the pedestrian accesses are quite a hassle to the residents that live next to them, as he has heard complaints. He stated that if they are needed, he thinks they're great, and he feels this is on the edge of being needed.

The applicant stated that he doesn't feel strongly one way or the other, so if the DRC does not want it, to let them know and they can re-route those utilities if needed. However, if the City would like to keep them, that's fine as well.

Chris Thompson stated that it might be best to see if there are any utility routing fatal flaws. Brian Gabler stated he does not remember what size line that was being installed. He would be concerned if the line was larger and they were installing a larger line all the way over or not.

Dave Anderson **moved** to recommend approval of the proposed Spanish Highlands East Zone Change from Rural Residential to R-1-12 to the City Council based on the following finding and conditions:

Finding:

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.

Vaughn Pickell **seconded** and the motion **passed** all in favor.

Dave Anderson **moved** to recommend approval of the proposed Spanish Highlands East Preliminary Plat as a Master Planned Development subject to the proposed Zone Change being approved and based on the following finding and conditions:

Finding:

1. That the application conforms to the City's General Plan Designation and Zoning Map.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.

Vaughn Pickell seconded and the motion **passed** all in favor.

HOLLOW ACRES

Brandon Snyder stated about a year and half ago there was a proposal that came before the City Council for this property that was not approved. The applicant is now looking at developing the southern half of the property with single-family homes. They have provided connections to Spanish Fork Parkway and to the south development, as well as a stub street to the east. The request shows no connection, or future connection, to the north with anticipation of developing at a later date. There is a small strip the applicant is working on acquiring from the City. Brandon Snyder stated he is unsure if the applicant was desiring to have the application approved as a Master Planned Development as lot 101 is below the 12,000 minimum and he is unsure if the current square footage includes Parcel A or if it excludes Parcel A.

Chris Thompson would support the City dedicating Parcel A to the lot. He stated that the City holds parcels like this to avoid black mail strips. Chris Thompson stated he does not think the City needs any reduced width on a T-intersection, as it functionally does not do anything.

Brandon Snyder had a question regarding Michael Clark's review of a 10-foot trail and asked for clarification on if the cross section is correct or should it be 12 feet, plus 10 feet plus 4.5 feet.

Michael Clark stated it is 12-foot planter, 10-foot trail, 4-foot planter so the wall is centered on the property and will follow the collector road cross section.

Chris Thompson asked Jered Johnson if normally the City signs the plat as an owner.

Jered Johnson stated that yes, they can Vaughn Pickell stated that the City cannot just give it away, but can surplus it and quit claim it to the developer. This should be done prior to recording the plat.

It was determined that the lots would not meet the requirement for a standard subdivision and it would have to move through approval as a Master Planned Development.

Ben Tuckett asked Michael Clark to clarify his comments on the sewer, as it will cause poor flow where it is proposed.

Chris Thompson stated to give it better flow, check their calculations and ensure there is a flow of 2 feet per second.

Michael Clark stated that something that has been done before on Gage Canyon and Heritage Farms for example, is that they are trying to stay consistent with the white vinyl fencing that stays with the streetscape. It is best practice to have the wall along the public right-of-way be built at an angle for the site triangle on the corners, and have the area in the site triangle dedicated to the City.

Vaughn Pickell **moved** to recommend approval of the proposed Hollow Acres Zone Change from Rural Residential to R-1-12 to the City Council based on the following finding and conditions:

Finding:

1. That the application conforms to the City's General Plan designation and Zoning Map.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.

John Little **seconded** and the motion **passed** all in favor.

Vaughn Pickell **moved** to recommend approval of the proposed Hollow Acres Preliminary Plat as a Master Planned Development to the City Council based on the following finding and conditions:

Finding:

1. That the application conforms to the City's General Plan designation and Zoning Map.

Conditions:

1. That the applicant meets the City's Zoning requirements and Construction Standards.
2. That the applicant addresses any red-lines.
3. That the applicant deed the site triangle on lot 104 to the City and be a fair compensation for the acquisition of the site triangle to the applicant.
4. That the lot closest to Spanish Fork Parkway on 230 North be the larger lot and the right-of-way for Spanish Fork Parkway be corrected.

John Little seconded and the amended motion **passed** all in favor.

PRELIMINARY PLAT **GOLDEN SAGE ESTATES**

Chris Thompson stated he had a good meeting with staff to discuss the road issue and the Transportation Master Plan. The original parcel had been subdivided a couple of years ago with Utah County, and the City's subdividing process was not followed. The DRC has to look at the property as if it was not subdivided when staff reviews the application. A requirement for the development would be all the right-of-way that needs to be dedicated. One of the things the Committee has discussed is that intersection improvements are 100% reimbursable through impact fees. Staff has discussed not wanting to build this road right now, as it wouldn't be used at this time. The parcel for the future road needs to be allotted in part to the north and part to the south.

The north property will then need to be deeded back to the City for right-of-way. The DRC is proposing the applicant acquire the parcel and the City will pay for around ¾ of the cost, so if the applicant buys the parcel from the current owner, the City can then help the applicant pay for it. Chris Thompson stated one of the thoughts of the DRC is that maybe when the applicant builds a home on the parcel, there is a trail and a masonry wall that can be landscaped to, and will create a well-defined line.

Jared Johnson agreed and suggested bringing the trail south along the road and ending it where the wall would start, which will give them a designed line they can landscape to, so the City wouldn't come through and rip anything of importance up later in the future when the road is built.

David Issac is aware of the issue with the neighbor and the value of the. He stated that he does not care to get in the middle of a price war between the neighbor and the City on what each thinks the land is really worth.

Jared Johnson stated Travis Warren has reached out to that neighbor in attempts to acquire that property and the land owner is willing to sell the property.

Chris Thompson stated David Issac would need to buy the land and then the City would reimburse him for the portion that is needed for the roundabout within limits, based on how much the land is appraised for. Ultimately, it is up to the applicant to reach out to the neighbor, as the City does not get involved.

David Issac stated that he feels that it is up to the City to work out pricing with the neighbor since he does not own the property. He does not want to get in the middle of a bidding war if the neighbor thinks the land is worth more after another appraiser comes out and states that it is worth more than what the City appraises it for.

Chris Thompson stated they have to look at this as if the applicant did own the property because the applicant did not follow City's subdivision process, to divide that land out and sell it. He stated that if David Issac did own it, this discussion would be a condition of subdivision approval. The DRC cannot allow this to be a bypass or a loophole, and this is why the Committee will not discuss it with the neighbor. Chris Thompson stated the Committee must look at it as a whole parcel, and the parcel still needs to go through a legal subdivision process. He stated that the county will allow property to be subdivided. However, David Issac still has to follow the City's legal subdivision process. This is referred to as an illegal subdivision.

David Issac stated that they were not in on any of the prior arrangements of the original subdividing.

Jared Johnson stated that this parcel used to be the applicant's property, but the applicant stated they did not own it and questioned how the original land owner was able to do this.

Chris Thompson stated that regardless of whether it was a great grandparent that originally divided up the land, it still needs to go through a legal subdivision process.

Brandon Snyder stated the County recorder will pretty much record anything that is brought to them. County recorders do not regulate whether the applicant follows the City's subdivision process. They merely record what is brought to them. It is up to the City to notify the landowner that it was an unapproved division of land and is not recognized and is deemed illegal.

Chris Thompson stated that in order for David Issac to acquire this land the way the City would like, it would need to be bought back.

David Issac raised a question on lot 2 and the minimum depth and asked for a better explanation.

Brandon Snyder stated that he discussed this item earlier that morning with Dave Anderson, they will want the plans to show the lining on the future roads bending with the corner lot, which would make that a non-issue.

The applicant questioned if lot 2 meets the minimum requirements. Chris Thompson stated that since the applicant did not show the road on the plan, it did not meet the requirements, but if the road is shown on a plan, it will meet the requirement.

John Little stated when the applicant acquires the property it will show the road dedicated to the City, and will work as a building lot and will finally meet requirements. The additional land may be more than what the City may need for right-of-way.

Chris Thompson stated when the Issacs go to the neighbor to acquire the property, to inform them the City will not allow them to subdivide the property unless it is purchased back. The City will be reimbursing for a portion of the cost for the right-of-way since it is part of a collector road, but they will not reimburse more than the appraisal. Chris Thompson stated that he hoped with this information it would give the applicant a better negotiation stance. He stated that originally it was the neighbor that came to the City to suggest selling the property to a certain point and it was brought to the City Council for discussion but the property owner seemed to back track on the suggestion.

David Issac stated that the neighbor has not back tracked on selling the property but his main concern is what the value is on the Green Belt. He states this parcel combined with lower acres qualifies that trust for a possible Green Belt credit. He stated that everyone in the City has been great to work with in building the roundabout and sewers.

Chris Thompson stated that the DRC hates to see the applicant in this position and would like to help however they can.

David Issac questioned the next steps they take after acquiring the parcel, and it was stated they would need to follow the Preliminary Plat process to a Final Plat and it will need to show the road dedication and utility design.

There was a discussion about an irrigation ditch on the property and the engineer will need to show the canal and where the fence will be.

Brandon Snyder asked for the applicant to disregard the comments on the depth of Lot 1 at this time, as there are several things that need to be redrawn and then brought back to the DRC before any recommendations can be made. He recommends that this be continued as there are too many loose ends. Brandon Snyder raised a question for Chris Thompson about if access restriction notes need to be added to the plat for the future connection of the road off the roundabout.

Chris Thompson stated its logistics, they would want to build before the road is there and so if there is no road, there are only two access points.

Brandon Snyder questioned if in the future, if the spacing was met, could the applicant build a driveway from the road if they wanted. He was asking as he thought it was the street cross section requiring the wall.

Chris Thompson stated it is the same style of street as 1400 East, there is a shorter wall. He stated that he believed it is called a Residential Collector. He stated the applicant's engineer needs to show the ditch. Chris Thompson asked Michael Clark what would be required of the applicant in regards to the ditch.

Michael Clark stated the first thing will depend on where the ditch is on the property line. If it is on the other side then they would put their fence 2 feet off the toe of the ditch on their side, and then whoever develops the other side would most likely pipe it in a road way.

Chris Thompson questioned what happens if the ditch is on the Issac' property and if the ditch is at the top of a hill or if it is relatively flat on either side.

Jered Johnson stated that the ditch is relatively flat on both sides, but drops off both ways.

Chris Thompson stated the best way to handle the issue would be for the applicant to move their property line to the east side of the ditch and maybe it could be another negotiating point with the neighbor. He stated that the Committee would prefer it to not be piped because they do not like piped ditches in backyards. He recommended that the Issac' have their engineer survey the ditch and place the property line 2 feet from the toe of the ditch, and trade whatever property there is with the neighbor and pay the difference.

Dave Anderson **moved** to continue the proposed Golden Sage Estates Preliminary Plat.

John Little **seconded** and the motion **passed** all in favor.

TITLE 15 AMENDMENTS

CHILD CARE CENTERS

Dave Anderson stated this is very straight forward. He understands the applicant found a location zoned Light Industrial and they would like to put a type of child care facility there and it is not currently a permitted use in that zone. The proposal is to change the text of Title 15 to allow this use of a child care facility in the Light Industrial zone

The applicant stated they met with the owner the prior week, and he was fine with the process of changing the use, but to anyone that knew the current restaurant owner Bill to not inform him because he is worried that the tenant would back out due to the given information. He stated the tenant owes him back rent.

Dave Anderson shared a tenant prior experience about having a child care business in an industrial part of the community, from a land use perspective, that as we get more employees in those parts of the community, rationally allowing for a daycare in closer proximity to the jobs that parents are working, just makes sense for the parents to have a close child care facility for them to use and a recommends a conditional use.

Michael Clark asks what other cities do, and if there is a custom of doing or not doing something like this.

Christina Muggleston stated that Springville has a daycare in an industrial area by Nestle. She stated that child care facilities are governed by the State, which is by far more rigorous than most Cities. She gave an example of if there were to be an issue of pollution in the area of the center, the state will not license them as a child care center until requirements are met. Christina Muggleston does not anticipate an issue for this particular site as they have already had the State licenser come look at their location.

There was discussion of the concern of thinking broadly and allowing anywhere in a Light Industrial zone to allow a child care facility in comparison to current permitted use based on the location.

Kimberly Brenneman stated that the City acknowledges that child care centers are regulated and so the City relies heavily on the State regulating and managing them. The City ordinance specifically states a child care

center must provide a copy of the State issued child care center certificate before a license can be issued or renewed.

Dave Anderson questioned the DRC if anyone sees a downside to the proposal. Brandon Snyder stated that the only potential downside he sees is if there was no expectation of the site being improved. He stated the Site Plan ordinance says if it is a change of use, the City would expect landscaping and other improvements to be made to the property.

Christina Muggleston stated their understanding after the Zone Text Amendment was approved, then they would move forward with a Site Plan Application. They stated the State requires outdoor area inspections. The site currently has an outdoor patio area at the bar that is fenced in and would serve as the outdoor play area, but they would like to add more fencing to the north side of the building to allow the certificate before employees to pull their vans inside at night. Christina Muggleston stated the east side of the building is all fenced in with a 6-foot fence but on the north side of the building between the two adjacent properties is open where the cargo container building currently is. The cargo containers were going to be moved and that is where they planned on parking the vehicles. They are also under the impression a fire suppression system will need to be installed in the building.

John Little stated yes, with the change of use of the bar to daycare they will need to bring it up to code.

Michael Clark stated one item to consider, is when the site is being improved, the City knows what the State is going to require for an outdoor play area or other requirements to avoid going in circles when approving a Site Plan.

Vaughn Pickell suggested making one of the conditions a State license. If you do not get one then we can't move forward with a Site Plan approval.

Christina Muggleston stated the State goes back and forth with municipalities as far as if the Business License comes before or after the State's Child Care Center Certificate.

Dave Anderson stated he is leaning more towards this being a conditional use within the Light Industrial zone, and feels he may have over complicated things. He can't think of an issue that can't be addressed with a Site Plan application. He believes it should be understood that a Site Plan approval would be a prerequisite to getting a building permit, to make improvements or ultimately getting a business license. Dave Anderson stated the idea of prescribing conditions has no real harm. He feels at the same time as soon as they start to list things out that something will be missed, or there will be some other unforeseen consequence of trying to create that narrative. He is leaning towards recommending that this be a permitted use in the Light Industrial zone and not for any other industrial zones at this time. Moving forward as a permitted use, and a Site Plan being approved by the DRC, would not trigger a re-review unless there was a deficiency or change in the code.

Brandon Snyder stated the list of allowed uses in the Light Industrial zone. He stated that the City code currently allows the permitted use in business parks, and commercial zones and these are similar enough to the requested change. He suggested that it may be beneficial for the Planning Commission and City Council to have a copy of the States rules and regulations to ensure they have the major bullet points of the rules and regulations.

Christina Muggleston stated the State requires an occupational inspection, an inspection by the City's fire marshall, and the County Health department as well before the state will issue their license. Christina Muggleston stated the Senate passed bill HB15 that specifically addresses the child care crisis and is increasing

the number of children allowed to be cared for by non-licensed providers. Christina Muggleston stated Utah needs more licensed care providers.

Dave Anderson agrees that it makes sense, and is comfortable with this permitted use subject to conditions. He asked Brandon Snyder if he sees any issues.

Brandon Snyder stated he would like to know the states expectations on site improvements as their regulations might be different than what the City was thinking.

Dave Anderson **moved** to recommend that Child Care Centers be added as an allowed use in the Light Industrial, I-1, zone either as a permitted use or a use subject to conditions
Vaughn Pickell **seconded** and the motion **passed** all in favor.

Dave Anderson made that motion with the expectation that staff would refine a recommendation between now and the Planning Commission meeting, that if it is subject to conditions staff has those outlined and identified before the Planning Commission meeting on May 4, 2022.

Anna Burgi moved to adjourn the meeting at 11:53 a.m.

Adopted: May 11, 2022

Kasey Woodard
Division Secretary
Community Development