



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

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

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

**COUNCIL BUSINESS**

**1. Calendar**

- Oct 09 - Work/Study Meeting 5:30 p.m. Multipurpose Room.
- Oct 09 - Planning Commission Meeting 7:00 pm
- Oct 16 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Oct 23 - Planning Commission Meeting 7:00 pm
- Oct 31 - Safe Halloween 3:00- 5:00 p.m. Main Street
- Nov 04 - Daylight Savings; fall back
- Nov 06 - Election Day
- Nov 12 - Veterans Day observed, city offices closed

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

a) Invocation - Councilmember Nelson

b) Pledge of Allegiance - Councilmember Miller

**c) Consent Agenda**

1. Approval of City purchase orders required to be signed per Springville City Purchasing Code
2. Approval of Minutes for the August 14, 2018 City Council Work/Study meeting.
3. Consideration of approving an agreement with Brown's Amusements, Inc. to provide the Art City Days Carnival - Corey Meredith, Recreation Director

**d) Public Hearing Agenda**

4. Public Hearing for consideration of approving the General Plan Land Use Map amendment from Commercial to Medium High Density Residential and the Official Zone Map from the CC-Community Commercial Zone to the RMF-2 Multi-Family Residential Zone on property located in the area of 600 South Main - Glen Goins, Community Development Director

**e) Regular Agenda**

5. Consideration of amending Springville City Code, Section 11-6-121, in regards to Flag Lot development - Glen Goins, Community Development Director

**3. DISCUSSIONS/PRESENTATIONS**

f) Discussion on Boards and Commissions, City Administrator Troy Fitzgerald

g) Discussion on a City Flag, City Administrator Troy Fitzgerald

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

**5. CLOSED SESSION**

*The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

**6. ADJOURNMENT**

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**CERTIFICATE OF POSTING**

The undersigned duly appointed Deputy Recorder of Springville City, does hereby certify that the above notice and agenda was posted within the Springville City limits on September 26, 2018 at Springville City Hall, on the City Hall Notice Board, on the Springville City website at [www.springville.org/agendasminutes](http://www.springville.org/agendasminutes) on the Utah Public Notice Website at <http://www.utah.gov/pmn/index.html> and provided to at least one newspaper of general circulation within the geographic jurisdiction of the public body /s/ Jennifer Grigg, Deputy Recorder  
In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

**AMENDED AS OF OCTOBER 01, 2018 AT 12:05 P.M.**

**CALL TO ORDER**

**INVOCATION AND PLEDGE**

**APPROVAL OF THE MEETING'S AGENDA**

**MAYOR'S COMMENTS**

**PUBLIC COMMENT**

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

**CONSENT AGENDA**

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

1. Approval of City purchase orders required to be signed per Springville City Purchasing Code.
2. Approval of Minutes for the August 14, 2018 City Council Work/Study meeting.
3. Approval of an agreement with Brown's Amusements, Inc. to provide the Art City Days Carnival - Corey Meredith, Recreation Director

**PUBLIC HEARING AGENDA**

4. Public Hearing for consideration of approving the General Plan Land Use Map amendment from Commercial to Medium High Density Residential and the Official Zone Map from the CC-Community Commercial Zone to the RMF-2 Multi-Family Residential Zone on property located in the area of 600 South Main - Glen Goins, Community Development Director

**REGULAR AGENDA**

5. Consideration of amending Springville City Code, Section 11-6-121, in regards to Flag Lot development - Glen Goins, Community Development Director
6. Consideration of purchasing property at 294 North 1275 West and 264 North 1275 West, Springville, Utah for Corridor preservation - Brad Stapley, Public Works Director

**MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

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

*The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.*

**ADJOURNMENT**

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Minutes of the Work/Study meeting of the Springville City Council held on August 14, 2018 at 5:30 p.m. in the multipurpose room at the Civic Center, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center, on the city's website, on the State of Utah Public Notice Website, and delivered to members of the council, media, and interested citizens.

Mayor Richard J. Child presided. In addition to Mayor Child, the following were present: Councilmember Christopher Creer, Councilmember Craig Jensen, Councilmember Jason Miller, Councilmember Brett Nelson, Councilmember Mike Snelson, City Administrator Troy Fitzgerald, Assistant City Administrator/Legal Director John Penrod, Assistant City Administrator/Finance Director Bruce Riddle, Deputy City Recorder Jennifer Grigg and City Recorder Kim Rayburn.

Also present were: Administrative Services Manager Rod Oldroyd, Public Safety Director Scott Finlayson, Community Development Director Glen Goins, Public Works Director Brad Stapley, City Engineer Jeff Anderson, Staff Engineer Byron Haslam, Golf Pro Craig Norman, Assistant Museum Director Jenessa Van Buren, Library Director Dan Mickelson, Senior Librarian Amanda Monson, Recreation Director Corey Merideth, Power Director Leon Fredrickson and Buildings and Grounds Director Brad Neel.

Excused: Museum Director Dr. Rita Wright

CALL TO ORDER- 5:30 P.M.

## COUNCIL BUSINESS

### 1. Calendar

- Aug 21 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Sep 04 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.
- Sep 08 - Springville Public Safety City-Wide Disaster Drill 7:30 a.m.
- Sep 11 - Work/Study Meeting 5:30 p.m.
- Sep 12-14 - ULCT Annual Conference
- Sep 18 - Work/Study Meeting 5:30 p.m., City Council meeting 7:00 p.m.

### 2. DISCUSSION AND PRESENTATIONS

#### a) Transportation Master Plan Discussion - Jeff Anderson, City Engineer

Mr. Anderson started his presentation by stating the council updated the Transportation Master Plan in October of 2016. The impetus for today's update is things

36 were missed. One example is 550 North and 1500 West is a chip-sealed dirt road. The  
38 consultant who designed the transportation plan listed a partially improved road as  
40 complete. Improvements need to be reflected in the financials of the master plan.  
42 Secondly, Wavetronics is proposing a large commercial 72-acre campus in the north part  
44 of town near I-15, Hobble Creek and the IPP railroad facility. This is a bigger plan than  
46 Springville has ever seen. Wavetronics wants a pedestrian friendly campus. The current  
master plan shows 1750 West to be a straight road from 400 South to 1000 North.  
Wavetronics would like to see something different with buildings, private roads and  
agricultural uses until more phases are built. Councilmember Nelson asked how many  
buildings in the first phase. Mr. Anderson answered there will be 4 buildings with some  
out buildings.

48 Engineer Anderson continued by discussing the current approved Master Plan with  
1700 West and a frontage road as two separate roads straight from 400 South to 1000  
North. The proposed change includes a roundabout with a connection across the railroad  
50 tracks. Instead of a frontage road and minor collector, the new design pushes the two  
roads together.

52 He continued by stating there are advantages with this alignment. It saves the city  
money. Currently the proposed bridge over Hobble Creek at 1700 West would be several  
54 million dollars. Right now, Hobble Creek crosses I-15 with box culverts. The June sucker  
team approved box culverts with the alignment of 1700 West and the frontage road. Box  
56 culverts would allow for further realignment and adjustment of Hobble Creek for habitat  
restoration and more utilization for residents. This also allows potential rehabilitation of  
58 Hobble Creek in the Wavetronics campus as well as flood plain mitigation. Those are the  
potential benefits with transportation capacity and a pedestrian friendly campus for  
60 Wavetronics.

Councilmember Jensen readdressed 550 North. Engineer Anderson stated it will  
62 be updated because it is an example showing the document has errors and the document  
will be updated. Administrator Fitzgerald added the potential cost will be added later.  
64 Engineer Anderson stated half streets will be covered by development. Councilmember  
Nelson stated staff is looking at the overall strategy Administrator Fitzgerald stated the  
66 planning commission will look at the transportation document and recommend it to council  
in September. There is usually a few hours covering the master plan, but Wavetronics  
68 wants to get started in development. Councilmember Nelson complimented Engineer  
Anderson with his creativity in solving the Wavetronics proposal. It will be vetted through  
70 anyone who would be impacted. Councilmember Jensen asked about partially developed  
roads. Councilmember Nelson agreed that master plans are a living breathing document.

72  
74 b) Ditch #1 - Long Term Plan and Repair/Breach - Brad Stapley, Public Works  
Director

76 Director Stapley started his presentation on ditch #1. He said ditch #1 has a  
proposed trail that is part of the city's trail system. The trail concerns many of the residents



78 who are here tonight. This also concerns keeping the pressurized irrigation pond water  
80 quality up to county health standards. Earlier in the season, irrigation water flowed through  
82 various ditches in the City. There was a breach in ditch #1. The city shut down the ditch  
84 and it has not carried water since, except for residual water. The ditch needs to be  
86 available by next spring for irrigation whether it is a ditch or a pipe. He continued by saying  
88 currently there is not enough water from Hobble Creek, so the irrigation company is using  
90 Strawberry water farther west on the ditch. Councilmember Snelson asked what caused  
92 the breach. Director Stapley answered it could have been a muskrat or tree roots. He said  
the trail runs behinds homes and is part of the subdivision plat. Most of the trail is on city  
property. The pond water quality is very critical to keep it at the level required by the  
county. Ditch #1 begins above the pond at Hobble Creek. The problem is that when  
Hobble Creek is low and the springs are low, the city calls for Strawberry water.  
Strawberry water enters the ditch below the pond, so the water does not replenish the  
pond; it goes straight into the pressurized irrigation system. Administrator Fitzgerald  
clarified that the water quality in the pressurized irrigation system is not affected. Director  
Stapley explained that this problem has three issues:

- 94 1. The breach in ditch #1
- 96 2. Some residents have an issue with the trail
- 98 3. Realign strawberry water intake to maintain healthy water quality in pond

100 He continued with details about Ditch #1. It flows at 5 cfs (cubic feet per second)  
102 with a trail adjacent. The risks from the ditch include plugging with debris and over flowing  
104 into the homes or seeping into the yards from underneath. Before the homes were  
106 constructed, the ditch was there for 40-60 years. The homes were built knowing the ditch  
108 was there. When the homes were built, some of the owners changed the slope of the ditch  
and added rock walls at the back of their yard. The shortened slope of the ditch shortened  
the distance for water to come out. Water flows through soil. There was a breach that we  
have not seen before. In addition, residents are frustrated with the trail itself because  
people are going into their yards. He asked how we solve these complex issues. The city  
is contracted with the irrigation company to repair the ditch so they can provide irrigation  
water by next spring. The residents are complaining about the flooding risk and pedestrian  
proximity to homes. Director Stapley would also like to solve the water quality in the pond  
by realigning the strawberry water entrance into the pond. He continued by listing options:

- 110 1. Relining the ditch will kill the trees at an estimated of cost \$480,000 of, but  
112 would not stop the overtopping issue. The ditch would remain an open water  
feature.
- 114 2. Piping the ditch will solve seeping and overtopping; lose the aesthetic water  
116 feature approved by previous council. In addition, the complication of piping  
through 500 feet of private property with no access would need to be solved to  
fix that part of the ditch.



118 3. Install a cut off wall that stops ground water movement at a cost of  
120 approximately \$275,000. It would be an underground vertical wall parallel the  
ditch, but would not stop the overtopping issue and some of the trees on the  
south side of the ditch would die.

122 4. Pipe Strawberry water below where ditch #1 enters the upper pond, so  
124 Strawberry water becomes a summer time drought source as well as keeps the  
pond water clean and provides irrigation in the west fields at a cost of  
126 approximately 1.06 million dollars, \$500, 0000 of that price is for the pipe which  
the irrigation company can get a grant for.

128 Councilmember Nelson asked if option #4 is the only one that corrects the design  
flaw. Director Stapley answered yes. He continued by saying that if ditch #1 is running  
full, it can still get into the homes and would not stop the overtopping issue.

130 5. Piping ditch #1, leaving a token amount of water in the ditch to support the trees  
132 and the aesthetic water feature supported by the former council. The irrigation  
water could be transported in one pipe and the Strawberry water could be  
134 transported back upstream to the pond to store irrigation water and add to the  
water quality of the pond. This is the most expensive option at 1.35 million  
dollars.

136 Director Stapley stated staff recommends relining the ditch where the breach  
occurred at a cost of approximately \$50,000. The trees would be removed and  
138 overtopping and another breach remain risks to all properties along the ditch.

140 Councilmember Nelson asked if ditch #1 has ever had a breach or overtopped.  
Director Stapley answered never; this year is the first breach on ditch #1.

142 He concluded his presentation by stating ditch #1 needs a final solution. The  
residents consider the ditch a flood risk and the trail a problem because of pedestrians  
entering their yards. The PI pond will continue to have water quality problems in dry years.  
144 Mayor Child suggested shutting down the pond for health reasons during the dry years  
instead of spending 1 million dollars when it only happened once in 10 years. The intention  
146 of the pond is the pressurized irrigation.

148 Director Stapley asked council if the temporary recommendation is appropriate. In  
addition, the other issues still need to be resolved. Residents have questions about  
options for the trail, even though it was there when they bought their property.  
150 Administrator Fitzgerald stated removing the trail saves \$30,000 in asphalt.  
Councilmember Snelson asked about the issues the residents have with the trail.  
152 Administrator Fitzgerald said Director Goins and Director Neel are working on an overall  
trail plan for the city to present to council in a couple of months. There are overlapping  
154 issues:

- Does the trail remain? Is it paved, gravel or gone?
- Amending the water master plan
- Funding issues—even the temporary fix costs \$50,000 and involves council  
158 voting to amend the budget.

160 Mayor Child added that council needs to think about this and decide what year to  
161 put it in the budget.

162 Councilmember Nelson clarified that the purpose of this presentation is to make  
163 council aware so council can determine a final solution. Administrator Fitzgerald agreed  
164 and stated the city is responsible for repairing the ditch through contractual arrangement  
165 with the irrigation company. Staff is working on a final solution. The proposed temporary  
166 fixes are required by the irrigation company by next spring, but are not funded in this  
167 year's budget. In the last two weeks, staff built the cost estimates presented to council  
168 tonight. Realistically, council can choose the quick fix then based upon study,  
169 appropriately address the long term issues and put it in next year's budget. Staff will also  
170 seek grant funding to offset the pipe cost along with the irrigation company. The timeline  
171 for the larger construction project is after next irrigation season.

172 Councilmember Nelson said he is supportive of getting the ditch fixed, but it would  
173 be good for council to see a proposed plan with a time line and a budget. He asked when  
174 council will see that plan for the full fix.

175 Administrator Fitzgerald stated staff presented the broad plans tonight and can go  
176 fine-tune the costs. If council is more concerned with the trail, staff will work on another  
177 plan. Staff needs council direction on what happens with the waterway. Right now, current  
178 council directions and the general plan states leave the waterway open. He said Director  
179 Stapley presented other options if council is of a different thought process. The question  
180 is what information does council need to make that decision.

181 Councilmember Snelson answered he likes the open waterway with a token  
182 amount of water in it. He recommends lining the ditch to protect the residents. He stated  
183 he has heard from residents that want to keep the trail system and they want that water  
184 feature. Administrator Fitzgerald agreed and added the past council saw a subdivision  
185 coming in and stated they wanted the trail to remain there. That council also accepted the  
186 risk and maintenance of the open waterway and the trail so it could be an amenity for the  
187 whole city. Councilmember Jensen said that council should look into an option of piping  
188 the water other than Ditch #1. Administrator Fitzgerald clarified this water is not PI, just  
189 Springville Irrigation Company. Councilmember Jensen continued by stating if ditch #1 is  
190 not being used now, make it an aesthetic water feature and fund a less risky project.  
191 Administrator Fitzgerald added staff needs to assess the long-term plan of the irrigation  
192 company. Contractually, the city is required to keep ditch #1 available and capable of  
193 carrying up to 30 cfs for the irrigation company. Ditch #1 is still an active irrigation ditch.  
194 They are not ready to abandon it. In the foreseeable future, the character of that function  
195 will change because of the infrastructure servicing the west fields. Director Stapley  
196 interjected that there is no other way to get Hobble Creek water to the city garden ticket  
197 area. The segment of ditch #1 that is closed means the irrigation company must use  
198 Strawberry water. Because it is a dry year, Hobble Creek has no water to use.

200 Councilmember Jensen asked what it would take. Administrator Fitzgerald stated  
201 the city and the irrigation company work together, and the city owns 50% of the irrigation  
202 company. It is a separate organization. Councilmember Jensen agreed that if ditch #1  
203 were shut down, the irrigation company would not have access to Hobble Creek water.  
204 He agreed to plan to spend \$50,000 for a quick repair. Councilmember Miller suggested  
205 waiting until next spring and then discuss a plan to bid it out. He suggested that council  
206 should schedule to walk it during a work session in the next couple months.

c) Irrigation Water Review - Brad Stapley, Public Works Director

208 Administrator Fitzgerald said the irrigation company presentation indicated they  
209 are close to running out of water for garden tickets and agricultural uses in town. The city  
210 utilizes some water from the irrigation company in the Arts Park and the pond and some  
211 rights in our well that are hung up in the adjudication.

212 The irrigation company has asked the city to shut down irrigation to Plat A and  
213 Highline water as a sense of solidarity. We discussed it as staff and will talk to the irrigation  
214 company. There is still water in Hobble Creek. We have rights to some water and so does  
215 the irrigation company. There is Strawberry water that is a component of the irrigation  
216 company shares. With board direction, the irrigation company decided to use all of the  
217 Strawberry water. The city can underuse our share of water. The irrigation company will  
218 use all of their water before they curtail uses down here. There may be interruption in the  
219 end of August or beginning of September with water cut back or turned off. The City will  
220 not interrupt PPI in the west fields and we will not interrupt the watering of the golf course  
221 that has already cut back this year. We are working on contingency plans with the Arts  
222 Park until we have a discussion with the irrigation company. We have some concerns  
223 about how the irrigation company is using that water this year. Springville City owns about  
224 half of the shares of the irrigation company and is only using 1/4<sup>th</sup> of our shares. We are  
225 holding the rest for the foreseeable use of the public. The city has a lot of water in the  
226 irrigation company. It looks like they used Springville City's half of the water shares, and  
227 now they are out of water.

228 Councilmember Jensen asked if they would shut down in Plat A. The original  
229 suggestion from irrigation company staff to their board was to stop all water on August  
230 24<sup>th</sup>. Their board directed their staff to use all the water until there is no more water; then  
231 when it is low, we will delay draws. There is a rift between staff and board at the irrigation  
232 company.

233 Director Stapley added that the irrigation company used the bank (saved water)  
234 this season. Next year there will be no bank. This is a big issue. Administrator Fitzgerald  
235 added that as a shareholder in a corporation that is doing its own thing. Half of the bank  
236 is Springville City's but the irrigation company is using it. As a shareholder, the city needs  
237 to have a conversation with the irrigation company about that. They have the right to make  
238 that decision, but when we need that water, there is no water in the bank.

240 d) Small Cell Tower Discussion - John Penrod, Assistant City Administrator/City  
241 Attorney

242 Attorney Penrod started his presentation by stating that new state legislation  
243 requires the city to put an ordinance in place by September 1, 2018 for regulating cell  
244 towers. The word is this will help with 5 G, but it is more of a dense 4 G. The small cell  
245 antenna broadcasts about 720 feet and it provides more coverage. They will be  
246 everywhere to provide data coverage. Director Frederickson stated these cell towers are  
247 not that obtrusive. Attorney Penrod said what they can do and what they do are two  
248 different things. The statute allows wireless providers to bring in their small cell  
249 infrastructure and put it on any city utility pole or replace any city utility pole. Staff is  
250 pushing for wireless providers to use the existing poles. There is only so much 'right of  
251 way;' back of sidewalk to back of sidewalk. These wireless providers are not allowed to  
252 utilize high voltage poles, but there are still thousands of poles they can utilize. Director  
253 Frederickson noted streetlights are also a possibility. Staff will determine if the pole  
254 requested by the wireless provider can handle the antenna. If not, a replacement pole will  
255 be installed and the wireless provider can add a decorative antenna. Councilmember  
256 Snelson clarified that the vendor is responsible to replace that pole.

257 Attorney Penrod continued his presentation by stating the state legislature requires  
258 municipalities to approve telecommunications agreements and franchise agreements by  
259 administrative review each time. The telecommunications companies want the process to  
260 go quickly and be done at a staff level instead of brought before council. Administrator  
261 Fitzgerald asked if this applies to the individual site plan, not the master agreement.  
262 Attorney Penrod stated it is unclear, but it looks like it applies to the individual site plans.  
263 Council would approve a master plan and each site plan would be approved over the  
264 counter again and again and again.

265 He continued by describing the requirements for the antennas. The state legislation  
266 requires that the antenna can be six feet tall with a total of 28 cubic feet of equipment on  
267 the pole. Director Frederickson questions why a telecommunication company would not  
268 utilize the modern technology of micro wireless, which is an 11-inch antenna. Attorney  
269 Penrod agreed and added micro is more for Wi-Fi providers.

270 Councilmember Nelson clarified it would require wires, which we are trying to get  
271 rid of. Attorney Penrod continued that decorative poles in our historical district can be  
272 included in the design requirements. Councilmember Nelson agreed with requirements to  
273 disguise the equipment. Attorney Penrod stated the legislation mentions concealment and  
274 camouflage. Staff will create design standards and see if they follow them.

275 Councilmember Nelson clarified the city will enforcement design standards, but the  
276 state could enforce a different interpretation of the legislation. Attorney Penrod showed  
277 examples of wireless equipment in Provo. The legislation allows 28 cubic feet of  
278 equipment on a pole. That is the size of a large refrigerator. Councilmember Nelson stated  
279 as technology advances, the equipment will get smaller. Attorney Penrod continued by  
280 stating these can be required to be eight feet off the ground. Director Frederickson said

282 we can require design standards above poles on the light poles. Attorney Penrod  
continued by stating some equipment requires power, which is a revenue generator. The  
284 city could require a meter or just charge a flat rate for that power. Administrator Fitzgerald  
added that the statute does not require miniaturization or decorative standards. It allows  
286 28 cubic feet of equipment on our poles. Director Frederickson suggested the  
telecommunication companies will try to work with cities to miniaturizing technology to  
avoid another legislative fight.

288 Attorney Penrod continued by listing the types of agreements including franchise  
agreements and pole attachment agreements with cell companies and internet  
290 companies. Staff is proposing master license agreements allowing a cell company to use  
the right of way then apply over the counter for a site license application for each location.  
292 According to the statute, each company can apply for 25 site locations every 30 days.  
Antenna sites are not allowed in a residential zone where the street is less than 60 feet  
294 wide. It is up to the city's discretion, but it is non-discriminatory.

Director Frederickson asked if all the companies prefer the same street corner, can  
296 we assign the space at a first come first serve basis. Attorney Penrod answered yes, but  
the telecom company can add new poles. Administrator Fitzgerald added the code is  
298 silent as to separation of poles and areas without poles. Councilmember Nelson asked if  
there is a restriction to how many poles are allowed per area. Attorney Penrod agreed  
300 that needs to be added. Administrator Fitzgerald agreed the city can encourage the  
telecom companies to use existing poles, but we cannot enforce it. According to the  
302 statute, all poles are allowed in any easement. Agreements cannot be exclusive. Current  
city code requires new development to install underground wires and that needs another  
304 ordinance to clarify. Director Frederickson stated that telecom companies do not want to  
rock the boat. Attorney Penrod discussed application fees. Administrator Fitzgerald added  
306 the permit fee is below actual costs for staff to approve a site plan and insure it is  
appropriate for the area through multiple departments. The state legislature required fee  
308 of \$100 does not cover our costs verifying safety and neighborhood appropriateness.

Attorney Penrod discussed the difficulty of calculating gross revenue for each  
310 telecom company. He said the ordinance will include some basic design standards.  
Councilmember Jensen hopes this will improve our level of service. Councilmember  
312 Snelson agreed this is not an adversarial legislation. Administrator Fitzgerald stated the  
telecom companies forced it through the state legislature without city input.  
314 Councilmember Nelson stated the city should have some say in the design of the plans.

## 316 6. MAYOR, COUNCIL, AND ADMINISTRATIVE REPORTS

### 318 e) Discussion with Department Directors

Director Riddle reported the finance department is in the middle of the audit.

320 Chief Finlayson reported the Coal Hollow Fire jumped Hwy 6 to the north. Dispatch  
announced the evacuation of Diamond Fork Canyon. He spoke with the Mapleton police  
chief about the impact. It was only a few acres and a hot shot crew overnight built a fire



322 line around it, which should hold without wind. It is 5 miles from Diamond Fork and 10  
miles from Hobble Creek. The fire incident commander said if the fire expands it will go  
324 north and east, not north and west. Administrator Fitzgerald added staff is watching the  
next 72 hours for winds shifting to the northwest. There is a meeting at Maple Mountain  
326 High School tomorrow at 5 pm.

Director Frederickson alerted council to the high utility bill citizens will receive this  
328 month because of the hot weather. Staff is using social media to be proactive on getting  
the word out. The system is running well. There was a pole fire south of the Baxter  
330 substation.

Director Mickelson stated the summer reading program has been the best ever.  
332 He introduced Amanda Monson, senior librarian. She presented about eBooks.  
Circulation has tripled in three years. Springville partners with the State Library to share  
334 titles. Councilmember Snelson asked about circulation and the cost comparison. Director  
Mickelson stated eBooks circulation is 1/10<sup>th</sup> of print book circulation. Librarian Monson  
336 answered price depends on the publishers.

Director Goins stated the city participated in the 2020 census local address update.  
338 Café Rio and Jersey Mike's applied for a permit.

Director Meredith said fall programs are starting. School starting will affect usage  
340 at the recreation center.

Director Neel reported Kelvin Grove will get new playground equipment costing  
342 about \$57,000. The remaining budget will be spent on sidewalk around the playground.  
Dick Sumsion is contracted to add a pavilion with the donated funds to Legacy Park. Staff  
344 is preparing for fall clean up and winter.

Councilmember Nelson asked if it is appropriate to solicit funds for parks. The  
346 consensus was yes.

Associate Director Janessa Van Buren introduced herself and said the quilt show  
348 is going well.

Attorney Penrod added residents attending the meeting like ditch#1, but not the  
350 trail. He said he and James Wills are creating ordinance to regulate Main Street signs  
called an attended portable sign. It is required to be within distance 25 feet of the business  
352 and only during business hours. Councilmember Jensen stated the sign owners are upset  
when their sign is yanked. Councilmember Nelson asked how often do we warn them  
354 before yanking the sign. Attorney Penrod stated once you allow the forum you must be  
content neutral. Anybody is allowed a sign along Main Street. Attorney Penrod stated it is  
356 a temporary sign until ordinance is in place.

Mayor Child asked about scheduling the retreat. Consensus was September 27-  
358 28, 2018.

Councilmember Snelson announced the Economic Advisory Commission is  
360 recommissioned and the Mayor is invited this Tuesday. It will be held each quarter on the  
4th Tuesday.

362 Councilmember Jensen reported the wastewater regional study, with a cost  
estimate of \$98,000.

364

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

366 *The Springville City Council may temporarily recess this meeting and convene in a closed*  
368 *session to discuss the character, professional competence, or physical or mental health*  
*of an individual, pending or reasonably imminent litigation, and the purchase, exchange,*  
*or lease of real property, as provided by Utah State Code Annotated Section 52-4-20*

370 There was none.

372 **ADJOURNMENT**

COUNCILMEMBER NELSON MOVED TO ADJOURN THE CITY COUNCIL  
374 MEETING AT 7:12 P.M. COUNCILMEMBER JENSEN SECONDED THE MOTION, AND  
ALL VOTED AYE.

376

*This document constitutes the official minutes for the Springville City Council Work/Study*  
378 *meeting held on Tuesday, August 14, 2018. I, Jennifer Grigg do hereby certify that I am*  
*the duly appointed, qualified, and acting Deputy City Recorder for Springville City, of Utah*  
380 *County, State of Utah. I do hereby certify that the foregoing minutes represent a true and*  
*accurate, and complete record of this meeting held on Tuesday, August 14, 2018.*

382

384

386

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*Jennifer Grigg*  
*Deputy City Recorder*





## STAFF REPORT

**DATE:** September 26, 2018  
**TO:** Honorable Mayor and City Council  
**FROM:** Corey Merideth, Recreation Director  
**SUBJECT:** CONSIDERATION OF APPROVING AN AGREEMENT WITH BROWN'S AMUSEMENTS, INC. TO PROVIDE THE ART CITY DAYS' CARNIVAL.

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### **RECOMMENDED MOTION**

Approve the execution of an agreement with Brown's Amusements, Inc. to provide and operate the Art City Days' carnival.

### **BACKGROUND**

The carnival has been part of Springville's Art City Days for decades. In 2016 Springville entered into a contract with Brown's Amusement, replacing City of Fun, with very positive results. The proposed agreement attached to this report contracts with Brown's Amusement's to provide an Art City Days' carnival through 2021.

The proposed agreement includes the following provisions:

1. Location, Dates, and Times. As long as the City is able to utilize the asphalt parking area around the Civic Center, the carnival will be located at the Civic Center. The carnival may be set up starting 8:00 on the Monday before the carnival and must be taken down and removed by 10:00 on Sunday after the carnival. The contract runs through 2021.
2. Termination. The contract may be terminated prior to 2021 by either party providing notice of termination within 90 days after the carnival has ended for any given year.
3. Payments to Springville. Springville will receive the following payments:
  - a. Annual Payment of either \$15,000 or 25% of all amounts collected by the carnival, and
  - b. Concessions/games payment of \$700.
4. Springville's Responsibilities. Springville is required to provide the carnival grounds, obtain required mass gathering permits, grant a business license, and provide restrooms and water hook-ups.
5. Carnival Responsibilities.
  - a. Tokens, Rides & Games. The carnival will provide a minimum of 11 adult rides and 7 children rides and 8 games. All rides and games must meet Springville standards, and the City may shut down any objectionable rides.
  - b. Concessions. The carnival will provide 3 concessions..

- c. Family Night. Wednesday night of the carnival will be Family Night where all rides are one token per ride. Thursday will be "Buddy Day" where 1 person buys a wristband and your buddy (must be present) gets a free band.
  - d. Token Prices. All token prices shall be \$1.00 for each, Wristbands are \$30.00 unlimited rides, pre-sale wristbands will be available for and \$25.00.
  - e. Employees. All carnival employees must undergo a criminal background check 72 hours before the carnival, dress professionally, and not consume any alcohol, smoke or use drugs on City property.
  - f. Music. All carnival music must meet City standards.
  - g. Electricity. The carnival shall pay for all electricity used.
  - h. Federal, State & Local Laws. The carnival must follow all laws, rules and regulations.
6. Indemnification & Insurance. The carnival is required to indemnify and hold the City harmless from all claims and provide a certificate of insurance that names the City as an additional insured.

#### **FISCAL IMPACT**

The City will receive payments from the Carnival in the amounts listed in the agreement.



**RESOLUTION #2018-**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN ON AGREEMENT BETWEEN BROWNS AMUSEMENTS AND THE CITY OF SPRINGVILLE, UTAH REGARDING THE 2019 - 2021 ART CITY DAYS CARNIVAL.**

**WHEREAS**, Browns Amusements is providing the carnival for Art City Days;

**WHEREAS**, the City is hosting the Art City Days;

**WHEREAS**, it is the mutual benefit of both Browns Amusements and Springville City to enter into an agreement providing for the parties' joint efforts to run the Art City Days Carnival, and;

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

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

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

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

**PASSED AND APPROVED** this 2<sup>nd</sup> day of October, 2018.

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Richard J. Child, Mayor

ATTEST:

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Kim Rayburn, City Recorder

## AGREEMENT

Agreement made the \_\_\_\_ day of October 2018, by and between Springville City, a municipality of the State of Utah, with its principal office at 110 South Main Street, Springville, Utah (hereinafter referred to as “Springville”) and Brown’s Amusements Inc., a Arizona corporation, with its principal office at 550 W Baseline Rd 102-353, Mesa, Arizona (hereinafter referred to as “Brown’s”).

**1. Purpose.** Brown’s shall furnish a carnival midway for the celebration sponsored by Springville known as Art City Days (the “Carnival Midway”). Brown’s shall operate the Carnival Midway during the Art City Days celebration for the years 2017 and 2018.

**2. Location, Dates & Time.** The parties desire to locate the Carnival Midway in and around the asphalt area of the Springville City Civic Center located at 110 South Main Street, Springville, Utah (the “Civic Center Site”). The parties acknowledge and agree that Springville does not own nor have control over all of the asphalt area located around Civic Center Site. Accordingly, the parties agree that Springville has the unilateral right to relocate the Carnival Midway site to a location different from the Civic Center Site. In the event that the Carnival Midway will be located somewhere besides the Civic Center Site, the parties will discuss the new site before it is moved.

The Carnival Midway shall run from the Wednesday before the second Saturday of June through the second Saturday of June. The following are the specific dates of the Carnival Midway:

June 5-8, 2019  
June 10-13, 2020  
June 9-12, 2021

Brown’s may begin setting up the Carnival Midway at 8:00 a.m. on the Monday before the opening of the Carnival Midway. Brown’s shall have the Carnival Midway completely removed from the site by 10:00 p.m. on Sunday following the close of the Carnival Midway.

During the days of operation, the Carnival Midway may open as early as 10:00 a.m. and shall be closed by 10:00 p.m. on Wednesdays and Thursdays and at 10:30pm on Fridays and Saturdays.

**3. Term of Contract.** This Agreement shall remain in effect through December 31, 2021.

This agreement may be extended for an additional 3 years if both parties agree. This

agreement may be terminated by either party by providing written notice of termination within the ninety (90) day period following the close of Art City Days for any year this Agreement is in effect. In the event written notice is not provided within one of the required ninety (90) day periods, this Agreement may only be terminated by the parties' mutual written agreement.

**4. Payments to Springville.**

a. Annual Payment. Brown's shall pay the greater amount of either \$15,000.00 or twenty five percent (25%) of carnival rides amounts collected by Brown's during any given Carnival Midway at Springville, Utah, less sales tax (the "Annual Payment").

b. Concessions/Games Payment. In addition to the Annual Payment, Brown's shall pay Springville \$50.00 for each game and \$100.00 for each concession booth that Brown's operates during the Carnival Midway. The parties agree that the total amount paid by Brown's to Springville for games and concession booths shall be \$700.00, which amount is for eight (8) games, three (3) concession booths.

c. Payment Due Date. Within thirty (30) days following the Carnival Midway, Brown's will provide a brief accounting statement to Springville that provides the necessary information to show the accurate calculation of the Annual Payment along with a check made payable to Springville City in the amount of the Annual Payment plus the \$700.00 for games and concessions. Springville shall have the right, at Springville's expense, to conduct an audit of the Brown's books for the Carnival Midway to confirm the numbers provided by Brown's.

**5. Springville's Responsibilities.** Springville shall do the following:

- a. Supply the grounds for the Carnival Midway;
- b. Obtain all necessary mass gathering permits required by Utah County;
- c. Grant and pay for any business license necessary from the City for the operation of the Carnival Midway as long as Brown's meets the business license requirements;
- d. Obtain and pay for all necessary portable restrooms, "roll-off" trash dumpsters, and trash cans and trash removal to service the Carnival Midway patrons; and
- e. Provide potable water hook-ups for carnival concessions.

**6. Carnival Responsibilities.**

a. Tickets, Rides & Games. Brown's shall provide a Carnival Midway that runs on a ticket, coupon or wristband basis and consists of a minimum of eleven (11) adult rides and seven (7) children rides and eight (8) games. The names of Brown's games are attached hereto as Exhibit "A."

During the Carnival Midway, Brown's shall not operate a ride, attraction or game that Springville deems immoral, illegal, inappropriate, unsafe or otherwise objectionable. Any of the Springville officials listed below shall have the authority to immediately close any ride, attraction or game that Springville deems objectionable. These officials include: the City Administrator, City Attorney, Police Chief (or representative), Fire Chief (or representative), Buildings and Grounds Director or Recreation Director.

Each game shall clearly display the cost to play the game and the playing instructions and rules for the game. The instructions must indicate the size and quality of prizes to be offered in each category of win. No gambling booths, freak side shows or freak animal acts will be allowed as part of the Carnival Midway.

b. Concessions. Brown's may provide three (3) concessions. The types of concessions provided by Brown's are listed in Exhibit "B."

c. Family Night. Brown's shall provide a Family Night the first night (Wednesday) of the Carnival Midway. All rides on Family Night shall be one ticket per ride at \$1.00 per ticket. Thursday shall be "Buddy Day", buy one wristband and your buddy gets wristband free (both must be present).

d. Prices. Tokens/Wristbands to ride the Carnival Midway rides shall be sold in accordance with the following price schedule:

- i. \$1.00 for each token.
- ii. \$30.00 for wristband/ unlimited rides for that day.
- iii. \$20.00 for pre-sale wristbands.

e. Employees. Brown's shall provide Springville City with "Utah State Criminal History Records" or a copy of H2B Visa for every Brown's employee assigned to work the Carnival Midway no less than seventy-two (72) hours prior to setting up the Carnival Midway each year. Brown's shall provide a list of all employees and their birth date and social security number(if possible) at least 24 hours before the employee works on site. Springville reserves the right to not allow any Brown's employee on City property.

Brown's shall require all of its employees and representatives to be professionally and modestly dressed in a standardized uniform. Brown's employees and representatives shall

wear shirts at all times, including set-up, take-down and during the operation of the Carnival Midway. All Brown's employee and representative tattoos and/or body piercings that Springville deems offensive, objectionable or inappropriate shall be covered during the Carnival Midway. Brown's shall immediately close any ride, game or concession that is being staffed by an employee or representative that is in violation of the provisions of this paragraph until such time that the employee or representative comes into compliance or is replaced by another employee or representative that is following the provisions of this paragraph.

f. Attraction Layout. Each year, Brown's shall submit its Carnival Midway attraction layout and site plan to Springville's Recreation Director for approval seven (7) days prior to the opening day of the Carnival Midway. Brown's Carnival Midway attraction layout and site plan shall not prohibit access of garbage trucks to areas located behind the Reynolds building nor shall it block any handicapped parking or other parking immediately to the west of the Reynolds building. Brown's shall comply with all of Springville's Recreation Director's requirements associated with and any amendments to Brown's Carnival Midway attraction layout and site plan.

g. Alcohol, Tobacco & Drug Use. Brown's shall ensure that none of its employees use tobacco, alcohol or illegal drugs on City property.

h. Music. Brown's shall not allow any of its employees or representatives to play music that emits from rides, games or concessions that Springville deems objectionable. On the first offense, Brown's shall be required to ensure that the music is turned off. On a subsequent offense Brown's shall close the attraction from which the music is played for the duration of the Carnival Midway or until such time as designated by Springville representatives.

i. Electrical Power. Brown's shall furnish all electric power required for operation of the Carnival Midway. In the event that Brown's desires to obtain such electricity from Springville's municipal electric power system it shall pay all appropriate connection fees and charges for electric power and energy as provided by Springville's current power rate resolution. Any such connection shall be made in accordance with all applicable electrical codes.

j. Trash. Brown's shall be responsible for garbage collection within the premises of the Carnival Midway. Brown's shall restore the area occupied by the Carnival Midway to its prior condition upon conclusion of the Art City Days celebration. Such restoration shall include cleaning and removal from the site of all refuse and debris.

k. Federal, State & Local Laws. Brown's shall operate the Carnival Midway in accordance with all relevant Federal, State and local laws, including, but not limited, to all worker's compensation and employer's liability insurance requirements. In the event that Brown's subcontracts any work for the Carnival Midway, Brown's shall require the subcontractor(s) similarly to provide worker's compensation insurance as required by the laws of the State of Utah. Violation by Brown's of any law, ordinance or regulation shall be grounds for

Springville closing the Carnival Midway for the remainder of the Art City Days celebration, and Springville shall incur no liability to Brown's should it do so.

**7. Indemnity.** Brown's shall indemnify, release and defend, with counsel of Springville's choice, and hold Springville and its elected officials, appointed officers, employees, agents, representatives, and volunteers harmless from and against any and all loss, damage, injury, death, accident, fire, or other casualty, liability, claim, lawsuit, cost, or expense (including, but not limited to, reasonable attorneys' fees) of any kind or character to any person or property, including Springville's property, from or by any person, entity, third party, Brown's and/or Brown's agents, arising from or relating to (1) Brown's operations under this Agreement, (2) any use of Springville City's property, (3) any act or omission of Brown's, (4) any bodily injury, property damage, accident, fire or other casualty to or involving Brown's or Brown's Agents and its or their property on the Carnival Midway property and/or adjacent areas caused by any act of Brown's or Brown's Agents, (5) any violation by Brown's of any law or regulation now or hereafter enacted, (6) any loss resulting from the failure of Brown's to maintain the Carnival Midway in a safe condition, (7) any loss or theft whatsoever of any property or anything placed or stored by Brown's or Brown's Agents on or about the Carnival Midway and/or adjacent areas, and (8) any breach by Brown's of its obligations under this Agreement; provided, however, that the foregoing indemnity shall not apply to the extent any claim is solely caused by the negligence or misconduct of Springville. The terms and conditions of this indemnification provision shall remain effective, notwithstanding the expiration or termination of this Agreement, as long as the acts or conduct from which the claim arises occurs prior to the expiration or termination of this Agreement.

**8. Insurance.** Brown's shall, at Brown's sole expense, maintain a policy of comprehensive commercial liability insurance insuring Springville's interests against claims for personal injury, bodily injury, death, and property damage arising out of Brown's operation of the Carnival Midway and required duties under this Agreement, covering personal injury liability, bodily injury liability, and property damage liability of not less than Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) in the aggregate. Such insurance shall be an occurrence form policy and provide coverage for premises operations, acts of independent contractors, and completed operations during the Carnival Midway. The operation of the Carnival Midway includes the dates of set up, scheduled operation, take down and clean-up. Springville must be endorsed as an additional insured on such policy with waiver of subrogation against Springville. Brown's shall provide Springville a current Certificates of Insurance evidencing Brown's compliance with this Paragraph by June 1<sup>st</sup> of each year of this Agreement. Violation of this paragraph shall be grounds for Springville closing the Carnival Midway for the remainder of the Art City Days celebration, and Springville shall incur no liability to Brown's should it do so.

## 9. Miscellaneous.

Attorney's Fees: If any party is required to retain legal counsel in order to enforce this Agreement, with or without the commencement of a formal legal action, such party shall be entitled to recover its attorney's fees and costs from the breaching party or parties. In addition, Springville shall be entitled to attorney's fees and costs for all expenses arising out of a default by Brown's.

Binding Effect: This Agreement shall be binding on the parties and their respective heirs successors and assigns.

Governing Law: This Agreement shall be governed by the laws of the State of Utah.

Modifications: This Agreement shall not be amended or modified except by written document signed by the party to be charged with such amendment or modification.

Notices: Any notice, demand, request, consent, approval or other communication (collectively, the "Notices") required or permitted to be given by any provision of this agreement shall be in writing and sent by hand-delivery, by special courier (for example Federal Express), by United States Certified Mail (return receipt requested, postage prepaid), or by telefax, addressed to the party to be so notified. Notice pursuant to this Agreement shall be deemed given pursuant to the following rules: if hand delivered, at the time of delivery; if sent by special courier, on the third (3rd) day after deliver to the courier; if mailed, on the later of the date of receipt or the third day after deposit thereof in the United States Mails; and if sent by telefax, on the date that the telefax is acknowledged as received.

Assignment: Brown's may not assign this Agreement without the written consent of Springville.

No Waiver: No failure to exercise, delay in exercising or single or partial exercise of any right, power or remedy by any party hereto shall constitute a waiver thereof or shall preclude any other or further exercise of the same or any other right, power or remedy.

Section Headings: The headings and captions contained in this Agreement are for convenience only and shall not be considered in interpreting the provisions hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement at Springville, Utah, the date first above written.

SPRINGVILLE CITY

BY: \_\_\_\_\_  
Richard J Child, Mayor

Attest:

\_\_\_\_\_  
Kim Rayburn, City Recorder

BROWN'S AMUSEMENTS, INC.

By: \_\_\_\_\_  
Danny Brown, President

Exhibit A

Brown's Amusements Inc, will provide the below listed during the Carnival Midway.

Games:

1. HyStryker
2. Balloon Game
3. Machine Guns
4. Basketball
5. Ring a Bottle
6. Frogger
7. Turtles
8. Derby

Food/Drinks:

1. Cotton Candy-Funnel Cake Wagon
2. Cheeseburger-Curly Fry Wagon
3. Lemonade Wagon

Adult Rides:

1. 3Abreast Carousel
2. Freak Out
3. Giant Slide
4. Gravitron
5. Groovy bus
6. Pharoah's Fury
7. Raiders
8. Tilt a Whirl
9. Wacky Shack
10. YoYo
11. Zipper

Kid Rides:

1. Cartoons
2. Motorcycle Jump
3. Quad Runner
4. Skyfighter
5. Sky Racer
6. Scooper Jet
7. Willy the Whale



## STAFF REPORT

**DATE:** September 25, 2018  
**TO:** Honorable Mayor and City Council  
**FROM:** Glen Goins, Community Development Director  
**SUBJECT:** GENERAL PLAN & ZONE MAP AMENDMENT

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### RECOMMENDATION

On September 11, 2018, the Planning Commission recommended that the City Council approve the request to amend the General Plan Land Use Map from Medium Low Density Residential to Medium High Density Residential and Commercial, and to amend the Official Zone Map from R2 Single/Two-Family Residential to R-MF2 Multiple Family and to CC Commercial located at approximately 600 South Main Street.

### SUMMARY OF ISSUES/FOCUS OF ACTION

Does the proposed request meet the requirements of the Springville City Code, particularly 11-7-1, "Amendments to the Title, Zone Map and General Plan"?

Does the proposed amendment maintain the intent of the General Plan?

There are two separate land use actions being considered. They are, the general plan amendment, and the zone map amendment.

### BACKGROUND

The subject property is the location of the Nebo School District Advanced Learning Center (ALC), which ceased operating in June, 2017.

The applicant is proposing a development on the ALC property, located on the west side of Main Street at approximately 600 South, comprising approximately 11 acres. The intent stated for the proposed amendments is to allow "flexibility in the use of land densities, site layout, and project design." The applicant initially intended to amend the text of the zoning code to allow for a type of residential product not allowed in the code. The applicant has amended the application to amend the general plan and zone maps to allow an existing multi-family residential zone.

Staff finds the property in need of redevelopment. Staff also acknowledges that the property poses some development challenges, in that the on-ramp to US-89 may affect the commercial viability of the property towards the south end.

The proposed changes would result in 9.86 acres being rezoned to RMF-2 (Residential Multi-Family) and 0.60 acres being rezoned to Community Commercial (CC).

**Timeline**

This application was heard previously, recommended for approval by the Planning Commission and denied by the City Council. The applicant subsequently made a written submission in writing to have the Planning Commission consider a change in circumstance or sufficient new evidence under Section 11-7-103, Reversion of Zoning, in the city code, to allow the rezoning to be considered before the one-year restriction for consideration had elapsed. Since the time the Council denied the application, some residents of the area who initially opposed the change wanted to support the request and asked for the rezoning to be revisited. The applicant submitted information for the Commission to consider. The Planning Commission heard the matter and postponed its decision until such time as when design standards were added to the multi-family zones. Design standards were added to the multi-family zones, as well as to residential elements of mixed use developments in commercial, town center and professional office zones. The planning commission then heard the matter again and found that a change in circumstance and/or sufficient new evidence existed to warrant re-opening consideration of the zone map amendment. Following is a timeline of those events:

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March 28, 2017	Application to create the MPD1 zone, allowing multi-family development in certain areas. Application was withdrawn from the PC agenda due to lack of staff support.
September 12, 2017	The Planning Commission considered a General Plan and Zone Map amendment to multifamily and commercial zones. The action was continued to a later meeting.
November 14, 2017	The Planning Commission forwarded a recommendation for approval of the General Plan and Zone Map amendment.
December 5, 2017	The City Council held a hearing and voted to deny the General Plan and Zone Map amendments.
April 10, 2018	The Planning Commission recommended approval of the addition of design standards for mixed use residential in certain commercial zones.
May 1, 2018	The City Council approved the addition of design standards for mixed use residential in certain commercial zones.
June 12, 2018	The Planning Commission was asked to determine if sufficient new evidence or a change in circumstance existed. The Commission delayed the decision until such time as when design standards were added to the multi-family zones.
July 18, 2018	The Planning Commission heard and recommended approval to the City Council of the addition of design standards to multi-family zones.
August 7, 2018	The City Council approved the addition of design standards to multi-family zones.
August 14, 2018	The Planning Commission found that sufficient new evidence or a change in circumstance existed, warranting reconsideration of the amendments.

**ANALYSIS**

**General Plan**

The general plan addresses this type of multi-family proposal in Objective 3, which is to “include a variety of appropriately-located multi-family housing units to help ensure a variety of housing types within the City.”

Specifically, the plan states that “Multi-family housing is most appropriate as ... redevelopment along the north and south Main Street Corridors. Some mixed-use should also be considered in the historic town center. This type of development should also be located within close proximity to commercial uses.”

### **Historic Center Community Plan**

In 2014 the City commenced with the “Historic Center Community Plan.” This specific area plan addressed the historic downtown area with more specific guidelines, including land use. Relating to density in the area, the plan states that “Residents are very interested that this area retain its current density.” Additionally, the plan indicates that the residents “...are not interested in the inclusion of any additional apartments or multi-family units within the area, and are concerned about how these uses affect their community.”

While the plan does not preclude the possibility of multi-family development in the area, the Land Use Strategy LU-1 recommends to “Retain the existing zoning in residential districts, while continuing to allow multi-family above main floors in the Town Center.” This suggests a mixed use type of residential, which the applicant proposes along Main Street.

Further, follow-up discussion with the City Council regarding the ad-hoc committee relating to the Historic Center Community Plan discussed the issue of multi-family on the subject property. The staff report from that meeting states:

#### **“Proposal to Rezone Property at 700 South between Main and 170 West to Multi-family”**

The Committee discussed this property, recognizing that there would be problems with commercial use because of limited access to Main Street (no left turn). For this same reason, the Committee felt that consideration of additional multi-family units in this area is inappropriate until a resolution to this access problem is found. The Committee also expressed concern that the introduction of multi-family residences in this area could be interpreted as condoning the inclusion of multi-family throughout the Community.”

In addition to the general plan, and historic center community plan, the city also adopted the Springville City Economic Development Master Plan 2015, which makes specific recommendations for this area.

### **Springville City Economic Development Master Plan, South Main Corridor Analysis**

The South Main Corridor runs along both the East and West sides of Main Street from 400 South to approximately 900 South. In its “Initiatives and Actions,” the plan recommends that the corridor is appropriate for the inclusion of mixed-use zoning. The plan states: “Multi-family development is appropriate within the corridor. Other commercial uses are also encouraged. Zoning should allow for the City to respond to economically viable projects that come available in this corridor.”

Staff finds that the general plan could support some measure of multi-family housing on this site, specifically the western portion. The provision that the housing must be “appropriately-located” leads staff to make consideration of the site for any number of multi-family units on the subject property be based on appropriate studies and engineered plans for such things as traffic and carrying capacity of infrastructure and utilities (such as water and sewer). Staff finds that in order

to fulfill the vision and guidelines of the city's general plan, historic center community plan and economic development plan, the eastern portion of the site, with frontage along Main Street, should include an element of mixed-use zoning, where residential is located above retail or office uses. The applicant is proposing a mixed use.

### Zoning

Consideration of amendments to the official zone maps is first compared to the purpose of the zones being considered for amendment, or the current zoning on which property the zone is proposed to be changed. Consideration is made as to whether a proposed amendment would better serve the property and area better than the current zoning.

The subject property is under multiple ownership, and is bisected by two zones, the R2 (two-family dwellings) and CC (Community Commercial).

The purpose of the R2 is stated as:

"The R2 zoning district is intended to provide for single family and two family residences in attached and detached dwellings at a medium low density and is generally urban in nature. Street access for residents in this zone should primarily be from local and residential collector streets."

The purpose of the CC zone is stated as:

"The CC zoning district is intended to provide a range of commercial goods and services greater than those found in the NC zone but on a more limited basis and intensity that those found in the regional and highway commercial districts. The basic market for this district is vehicle-oriented and the primary market area is Springville City. This type of district should be located on an arterial street, at or near a major intersection. Parking is to be provided on-site. Landscaping is included in all areas not required for building(s), storage, parking and traffic circulation, with parking and storage areas being screened and an appropriate landscaped buffer and fencing adjacent less intense uses."

The purpose of the RMF zones is state as:

"The RMF zoning districts are intended to provide areas for multiple-family attached dwellings at medium (RMF-1) to medium high (RMF-2) densities. These zones should include a variety of residential flats and multi-level rowhouses with parking generally located behind or on the side of the buildings. Single and two family residences are also allowed in these zones. Primary access to the units should face the street and vehicular access should generally be from collector and local streets. Uses in the RMF zones are urban in nature, due to their densities. This zone should typically abut an arterial or collector street or abut higher intensity uses and serve as a transition zone to lower density residential zones."

The site itself has difficulties for consideration of commercial uses. Given its location adjacent to the exchange ramp of US 89, where Main Street separates to become US-89 and SR-51, the site has potential access problems for commercial development, as well as visibility limitations. Also, the depth of the property, reaching over 660 feet in some places, is too deep for retail without an internal street network and supportive large-scale retail anchors.

An analysis of the existing zoning in the area reveals a "hard" boundary between the existing Community Commercial zone and an R1-8 neighborhood to the west. Residential uses are

generally considered to be less intense than commercial uses. Expansion of the existing R-2 zoning, an R-MF1 or the proposed R-MF2 zone would provide a buffer between the R1-8 neighborhood and more intense existing and future commercial uses along Main Street. There is a pocket of existing R-MF2 zoning adjacent to the subject property on the south side of 700 South Street.

Staff finds that the proposed zone is a viable option on the subject property, with the inclusion of the proposed component of mixed use zoning adjacent to Main Street and subject to verification that any proposed development project on the property has adequate public infrastructure and public utilities, or can reasonably mitigate any identified inadequacies in those systems as a result of the impact of any proposed development.

### **Transportation / Traffic**

The subject property is bordered mainly by Main Street to the east, and also 700 South Street on the south side. It is likely that any consideration of a future development proposal would require secondary ingress/egress utilizing 700 South, or acquisition of sufficient property to access onto 400 South, to the north. The use of 700 South, which is a local street, presents significant issues when considering the potential number of vehicular traffic generated by multi-family development having to drive west on 700 South to 170 West, or to get to a signalized street, commercial traffic would need to head west on 700 South, crossing 3 at-grade rail crossings and traveling over  $\frac{3}{4}$  of a mile to 950 West Street. A similar difficulty exists for traffic heading east, because traffic would first have to cross the US-89 exchange ramp to an area with substandard road and little stacking room, south of the current Driven Auto Sales location, in order to access Main Street.

The property is in the immediate vicinity of a future UDOT transportation improvement project, identified in the Springville Transportation Master Plan, Capital Facilities Plan - 2040, as project #25 "Traffic Signal and Intersection Reconfiguration: Main Street & US-89. It is likely that this project would include improved access to 700 South in this location.

Future development would need to be substantiated by a traffic study, which the city would reserve the right to review (either itself or through a consultant), dispute and/or commission its own study to determine feasibility and mitigation.

### **Utilities**

Public utility considerations for this property were made under the expectation of commercial development. R-MF2 development may have a more substantial impact on utility and infrastructure systems than anticipated. Any proposed development will need to verify through studies submitted with the development application that the impact from the new development can be carried by the existing system, or that the deficiencies can be mitigated through system upgrades.

### **PLANNING COMMISSION REVIEW**

The Planning Commission initially considered the proposal on November 14, 2017 and determined that the proposal could be approved due to the property's existing Community Commercial designation, its proximity to Main Street, preference for a residential use adjacent to

existing residential along 170 West Street. The Commission requested a traffic study be provided with any future site plan to substantiate any future development proposals on the property.

Because the Commission determined that new evidence or a change in circumstances existed since original consideration of the proposal, this project was permitted to re-apply and was heard again by the Planning Commission on September 11, 2018.

**COMMISSION ACTION:**

November 14, 2017

**Commission Vote - Land Use Plan**

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Karen Ellingson	X	
Carl Clyde	X	
Genevieve Baker		X
Michael Farrer	X	
Brad Mertz	X	
Frank Young	X	

**Commission Vote - Zone Change**

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Karen Ellingson	X	
Carl Clyde	X	
Genevieve Baker		X
Michael Farrer	X	
Brad Mertz	X	
Frank Young	X	

September 11, 2018

**Commission Vote - Land Use Plan**

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Karen Ellingson	X	
Carl Clyde	X	
Genevieve Baker		X
Michael Farrer	X	
Brad Mertz	X	
Frank Young	X	

**Commission Vote - Zone Change**

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Karen Ellingson	X	
Carl Clyde	X	
Genevieve Baker		X
Michael Farrer	X	
Brad Mertz	X	
Frank Young	X	

**STAFF RECOMMENDATION**

Staff recommended approval of the General Plan Amendment to Medium High Density Residential and Commercial and the Zone Map Amendment to RMF-2 multi-family zone on the western portion of the subject property, with the retention and expansion of the CC zone which allows mixed uses such as residential in conjunction with ground floor retail/office.

**PUBLIC COMMENT**

Comments given at the first public hearing on **November 14, 2017** are summarized by the following:

- Concern that in the PM hours traffic will use 170 West Street vs. Main Street; Described the difficulty in turning left onto Main Street from 700 South Street.

- Concern over future property values along 170 West Street, the quality of residents the proposed zone would attract, and increased traffic along 170 West Street; Traffic study must be objective and not agenda-driven.
- Expressed a desire to change the density to Low-Density Residential.

Comments given at the first public hearing on **September 11, 2018** are summarized by the following:

There were 9 members of the public who spoke. Draft minutes are attached to this report.

### **ALTERNATIVES**

The Council can approve the proposed amendments as proposed, deny the amendments, or propose an alternative consideration.

### **RECOMMENDED MOTIONS**

#### **Sample motion for approval of the General Plan Amendment:**

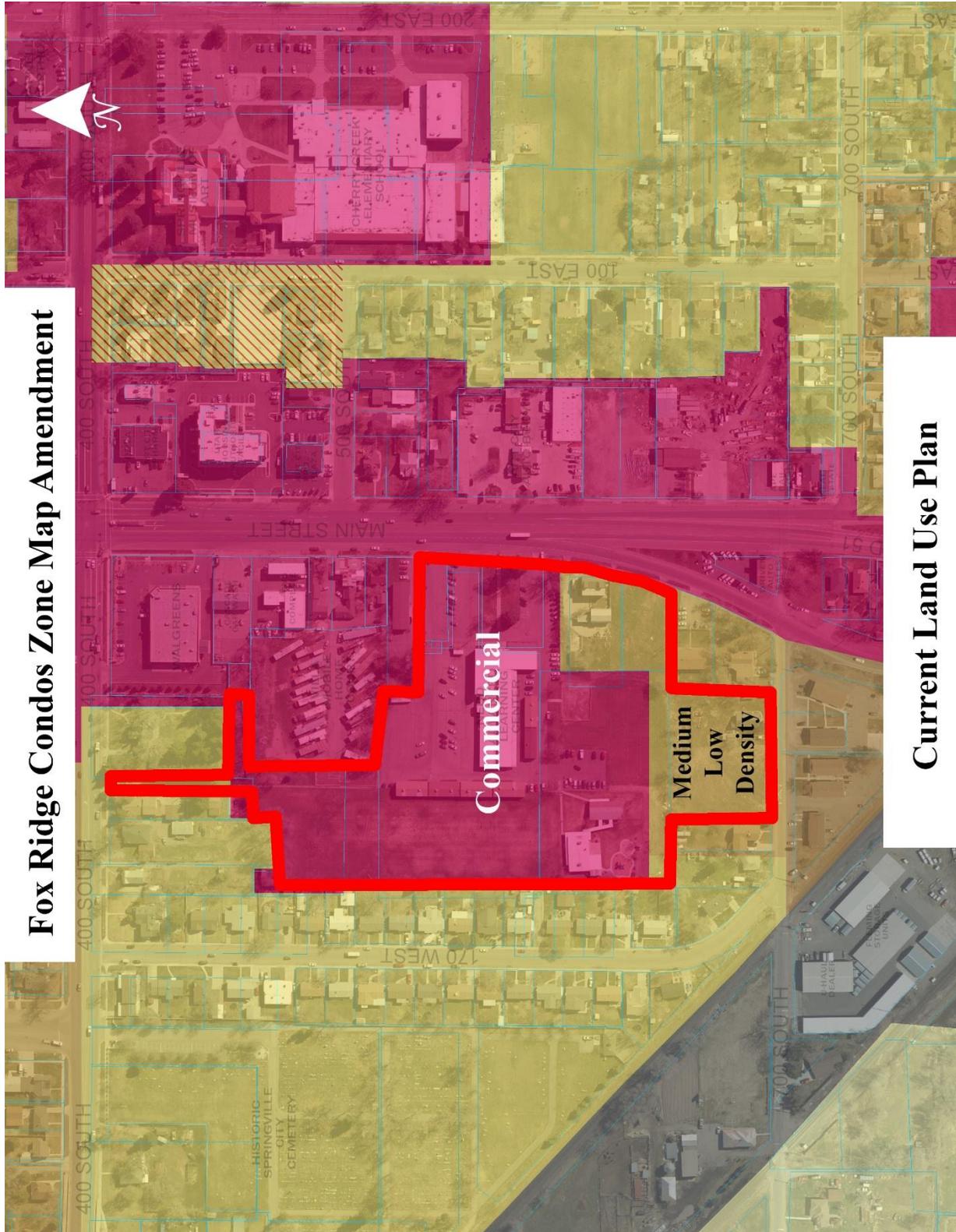
Move to recommend approval of the proposed amendments to the general plan land use plan, amending certain parcels from Medium Density Residential and Commercial to Medium High Density Residential and Certain parcels from Medium Density Residential to Commercial, as shown in Exhibit A, "Proposed Land Use Plan Amendment."

#### **Sample motion for approval of the Zone Map Amendment:**

Move to recommend approval of the proposed zone map amendment of certain parcels from Community Commercial (CC) and Residential Two-Family (R2) to Residential Multi-Family (RMF-2), citing staff's findings and as shown in Exhibit B, "Proposed Zoning."

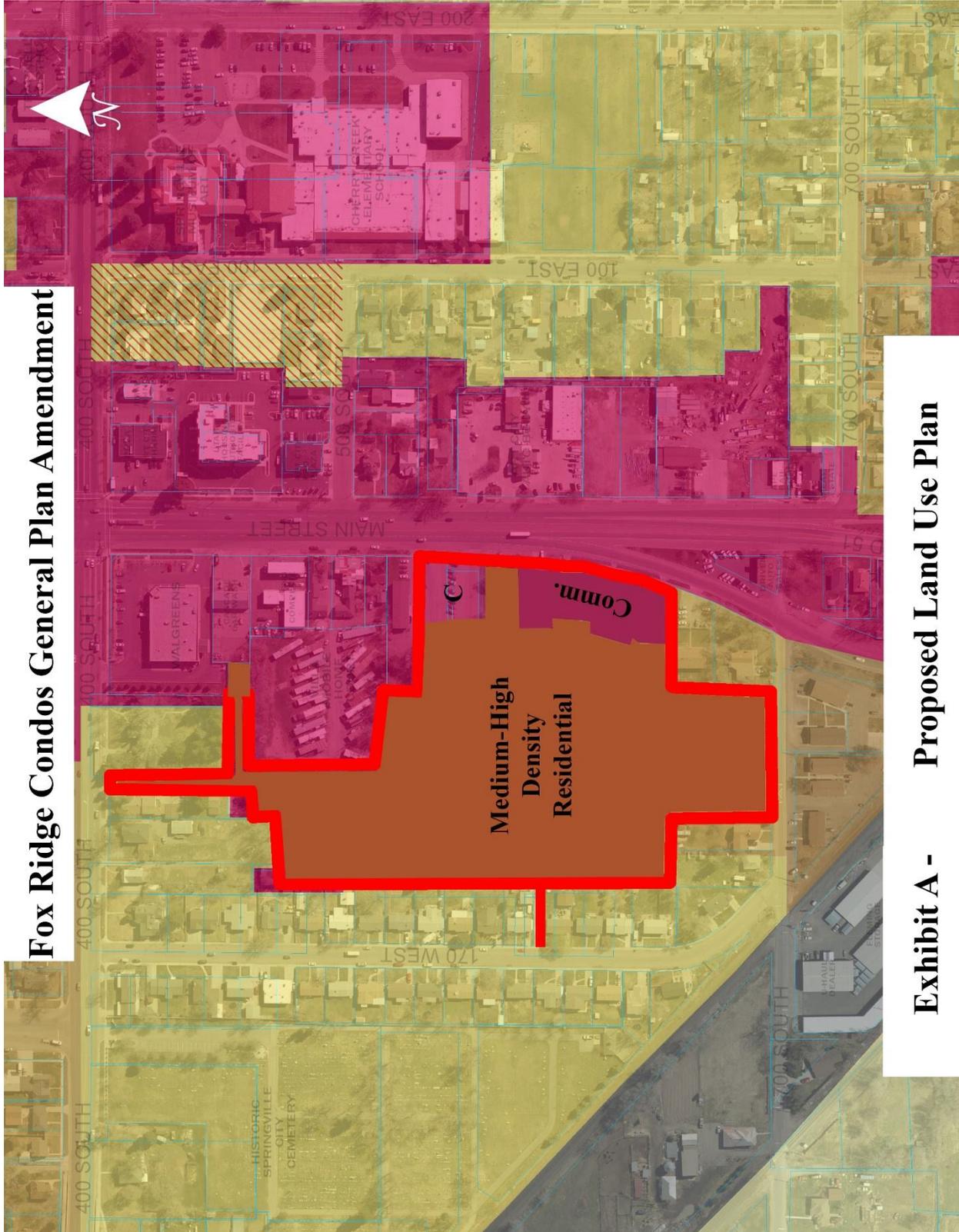
#### **Attachments:**

Maps  
Ordinance  
Draft Minutes



**Fox Ridge Condos Zone Map Amendment**

**Current Land Use Plan**



**Fox Ridge Condos General Plan Amendment**

**Exhibit A - Proposed Land Use Plan**





## IN ATTENDANCE

**Commissioners:** Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

**City Staff:** Glen Goins, Community Development Director  
Laura Thompson, City Planner  
Lisa Bullock, Executive Assistant

**City Council:** Chris Creer

## CALL TO ORDER

Chairman Young called the meeting to order at 7:06 p.m.

## LEGISLATIVE SESSION

*Foxridge Development seeking an amendment to the General Plan Land Use Map from Commercial to Medium High Density Residential on property located in the area of 600 South Main Street.*

*Foxridge Development seeking an amendment to the Official Zone Map from the CC-Community Commercial Zone to the RMF-2 Multi-Family Residential Zone on property located in the area of 600 South Main Street.*

Director Goins started his presentation by stating that this agenda item has come before the Planning Commission before on November 14, 2017 and gave the history of the project and request. The area is currently zoned Community Commercial. Since the application was brought to the Planning Commissioners in November 2017, nothing has changed.

If the zone change and the project is approved, then at the time the site plan is submitted, Staff will require a traffic study to make sure the traffic issues are properly addressed. There has been a lot of discussion around potential projects for this area and how the traffic would be affected. If a traffic study was requested before the site plan was applied for then the applicant would have to submit a traffic study for any potential zone change. The traffic study will let Staff know if changes need to be made to the site plan or if roadways will need to be added. A traffic study would be premature at this time.

The General Plan asks for a variety of housing types within the city. He briefly reviewed some of the zones in the area of the property. There is documentation that the AD HOC reviewed this property and the concerns of the traffic in that area if multi-family was introduced in that area. Any development that comes into that area will need a traffic study done. Multi-family is appropriate in the Main Street Corridor.

The road infrastructure will need to be addressed. The utilities for the project will be adequate.

In March 2017 a new zone request was submitted, but it was pulled so the applicant could work with the City to find a project that would work well with the City's plans for the area. The new information submitted tonight stem partly from a number of residents in the area contacting the City and asking questions about what uses were available in different zones. As a result of that meeting, the residents felt they had misunderstood the project and new information was brought forward to the Planning Commissioners.

The Planning Commission then asked for design standards to be approved for that area, which was completed in August. The design standards are now part of the code.

Staff recommends approval of the project.

Commissioner Baker asked what the maximum number of units the property could have now versus if the zone was changed. Planner Thompson said it would be similar because it follows the same design standards which would be RMF-2 standards. The height limit would be three stories and must meet the RMF-2 standards. Director Goins briefly reviewed the density bonus.

Chairman Young asked if the applicant would like to address the Planning Commissioners.

The applicant, Corey Anderson, addressed the Planning Commissioners and stated that he purchased the property in 2008. Mr. Anderson is working with the City to meet the 35 foot height requirement for the project.

Mr. Anderson stated that the project is stacked condos and there is a difference between condos and apartments. Mr. Anderson would like to provide affordable living by purchasing the property. Mr. Anderson showed the Planning Commissioners an example of a couple who bought one of his condos through an FHA loan. All applicants who want to purchase a condo must be employed, have a good credit score, etc. He showed two examples of a two bedroom apartment in Springville that rents for \$1,130 and another one had a monthly rent for \$1,350. Mr. Anderson provides affordable homes to people who want to live in their own homes instead of renting. He talked about young couples moving out of apartment basements in Mapleton to their own homes in Orem. Parents can borrow their children money towards the condo to help the younger children to get in their homes.

Mr. Anderson said there is a need for this type of housing. The millennials would like this option so they can buy and own a home of their own.

A paid manager is on-site until 75% of the units are purchased and occupied and then it is turned over to the HOA. They put in tennis courts, basketball courts, etc., because there is not a lot of maintenance on these. They do not put in swimming pools and gyms because typically they are not used, but the HOA fees are higher for these types of amenities. The HOA fees include snow now removal, landscaping maintenance, insurance on the building, is part of the HOA fee. A member of Mr. Anderson's company stay on the HOA board. Mr. Anderson stated this is a wonderful option for housing in Springville.

Chairman Young opened a Public Hearing.

**Marlene Reed**  
**70 East 400 South**

Ms. Reed started by giving the Planning Commissioners a Traffic Accident Review that was given to her by the Chief of Police.

Ms. Reed stated that the report shows that from the freeway to the roundabout and on Main Street, there were a total of 807 accidents. She then showed that the red areas on the report are Main Street. The top five accident locations at 400 South and 1700 West, 400 South and Main Street, 400 South and 950 West, 1400 North Main Street and 400 South and 2300 West.

She is concerned about the number of new developments in these areas that were not included in the traffic study and how much more traffic this will create. She is concerned about the lack of access to the freeway. Chief Finlayson is open to presenting to or talking with the Planning Commissioners. She is concerned about the lack of police officers.

She asked the Planning Commissioners to really consider the traffic issue and what the residents are proposing which is to have a traffic study completed before any decisions are made.

She stated that Mr. Anderson's idea is great, but we also need to protect our families by having a traffic study done to determine the amount of traffic.

**Jim Hall**  
**855 W Center Street**

Mr. Hall stated he has worked with the City Council on occasion when the Master Plan was created. He is wondering why the City is not equipped to build a road at 950 West. There are three schools in that area and in the mornings it is backed up for three directions. The new stop light by Smith's and he wondered why there are not roads in that area to get the traffic flowing right. It is really a joke that the City thinks that someone else is going to pay. It is dangerous to have some many people on the roads. Trucks have run over his posts. The right-a-way is used by our animals. I wish the city would be willing to step forward and address some of these problems. As far as working

with the City, it is the hardest city to work with. He feels the City does not contact the residents and work with them.

**Karen Ifediba**  
**450 S 100 East**

Ms. Ifediba stated that it is her understanding that if the property remains Community Commercial then the properties that would be developed have certain rules that must be followed, which means that if you are putting up a building with commercial in the bottom, it has to be next to an arterial street and a certain amount of parking must be provided. Therefore, that will limit some of the development of that property because of the Community Commercial standards

If the area is changed to residential, multi-family, then those rules no longer apply and more of the residential can be placed in there. There are rules that have to do with the residential and she believes the City requires two and a half parking places for each unit. The applicant may say they are condos for married, young couples, which they may be for a while, until the young couples start moving out.

She feels that two and a half parking places for each of the condos is not enough parking. As many people have looked at the parking with condos by driving around other condos produced by Mr. Anderson, they have noticed that there is increased parking on the street and there is not enough parking within the condo complex.

She stated that she would prefer the property remain Community Commercial because that is what the residents are used to and the operating hours are during business hours and this helps with the traffic. If the Planning Commissioners want to change the area to Residential, Multi-Family that would be 45 feet high, she would suggest that the required parking be increased. She suggested the Planning Commissioners drive around some of Mr. Anderson's other projects and see where people are parking and how it impacts the neighborhood.

She objects to changing the land use and the zone. She thinks it is a good idea to have a buffer where the not as heavy housing on the perimeter and when you come into the center you have the higher amount of density because it looks better.

She lives in this neighborhood and knows there are many low-income family housing because she deals with these people in her neighborhood. Perhaps Mr. Anderson can work with Mapleton City if he is concerned about having lower-income housing so his family can afford it, and have Mapleton City put in residential, multi-family housing so that the people within the Mapleton area could take advantage of it.

**Arden Hjorth**  
**670 South 170 West**

A former councilman said there is a lot of area in Springville and Main Street was not designed to take on high density.

In June I brought in a petition to have a comprehensive, nonpartisan traffic study of Main Street, 400 South and surrounding streets completed for the Corey Anderson project before a zone change or permits are issued. He has signatures from all over Springville who are concerned about their roads. Everything that has already been approved makes it so you cannot get around. The residents are concerned about everything being developed.

When he looked at the traffic report that was originally submitted with the project, it did not include other areas of Springville that will be impacted by the traffic.

The neighbors cannot get out on Main Street so they drive to 950 West and then have to wait a very long time to eventually get through town. Go try and get around that area while they are playing soccer. The roads in this area is farm roads and you cannot even drive down the roads. He is concerned about a high-density project being put in at the worst part of Main Street. It's just crazy.

**Bernell Hutchings**  
**No address given**

Mr. Hutchings has lived in the West fields for 40 years and has seen a lot of changes. He echoes what Jim just presented. The only thing that went down those roads was a farmer on a tractor, but now there are a lot of people and the roads have not changed.

Parents need a way to drop their kids off at school without waiting 20 or 30 minutes to drop off or pick up their kids from school. They are lined up four or five blocks at the stop light. He has waited 10 or 15 minutes just to cross the road to get the paper. They are all just stationary. He pleads to the Planning Commissioners to develop some roads so people can move down there with the three schools, churches and community commercial. It amazes him that within 38 years nothing has changed except the number of houses. The roads need to be addressed. He pleads that we make changes before we allow more developments in that area.

**Michelle Dugdale**  
**741 South 675 West**

She has been part of the West Fields for 68 years. She feels the City made a big mistake when they allowed high density in that area. The church owns most of her farm. Listen to audio. People come in and they have ideas, but there have been a lot of stupid stuff that should have never happened.

This City learns the hard way. I am looking at 400 South. When I want to leave my home I have to go to 750 South and then go to 950 West because I cannot get out. We were promised that they would widen 400 South. Listen to audio here. Please listen to the people. We were promised that if 400 South was widen, but please don't make it another 1300 South. They promised they would keep it commercial.

How many of those condos that will empty onto 400 south are commercial? Promises were broken. Ideas forgotten. People overlooked. All in the name of progress. If you are

a solid, honest body, you will listen to the people and their ideas and thoughts into consideration. We are already suffering. Please realize there is a lot of history in this area that you are in such a rush to develop and there were wonderful ideas that were overlooked. One of the ideas that was asked by the farmers in that area was to not allow anything less than two and a half acre parcels. The City said we want as much tax base as we can get and that is what they went with. We just want our voices heard.

**Lynn Schofield**  
**540 S 150 West**

Mr. Schofield stated that the vacant lot is not doing anyone any good. Traffic is bad in Springville City. If you live on 170 West you cannot access the roads because of the traffic. The same traffic issues are on 700 South. The reality of the traffic is that it has been here for a long time and will continue to be here until a new exit is created which will require UDOT's involvement.

He stated that the City needs to work with UDOT to solve the traffic problems. The traffic problem did not start here or end here and it is a much bigger problem. He is confident that a traffic study would help determine what type of development would be best for the area.

Mr. Schofield asked for clarification on the height requirements, which was addressed briefly.

Mr. Schofield said that residential over commercial where it is not on a major road is just death waiting. He gave an example from Provo City of a project that was designed and approved residential over commercial because they anticipated a demand for the commercial, but they have now gone back and converted about three fourths of the commercial area to residential.

If the consideration is to have residential over commercial, he states that you are setting the project up to fail. What you are potentially looking at is to have two stories of residential over a vacant commercial area. People just don't go to that area off of Main Street. He has worked for Provo City for 27 years and has seen this happen in Provo. What you do is set the project up to fail and then what you have in an attractive nuisance with empty property. I would strongly suggest going to an RMF-2 zone. Density is going to be an issue and until you get a traffic study, the density issue cannot be addressed. The traffic accidents are going to happen mostly on the roads with four lanes of traffic.

The Center Street project at UVU is different than Springville because we do not have mass transit options.

The parking can potentially be a problem with this project because most residents have more than two cars.

This is currently zoned as Community Commercial so Mr. Anderson can submit for a site plan that meets the requirements for Community Commercial. It is very difficult to stop a project that meets all of the requirements in a permitted in a zone. What we are

asking is that the Planning Commissioners consider having this area be zoned an RMF-2. We have talked with a lot of neighbors and they feel that owner occupied residents are better for the neighborhood and the community.

**Craig Lot  
297 East 800 South**

Mr. Lott stated that he lives up the street from the proposed project and travels the roads in this area daily. I have lived in Springville most all of my life and helped design some of the homes on 170 West. These projects don't necessarily bring in low-income families, drug use, etc.

Mr. Anderson does create a nice product that is well-maintained. I encourage the project and the young families have their own home. I think this is a really good group to come in and development that piece of land. I understand the traffic issue is there, but it was here long before this project came in. Springville has grown a lot and will continue to grow. All of Utah has grown. The days of the fields are gone. I really feel this is a good group. I am in the design and development field and from my standpoint this is a good project.

He would like the area cleaned up. Nothing can replace the elementary school that was there.

**Maryann Eyres  
159 West 400 S**

Ms. Eyres stated that depending on the day she either lives on a parking lot or the Autobahn. She would like the traffic addressed before the development is allowed.

She asked why we are looking at this project again when it was turned down less than a year ago. She asked that the Planning Commissioners to be responsible and pay attention to only that neighborhood, but look at all of Springville. We are suffering from the traffic problem. It's here and we need to address it. Please listen to the people and look at this project to determine more acceptable options.

Commissioner Mertz moved to close the Public Hearing. Commissioner Clay seconded the motion. The vote to close the Public Hearing was unanimous.

Mr. Anderson was invited back to the podium to address the concerns of the residents. He understands that the traffic is the issue and the residents' message is loud and clear. He is not turning a blind eye to this. He spoke with Representative Gibson about the new interchange between Springville and Mapleton, which was slated to begin in 2030; however, the project is now being studied and is underway to be completed by 2023. He is very aware of the traffic and wants to work with the City and the residents on the traffic issue. He cannot go to UDOT without a zone and a project. He has an invested

interest in this area and he has com resources to help. He has started talking with UDOT, but until he gets a project, he cannot work with them.

He took notes on everyone's concerns with the traffic and the parking. IN the CC&Rs, every door can only have two cars. The on-site manager will enforce this. He stated that he does not have parking problems with his projects and is willing to show anyone who is interested in seeing this.

Mr. Anderson is on board to help with the traffic issue and to help improve this part of town.

Commissioner Baker stated that once the area becomes an RMF-2 it could have high density with apartments with no home owners or regulations. Once a zone is changed, it is very difficult to change it back. The future impact is something she considers when a zone change is requested. It is not a guarantee that the area will remain an owner-occupied project in the future.

Commissioner Baker stated that the Historic District Ad Hoc Committee was very concerned about an increase in high-density in this specific area. Springville City does have a lot of low-income housing options. The house next to her home is a rental with two bedrooms for \$2,000 per month. There are options where she lives in the Historic District to either purchase or rent. There was a lot of concern about increasing density in this area because we already have this density in this specific area.

She understands there is a lot of concerns about traffic and that it is a bad situation no matter what type of project is developed. Having residential above commercial does limit the number of units because of only being able to do two stories so it will regulate how many units there are. This will help spread out the traffic. Having the commercial as well as the residential will help with the traffic load.

Commissioner Clyde made some comments on transportation. It is very frustration to be stuck in the traffic in Salt Lake Valley. His profession is to build road and it is very frustration when the traffic doesn't flow. It seems that the roads are built when the residents are continuing to complain about the traffic. The complaints come after there is a problem. Communicate with your elected officials about your frustrations and concerns. A lot of communities are having the terrible traffic issues. The traffic issue needs to be solved because of the growth of Utah.

Commissioner Baker talked about the Riverwoods area in Provo that is successful. It is not necessarily a death sentence if there is residential above commercial.

Commission Clay stated that there is a lot of good about having commercial underneath residential; however, the challenge is if it is in a walkable area then it works really well. If it's in an automobile generated area it doesn't. Retail as a broad discussion is not a good market. Amazon is crushing local retail. The Riverwoods is a great example of this as they have been sold twice now and possibly a third time. The Provo Towne Center has been sold twice and is on the market again. Retail is not doing well and there is not a good forecast for retail anywhere. Many buy on Amazon and online and every time this happens a rooftop retail loses a sale. My challenge to wanting to keep the property as it is currently zoned is that I don't think it will succeed. We have a zoning request that

will make the property a more viable. It's not perfect and there will be a need for additional traffic studies. All of the concerns stated by the residents and others are valid and need to be addressed. Make no mistake, nobody is ignoring what has been said tonight. He has five generations of family in Springville and we have seen change. My profession is city planning and I teach real estate development at BYU and two other universities. Retail is a national loser right now marketwise because there is not a lot of positive happening in retail right now. My concern is that if we put commercial underneath retail it will be empty for a very long time. Maybe we could get creative to find a way to make retail successful in our city where it is failing in other places, but when I think in probabilities, I think that probability is very small. The Internet and the UPS delivering the product to your house is not going away and shopping at home is convenience that a rooftop establishment just doesn't offer and that is going to be hard to compete against. In the vote tonight, we are not saying we don't hear you or that we don't think your concerns are exceptionally valid. If we lived in that same neighborhood we would have the same concerns and we would be voicing those concerns to the City Council just as you are. These are tough choices, but right now that place has been an eye-sore for a long time. We have someone who wants to make good use of the area and I say we use it.

Commissioner Mertz echoes everything that has been said tonight. It is obviously a traffic issue and I encourage people to get a hold of our State official, Francis Gibbons, as well as the City Council. The Planning Commission is just a recommendation body and the City Council can take what we recommend and run with it or deny it. The traffic situation is a big issue. He gave the example of the traffic in Southern California and the traffic problems there. He also talked about a roadway being put on top of another roadway and how expensive it is to build those types of roadways. There needs to be recognition from the State of our State, County and City roads. The only way things get done is if we get involved and let them know that this is a concern of ours and it needs to be addressed. He encouraged everyone to reach out to their representatives. He agrees that commercial is a tough sell right now. I think the way we are headed is a good alternative. Nothing is going to be perfect or ideal, but it is the better choice of what we are dealing with.

Commissioner Mertz moved to approve the proposed amendments to the General Plan Land Use Plan, amending certain parcels from Medium Density Residential and Commercial to Medium High Density Residential and Certain parcels from Medium Density Residential to Commercial, as show in Exhibit A, "Proposed Land Use Plan." Commissioner Clay seconded the motion. The vote to approve the Legislative Session item was unanimous, except for Commissioner Baker who voted against it.

Commissioner Mertz moved to approve the proposed zone map amendment of certain parcels from Community Commercial (CC) and Residential Two-Family (R2) to Residential Multi-Family (RMF-2), citing staff's findings and as shown in Exhibit B, "Proposed Zoning." Commissioner Clay seconded the motion. The vote to approve the Legislative Session item was unanimous, except for Commissioner Baker who voted against it.

This item will be forward to the City Council.

**ORDINANCE NO. XX-2018**

**AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP FROM R2 SINGLE/TWO-FAMILY RESIDENTIAL TO R-MF2 MULTIPLE FAMILY AND CC COMMUNITY COMMERCIAL, AND AMENDING A PORTION OF THE ZONE MAP FROM CC COMMUNITY COMMERCIAL TO R-MF2 MULTIPLE FAMILY.**

**WHEREAS**, the City has an official zone map which delineates zone boundaries for the various city zones; and

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

**WHEREAS**, and applicant has proposed an amendment to the Official Zone Map; and

**WHEREAS**, the City Planning Commission did conduct a public hearing and review the proposal and has recommended favorably of the proposed amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of Springville City, Utah that the Official Zone Map is hereby amended from R2 Single/Two-Family Residential to R-MF2 Multiple Family and Community Commercial and amending a portion of CC Community Commercial to R-MF2 Multiple Family, for the properties located at approximately 600 South Main Street comprising approximately 11 acres, otherwise known as parcels 23-035-0027, 23-036-0033, 26-029-0055, 26-030-0062, 26-030-0078, 26-030-0094, 26-030-0096, 26-030-0109, 26-030-0110, and as attached hereto in Exhibit A.

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

ADOPTED by the City Council of Springville, Utah, this 2<sup>nd</sup> day of October, 2018.

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Richard J. Child, Mayor

ATTEST:

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Kim Rayburn, City Recorder

Fox Ridge Condos



Exhibit A - Proposed Zoning

**ORDINANCE NO. XX-2018**

**AN ORDINANCE AMENDING THE GENERAL PLAN LAND USE MAP FROM MEDIUM LOW DENSITY RESIDENTIAL TO MEDIUM HIGH DENSITY RESIDENTIAL AND COMMERCIAL, AND AMENDING A PORTION FROM COMMERCIAL TO MEDIUM HIGH DENSITY RESIDENTIAL.**

**WHEREAS**, the City has adopted a General Plan which contains a Land Use Plan element to guide future growth and development within the City; and

**WHEREAS**, the General Plan and its elements may be amended from time to time as deemed necessary and appropriate by the City Council; and

**WHEREAS**, and applicant has proposed an amendment to the Land Use Plan map; and

**WHEREAS**, the City Planning Commission did conduct a public hearing and review the proposal and has recommended favorably of the proposed amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of Springville City, Utah that the General Plan Land Use Map is hereby amended from Medium Low Density Residential to Medium High Density Residential for the property located at approximately 600 South Main Street, otherwise known as parcels 23-035-0027, 23-036-0033, 26-029-0055, 26-030-0062, 26-030-0078, 26-030-0094, 26-030-0096, 26-030-0109, 26-030-0110 and as attached hereto in Exhibit A.

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

ADOPTED by the City Council of Springville, Utah, this 2<sup>nd</sup> day of October, 2018.

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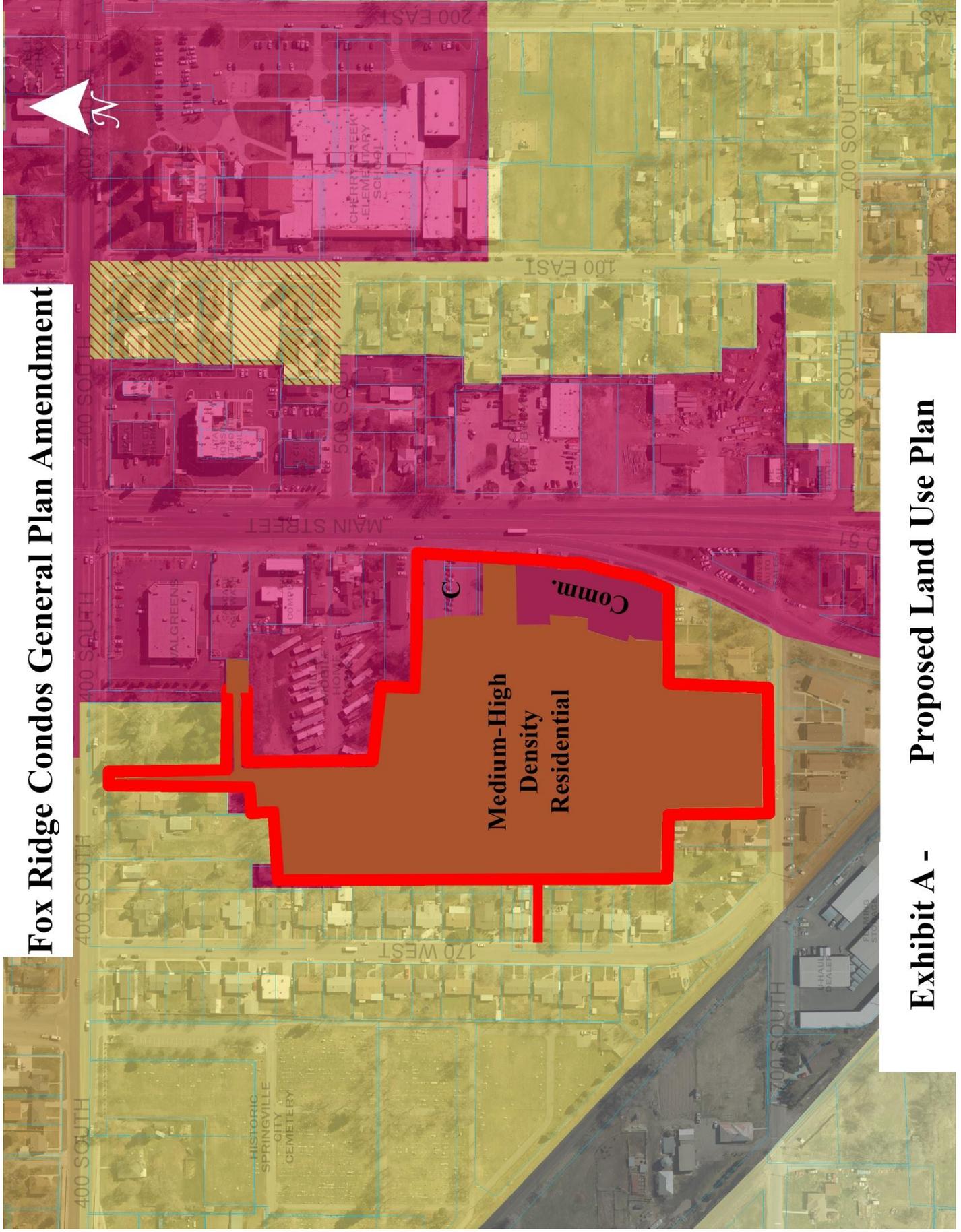
Richard J. Child, Mayor

ATTEST:

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Kim Rayburn, City Recorder

# Fox Ridge Condos General Plan Amendment



**Exhibit A - Proposed Land Use Plan**



## STAFF REPORT

**DATE:** September 25, 2018

**TO:** Honorable Mayor and City Council

**FROM:** Glen Goins, Community Development Director

**SUBJECT:** **SPRINGVILLE CITY SEEKING TO AMEND THE SPRINGVILLE DEVELOPMENT CODE SECTION 11-6-121, FLAG LOT DEVELOPMENT.**

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### RECOMMENDED MOTION

Move to approve Ordinance No. **XX**-2018, amending Section 11-6-121 of the Springville City Development Code.

### SUMMARY OF ISSUES/FOCUS OF ACTION

- Does the proposed request meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to this Title?
- Does it maintain the intent of the General Plan?

### BACKGROUND

The Springville City Code currently allows for Flag Lots development as an infill tool. The land development code states the purpose of Flag Lot development as being “intended to allow development of substantial, buildable properties where the extension of public streets cannot or should not be extended, due to sensitive land, topographic or other natural features. Additionally, constraints created by the existing built environment may be a consideration. Lot size for such uses is necessarily large to help insure privacy of adjacent properties that are most impacted by the development of the flag lot(s).”

The current Flag Lot ordinance has been utilized on a number of occasions. The proposed amendment addresses issues which staff finds to be in need of revision.

### Analysis

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#### General Plan

Regarding the General Plan, continuing the allowance of Flag Lots fulfills Goal 1H, which is to “offer options for infill in older areas.”

#### Zoning Code

One of the stated purposes of the Zoning Code is to “encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing

**CITY COUNCIL AGENDA**  
*October 2, 2018*

neighborhoods and non-residential areas with adequate public facilities.” The Flag Lot code is intended to be used in conjunction with the subdivision ordinance in promoting infill development.

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**Proposed Changes:**

The changes recommended with the proposed amendment are summarized as follows:

- Remove the restriction on home occupations for Flag Lots.
- Removed the subjective review that proposed landscaping and fencing adequately protects the privacy of adjacent properties, because this is already addressed in the residential code.
- Reduces the access way width requirement from 30 feet to 24 feet.
- Reduces the paved portion width of the access way from 24 feet to 20 feet.
- Removes the restriction on counting the area of the access way (flag “pole”) towards total lot area.
- Addresses the orientation of proposed houses on Flag Lots.
- Removes the requirement to provide height of buildings on adjacent properties because this is not used to determine approval.
- Addresses where setbacks are measured from.

**PLANNING COMMISSION REVIEW**

The Planning Commission considered the amendments on September 11, 2018 in which a public hearing was held. No members of the public spoke at the hearing.

The Planning Commission expressed support in general for the amendment, but discussed one area of concern regarding flag lots in the Historic District. Staff explained that no requested are typically received for flag lots in the historic district because property sizes are smaller there and cannot meet the minimum size and setback requirements.

COMMISSION ACTION: Commissioner Clyde moved to recommend approval of the proposed ordinance amendments to Title 11 of Springville City Development Code. Commissioner Mertz seconded the motion. Approval was recommended by a vote of 6 to 1.

**Commission Vote**

<u>Commissioner</u>	<u>Yes</u>	<u>No</u>
Karen Ellingson	X	
Carl Clyde	X	
Genevieve Baker		X
Michael Farrer	X	
Brad Mertz	X	
Michael Clay	X	
Frank Young	X	

## **ALTERNATIVES**

1. Adopt the zoning amendment/ordinance as proposed.
2. Amend and adopt the proposed zoning amendment/ordinance.
3. Reject the proposed zoning amendment/ordinance.

Attachments:  
Ordinance **XX-2018**

## **Sample Motions**

### Motion to Approve:

I move to approve Ordinance **XX-2018** amending the Springville Development Code, Section 11-6-121, "Flag Lot Development," for the reasons stated in the staff report.

### Motion to Deny:

I move to deny Ordinance **XX-2018** amending the Springville Development Code, Section 11-6-121, "Flag Lot Development," for the following reasons...(cite reasons)

### Motion to Approve With Amendments:

I move to approve Ordinance **XX-2018** amending the Springville Development Code, Section 11-6-121, "Flag Lot Development," with the following changes...(list changes)

**ORDINANCE NO. XX-2018**

**AN ORDINANCE AMENDING THE SPRINGVILLE DEVELOPMENT CODE  
SECTION 11-6-121, FLAG LOT DEVELOPMENT.**

**WHEREAS**, Springville City currently has a Flag Lot Development ordinance which has been used for the creation of flag lot subdivisions; and

**WHEREAS**, city staff, in its administration of the Flag Lot Development ordinance has determined that minor changes to that code will better serve its goal and purpose; and

**WHEREAS**, city staff have determined that the proposed changes will maintain the intent of the City's General Plan, and will further the purpose of the Zoning Code and not significantly impact the City infrastructure or utilities; and

**WHEREAS**, the Planning Commission did conduct a public hearing on September 11, 2018 and reviewed the proposed text changes, and has recommended favorably of the amendment to the City Council;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Springville, Utah that the following section be amended:

**SECTION 1:** Section 11-6-121, "Flag Lot Development" of the Springville City Code is hereby amended as follows:

**11-6-121 Flag Lot Development.**

Purpose: Flag lots are intended to allow development of substantial, buildable properties where the extension of public streets cannot or should not be extended, due to sensitive land, topographic or other natural features.

Additionally, constraints created by the existing built environment may be a consideration. Lot size for such uses is necessarily large to help insure privacy of adjacent properties that are most impacted by the development of the flag lot(s).

(1) The Community Development Director may approve the creation of a flag lot and/or the construction of a one (1) family dwelling on a flag lot. Approval shall be subject to the following:

(a) The site is not developable under conventional development standards and procedures;

(b) No area, setback, or other variance will be required to allow the proposal;

(c) The proposal is compatible with the existing development, in terms of height, building materials and animal keeping and approval of the dwelling will not adversely affect the living environment of the surrounding area;

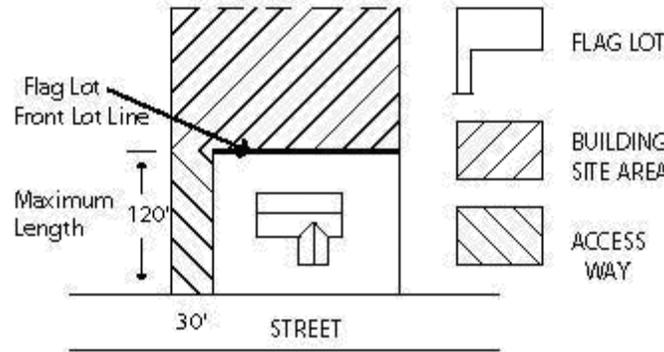
(d) No deleterious objects or structures shall be constructed or maintained on the premises; and

~~(e) No home occupation or other commercial activity shall be conducted;~~

~~—(f) The proposed landscaping and fencing will adequately protect the privacy of adjacent properties;~~  
~~and~~

(ge) Public safety issues, such as fire hydrants, have been adequately addressed.

FLAG LOT DEVELOPMENT



(2) Submission Requirements. A detailed site plan shall be submitted for review by the Community Development Director. Said site plan shall include:

(a) All existing and proposed structures on the building site and adjacent parcels, driveway and parking areas and the area on the site to be landscaped;

(b) Proposed access to the building site along an access way which shall not be less than ~~thirty two~~ ~~four~~ ~~(3024)~~ feet in width nor more than one hundred twenty (120) feet in length. Two (2) adjoining flag lots may share one (1) access way when designated as a right-of-way easement for the perpetual use of the adjoining flag lots and as a public utility easement. At least ~~twenty-four~~ ~~(2420)~~ feet for the full length of the access way shall be paved with either concrete or asphalt. No parking will be allowed on any portion of the access way. The portion of the access way that is unpaved shall be landscaped;

(c) The proposed area of a building site, which shall not be less than twenty thousand (20,000) square feet, ~~exclusive of the access way~~;

(d) The setbacks from property line to the proposed structure, which shall meet the requirements of the underlying zone, except for side yards that abut existing rear yards, which shall be set back at least twenty (20) feet;

(e) The orientation of the proposed house. A house located on a flag lot may orient the front of the house 1) parallel to the public right-of-way from which the access lane extends, or 2) facing the side of the property on which the access lane is located. Orientation of a house does not affect where setbacks are measured on the lot. For example, the front setback is always measured from the lot line of the flag lot closest to and parallel to the public right-of-way from which the flag lot is accessed.

~~(ef)~~ The proposed width of the building site, which shall meet the minimum width of the underlying zone and extend at least sixty-seven percent (67%) of the depth of the lot;

~~(f) The existing height of buildings located on adjacent properties.~~

(g) All setbacks. Where a property contains an access easement, setbacks shall be measured from the edge of the easement closest to the main structure, or where the main structure is proposed.

(Ord. No. 13-2015 § 1, 10/06/2015)

**SECTION 4:** The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this \_\_\_ day of \_\_\_\_\_, 2018.

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Richard J. Child, Mayor

ATTEST:

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Kim Rayburn, City Recorder



## STAFF REPORT

**DATE:** October 01, 2018  
**TO:** Honorable Mayor and City Council  
**FROM:** Byron Haslam, Staff Engineer  
**SUBJECT:** CONSIDERATION FOR PROPERTY PURCHASE FOR CORRIDOR PRESEVATION FROM MIKE CAMBERLANGO

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### RECOMMENDED MOTION

Motion to approve the purchase of two lots. One at 294 North 1275 West and one at 264 North 1275 West. Corridor preservation funding and transportation impact fees will be used to purchase these lots.

### GOALS, OBJECTIVES AND STRATEGIES AT ISSUE

The Springville City General Plan's Transportation and Circulation section lists the following goal:

*To provide and maintain a vibrant multi-modal transportation network that encourages flow, safety, and a consideration for the aesthetics of the community.*

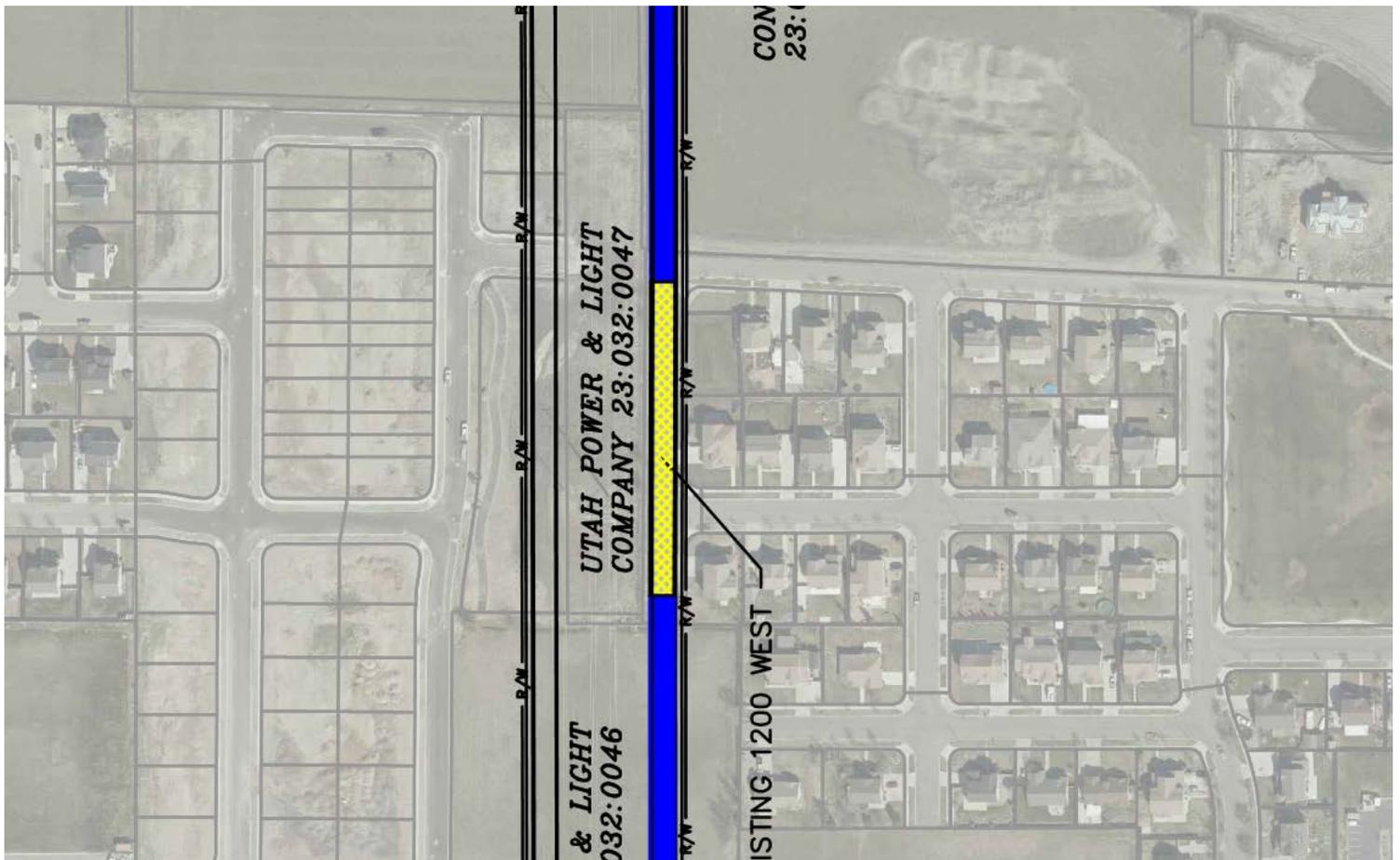
### SUMMARY OF ISSUES/FOCUS OF ACTION

The alignment of 1200 West goes through the two existing lots. At the time the two lots were created, 1200 West was not part of the City's transportation master plan. Now that the City knows the alignment of 1200 West, the two lots need to be purchased in order to keep the future south bound alignment.

### DISCUSSION

1200 West is a divided major arterial that goes north and south through Springville City connecting to Spanish Fork and Provo. The north bound side has been awarded funding from Mountainland Association of Governments. This will allow the City to build the north bound side from 1600 South to 550 North. The south bound side will be built by development and the City. The two lots being proposed to be purchased are in a critical location for the south bound side. The property to the south of the lots were given to the City as green space by the developer during the subdivision process. These two lots are the only ones in the way of the south bound alignment from 1600 South to 550 North. The picture below shows the proposed 1200 West alignment through the two lots and that a portion of the north bound side has been built development. The picture helps

show why the purchase of these two lots are so important for the alignment of 1200 West.



### FISCAL IMPACT

\$190,000 of corridor preservation funds will be used and \$40,000 of transportation funds will be used for the property purchase. If the purchase is approved, the budget will need to be reopened.

