

APPROVED MINUTES
10.04.2023

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

October 04, 2023

The American Fork City Planning Commission met in a regular session on October 4th, 2023 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Chris Christiansen, Harold Dudley, Jenny Peay, David Bird

Absent: Rodney Martin, Christine Anderson, Bruce Frandsen

Staff Present:

Cody Opperman	Planner
Travis Van Ekelenburg	Planner
JJ Hsu	City Engineer
Angie McKee	Administrative Assistant I

Others Present: Glenn Livingston, Elizabeth Phelon, Mike Nielsen, Ken Berg, Roy Bartee, McKay Winkle,

REGULAR SESSION

Chris Christiansen led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

- 1. Minutes of the September 20th, 2023 Planning Commission Regular Session.**

David Bird motioned to approve the Common Consent agenda.

Harold Dudley seconded the motion.

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Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

PUBLIC HEARINGS

- a. Review, and recommendation on a proposed Land Use Map Amendment, known as 96 South Center Street, located at 96 South Center Street, American Fork City, UT 84003. On approximately 0.18 acres, the property proposes to change from the Residential High-Density designation to the General Commercial land use designation.**

Cody Opperman reviewed the background information for Public Hearing item letter a: The applicant has applied for a proposed Land Use Map Amendment. On approximately 0.18 acres, the property proposes to change from the Residential High-Density designation to the General Commercial land use designation. This property is located within the designated Downtown area of American Fork City. The Downtown area of the city is located between 100 E and 100 W, 100 N and 100 S in a squared-out area. The Downtown area can be more easily seen in Section 17.5.133 (E)(1) of the American Fork City Code.

David Bird: Is there anything specifically designated for this property at this time?

Cody Opperman: The property land use is residential high density. For the current zoning it is R4-7500. R4-7500 allows for multifamily developments. The CC-1 zone would also allow for multifamily developments located above or adjacent to non-residential or commercial establishments.

David Bird: Is there a specific builder or contractor who is requesting this change?

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Cody Opperman: Yeah, it's an applicant-initiated land-use map amendment and zone change. The owner has the property as a two-family dwelling and just wants to increase it to a three-family dwelling. With R4-7500 zoning regulations you have to have around 12,000 square foot area in order to do that. In the CC-1 zone you can basically utilize the entire area as long as parking and all that is able to be maintained.

Jenny Peay: How many square feet would each unit be?

Cody Opperman: That is a good question. They had it written here, so just give me one second to find that information. Apologies.

Jenny Peay: The reason I am asking, are they one, two-bedroom apartments?

Cody Opperman: Is the applicant here today?

Glen Livingston: I am.

Cody Opperman: Maybe the applicant can come up and gather that information for you if you all are comfortable with that, and the applicant's comfortable with that too?

Chris Christiansen: We'd like to invite the applicant to step up. Please state your name for the record.

Glen Livingston: Of course, my name is Glen Livingston. So, this property is just about a block south. My wife and I own it together, along with my parents. The reason we are hoping to move the land use of general commercial is there is about 1000 square feet of unused space upstairs currently, and we'd like to add a third two-bedroom, one bath apartment. It's currently a duplex with two, two bed one bath apartments, but that upstairs is just unused space. The lot density requirement in the R4-7500 zone would not allow a third unit, so that's why we're requesting that change. The building just to the north that they show is the Utah Children's Justice Center. It is central commercial building as well. We would be able to have one-off-street parking space for each of the units. Those are the only requirements I was able to find for a central commercial zoning, multifamily unit building. I'm here to answer your questions.

Jenny Peay: Thank you. Yeah, the reason why I asked is to see if there would be enough parking for those units.

Glen Livingston: There's one driveway on the center street side, and then there's a double wide driveway on the 100 South Street as well. That is three off-street parking spaces.

Chris Christiansen: So, there are three on-street and three off-street for a total of six parking spaces?

Glen Livingston: Oh, sorry. There's a single car driveway and then a double car driveway.

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Cody Opperman: For regulations involving multifamily developments and looking at our off-street parking standards, it is going to be a requirement of two off-street parking stalls per dwelling unit, plus .25 parking stalls for guest parking as well. So just giving everybody a heads up on that, but I think that can be addressed during the permitting and developing phases rather than the zone change. Also, since they are located in the downtown area of American Fork, they have the option of on-street parking as well that is adjacent to their frontage. So that could also clear up some of that off-street because the on-street could count towards their off-street parking as they're located in that area.

Jenny Peay: So potentially, if this does go through, how many required parking spots would there need to be?

Cody Opperman: So, the 2.25 stalls per dwelling for a total of three dwelling units, you're looking at around 6.75, But we round down for parking, so that's going to be six parking stalls.

Glen Livingston: That is good to know.

Jenny Peay: No guest parking?

Cody Opperman: The guest parking is the .25 stalls per dwelling unit.

David Bird: Just for clarification, we are looking at changing the zoning, not necessarily the parking, correct?

Cody Opperman: Yes, that's correct. Just the zoning and land use currently. Development for the parking lot and on-street parking will need to be reviewed in the future, so that the parking can be accessed appropriately and outside of sight triangles for corners and stuff like that.

Chris Christiansen: Any other questions for the applicant? Thank you, sir.

Public Hearing Opened

No Comments

Public Hearing Closed

Jenny Peay moved to recommend approval for the proposed Land Use Map Amendment, located at 96 S Center Street, American Fork City, UT 84003, from the Residential High-Density designation to the General Commercial designation, subject to any conditions found in the staff report and recommended by the Fire Marshall.

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David Bird seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

- b. Review, and recommendation on a proposed Zone Change, known as 96 South Center Street, located at 96 South Center Street, American Fork City, UT 84003. On approximately 0.18 acres, the property proposes to change from the Residential (R4-7500) zone to the Central Commercial (CC-1) zone.**

Cody Opperman reviewed the background information for Public Hearing item letter b. The applicant has applied for a proposed Zone Change. The Zone Change request is to change the property from the R4-7500 zoning designation to the CC-1 zoning designation. The property is approximately 0.18 acres in size and is contiguous to the CC-1 zoning designation. This property is located within the designated Downtown area of American Fork City. The Downtown area of the city is located between 100 E and 100 W, 100 N and 100 S in a squared-out area. The Downtown area can be more easily seen in Section 17.5.133 (E)(1) of the American Fork City Code.

Chris Christiansen: We have already discussed this, so we will open this back up for a public hearing on this one. Seeing no one we'll close the public hearing and entertain a motion.

Public Hearing Opened

No Comments

Public Hearing Closed

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Jeny Peay moved to recommend approval for the proposed Zone Change, located at 96 S Center Street, American Fork City, UT 84003, from the R4-7500 zoning designation to the CC-1 zoning designation, subject to any conditions found in the staff report and recommended by the Fire Marshall.

David Bird seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

- c. Review, and recommendation on a proposed Land Use Map Amendment, known as Southam Industrial, located at approximately 300 E 1700 S, American Fork City, UT 84003. On approximately 4.99 acres, the property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.**

Travis Van Ekelenburg reviewed the background information for Public Hearing item letter c. The applicant has applied for a proposed Land Use Map Amendment. The project looks to change the Land Use Map of the General Plan from Shoreline Protection to Design Industrial.

Travis Van Ekelenburg: Thank you Chair. Taking a look at the land use map, you can see that the subject property is surrounded on the West, East, and South in regard to the shoreline protection zone. Taking a look at the zoning map, the subject property is currently in the M-1 Marina zoning designation and it's right next to the industrial I-1 zoning designation. Here's an aerial map. So, the applicants applied for a proposed land use map amendment and zoning change. The project looks to change the land use map of the General Plan shoreline protection to design industrial. Additionally, the applicant has applied for a proposed zoning change from M-1 to the I-1 zoning designation. Land use map amendment findings of fact the zone change does not meet the requirements of section 17.11.200 as design industrial is not a contiguous land use designation to subject property. With this one in particular, after talking to the staff and our director, staff is not going to make a recommendation. We're going to turn it over to Planning Commission to discuss this amongst yourselves and make a recommendation after hearing from the public.

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Harold Dudley: So, when you look back on the land use of shoreline protection the current zoning is what?

Travis Van Ekelenburg: The current zoning is M-1.

Harold Dudley: I thought they were going to the I-1 which is right next door?

Travis Van Ekelenburg: Yeah, they are trying to switch it to the I-1, it is currently M-1.

Chris Christiansen: Your question is, why is that not contiguous?

Harold Dudley: Yeah.

Travis Van Ekelenburg: Because the land use is what dictates what the zoning ends up being. So, the way the code is written, the general plan and the land use map is what we're looking at for the zoning. That's why everything that we annex into the city, when the land use has already applied to it, once it is annexed in the zoning is applied, because the land use has to come first.

Chris Christiansen: So, it is contiguous with the zoning next to it, but it's not contiguous with the land use that underlies it.

Travis Van Ekelenburg: Correct.

Harold Dudley: Go back to the land use, isn't that I-1 where it says shoreline protection? There's I-1 there... I think I am missing something.

Travis Van Ekelenburg: No, where are you pointing?

Harold Dudley: That is zoned I-1, it is not land use designation. So, the land use designation dictates what the zoning is via the general plan and that's the way our codes are written. We have to take the general plan and the land use map into consideration for what zoning designations will apply.

Chris Christiansen: But if I'm understanding what you're saying, right here where it says shoreline protection, overseeing, that's all shoreline protection, but it is zoned I-1.

Travis Van Ekelenburg: I know it's strange that the zoning doesn't match up with the land use designation. I'm not sure the historical aspect of that.

Chris Christiansen: Somewhere we got off the tracks a little bit.

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Travis Van Ekelenburg: Somewhere. But it is what it is. So, it is shoreline protection on the land use map.

David Bird: What is the shoreline protection land use?

Travis Van Ekelenburg: Marina. It is a shoreline preservation.

David Bird: There is a shoreline preservation zone?

Travis Van Ekelenburg: Yeah.

David Bird: And we are trying to maintain keeping that?

Chris Christiansen: So, one thing for my fellow Commissioners here, this land use of shoreline protection or Marina is not one we can recreate. Once we get rid of it, it's gone for good. Not like residential and commercial where we can go back and forth and change those, this decision today is do we really want to have marina left or not, you know? Once it becomes industrial, there is no going back.

Jenny Peay: Travis is there a way to put up an aerial view of that?

Travis Van Ekelenburg: Yeah. This is next to the other properties that are doing quarry activity, and it is my understanding the applicants are looking to do quarry activity as well on the property.

Jenny Peay: What kind of activity is that?

Travis Van Ekelenburg: Rock quarry.

Unknown Audience Member: I don't think that's true.

Harold Dudley: If it is currently zoned M-1, could the applicant do whatever is allowed in the M-1 zone?

Travis Van Ekelenburg: Yes.

Harold Dudley: And the property to the east could do whatever is allowed in the industrial zone?

Travis Van Ekelenburg: Correct.

Harold Dudley: So, it's the land use designation we are not in accordance with?

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Travis Van Ekelenburg: Yeah. So, as you can see, the shoreline protection land use designation encompasses quite a few properties to the east and the west. For the purposes of this application, I didn't see any point to show the entire length that it goes.

Chris Christiansen: Thank you, any other questions for planning right now? Engineering, anything from engineering? Is the applicant here would they like to address...Please step forward and state your name for us. Tell us about your project.

McKay Winkle: Good evening, McKay Winkle. We are the applicants with a couple properties out in the shoreline protection. Just wanted to clarify real quick, so we own about three parcels to the east there.

Harold Dudley: Can you put the map back up while he is talking?

McKay Winkle: So, it's right where the I-1 parcel starts, just one over to the left. So, we have an existing industrial tenant there, Southam and Associates. The genesis of this is they need some room to expand. So, they're looking at potentially building a new building, having more space there for their operations. And so, we're not looking at any kind of rock quarry or concrete, just an industrial building with some office space in the back. What's confusing me as well is shoreline protection continues all the way east through those industrial uses. You can still have industrial buildings there, which I don't know if they can still build there or not.

Travis Van Ekelenburg: They can because the current zoning dictates it. The reason it's that way is it's the general plan, so it's long-range planning, so stuff like long-range.

McKay Winkle: So yeah, so our goal is really to just the rezone being adjacent to the industrial zone and also the land use interplays.

Chris Christiansen: Any questions for the applicant?

McKay Winkle: Actually, one thing I would add is we submitted a letter because we recently developed a property in South Weber where we dedicated and gave easements to the shoreline along the Weber River for public use. We would do something similar here. I included some pictures, and we do want to protect the shoreline and would do whatever improvements you guys would like along there, whether it was accommodating public trails, setbacks from the water, whatever it might be. We'd be very cooperative there to preserve shoreline.

Chris Christiansen: Okay, Thank you.

Harold Dudley: Can we go back to the map?

Travis Van Ekelenburg: Sure.

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Harold Dudley: So, the property to the south is state property and is part of the lake. Is that correct?

Travis Van Ekelenburg: Some are, some aren't.

Harold Dudley: I will start with that one directly.

Travis Van Ekelenburg: I don't have that right in front of me, but I can pull it up.

David Bird: I have the same thought that Chris had. It's not wetlands, but it is preserving the lake shore. I'm hesitant to encroach upon that. Once you give it up, it's gone.

Travis Van Ekelenburg: Harold, that property seems to be either state property or county property. It is not pulling up.

Harold Dudley: It is not pulling up? Well, that is what I assume.

Chris Christiansen: Okay, as required we'll have a public hearing. Let's open it up for public comment. If you'd like to address the commission, please step forward and state your name.

Public Hearing Opened

Elizabeth Phelon: My name is Elizabeth Phelon. I represent Phelon Lakeland which we are the property immediately to the east of the said parcel, if you'd pull that up for me Travis that'd be great. So, in this zoning you can see, there is a line going through that SP for shoreline protection. And it kind of goes up and over, comes back down and there is another that looks like a sidewalk, right? You see that? That was actually a trail. That was a trail for the shoreline. We're in the process right now of moving that trail to the bottom of where it says SP. We own that as well. The smaller parcels that go out into the lake. Those were initially Phelon Lakeland property. Those were signed over to the state and the state owns those. You can see that that trail will go right along that shoreline. We are currently in the process of submitting plans, I've got the plans for it, we're going to dike that entire frontage of that shoreline. Right now, if any of you took a trip down there you would see that that shoreline is completely unusable, completely unusable. If you spend more than five minutes down there, you'll see that you don't want to spend much time down there. Although there's going to be a trail there. You don't want to spend much time down there because then midge and the mosquitoes are absolutely terrible. Where they're going you can see where it is white, that is actual land. It's not water, there's land there right now. Only the top half of that lot is going to be buildable for them. The reason they want to go I-1, is there is no outdoor storage in any zone other than I-1. And if you visit Southam's current property, or Mr. Winkles' current property where Southam's are, they do have outdoor storage that is a necessary evil for construction companies. Okay, you can see in the middle of the purple there that is zoned P-1 I believe, that is on the Alice Robert properties. There's an I-1 island there, and that is because the property at 1600 South there everything south of 1600 South was originally zoned an I-1. Catalyst rezoned, and that is why there is an island sitting there.

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Because on the north side of the island is actually owned by Rob Rogers and he is still there and so they left that as an I-1 so that they could eventually change that. But for Southam's to have outdoor storage, it has to be moved to an I-1. Personally, I am an American Fork resident my entire life. And I can tell you, I don't think that there's any rezoning there where that property is. Rodrick Catalyst actually own that piece that says M-1. They bought that and it is only buildable in the front half of the lot. Like I said, the back half of the lot is not buildable at all. They would only be able to use it for storage. So, I would say they're not going to encroach onto that trail. You know, they put up a nice, concrete wall that's up against the trail. No one's going to see what's there if somebody does use the trail. Again, Mr. Winkle said that he was willing to work with whatever way to ensure that the shoreline is actually protected, because the trail is there. The trail will be put in when American Fork City decides to put the trail in. Our business is pushing to have the trail run on our piece, because we want to have it beautified. We want to better our portion of the lake and right now all it is cankers weeds and bugs. Until you actually mill it out, like I said a dike, and plant greenery, those things that can thrive there. We actually will have 10 acres of green space on the other side of the dike. So actually, on the north side of our property on the north side of the trail, which will come down to that SP, it will actually be green space and stay green space. As the owners of the property to the east, we support it being moved to I-1, Absolutely. Because without outdoor storage, construction companies cannot exist. And without construction companies, none of this exists. We support them moving to I-1.

Chris Christiansen: Thank you.

Jenny Peay: Travis, can I just ask you a question? On the master plan, is the master plan included with a future collaborative?

Cody Opperman: So, in the master plans, the land use plan just shows the shoreline protection land use. As for the overlying zoning, right now it's just Marina (M-1). But with the master plan, it shows that it's shoreline protection.

Harold Dudley: So, in order to be I-1 or M-1, at some point our land use map would have showed this as more than industrial use, and at some point, it changed. Is that how we got to this point? I know you weren't here, but you're a professional, so you should be able to give some kind of reason as to why that might have happened.

Cody Opperman: Yeah, maybe the reason why is because maybe there was no industrial land in the city at all. So maybe they thought of pushing it next to Utah Lake in the past. Maybe that was a good idea back in the day. Again, with the PI-1 zone and also the industrial I-1 zone, they both fall into the design that industrial land use as well. So, either way, if the land use was dictated for design industrial, they can go either I-1 or PI-1.

Harold Dudley: What is the purple, I apologize?

Cody Opperman: That's design industrial.

Harold Dudley: That's design industrial, so the corner of this is already there.

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Cody Opperman: Just one more thing if I can just real quick. I don't think anybody knows, but we did recently pass a code text amendment that is a conditional use for outside storage in the PI-1 zone as well. There has to be certain regulations now in order to even achieve outside storage, you have to meet all those requirements. It was maybe passed like a month or so ago. So just giving you guys a heads up, that the PI-1 zone now has the ability to have outside storage with certain requirements now. And so rather than just having the I-1 zone being the only area for outside storage, we do have another one which is PI-1.

Harold Dudley: But it's not allowed in the shoreline.

Cody Opperman: Or the M-1 zone.

Chris Christiansen: Any other comments from the public? Seeing none, we'll close the public hearing and entertain a motion.

Public Hearing Closed

Harold Dudley moved to recommend approval for the proposed Land Use Map Amendment, located at approximately 300 E 1700 S, American Fork City, UT 84003, from the Shoreline Protection Land Use designation to the Design Industrial Land Use designation, subject to any conditions found in the staff report and recommended by the Fire Marshall. This motion is based upon the fact that this property is adjacent to a industrial zoned property and so bringing it into the industrial loans that loan, industrial land use designation could allow that it's almost like a boundary line adjustment from one to another. And that's why I made this motion.

NO SECOND (See Discussion)

Chris Christiansen: Thank You.

Jenny Peay: Can I just make a comment before we proceed? I know that we have very limited shoreline protection land already. I can see the need to do this. But it still stands in the back of me that we need to protect our shorelines. That's my thoughts towards this. I feel that even though this is the slimmest of parcels, you know you start shaving off a piece at a time we're not going to have very much left.

David Bird: But also, in regard to this, the actual part of the property that is shoreline will be protected. As they mentioned, there'll be a boundary of a wall, trail and whatever land is on the shoreline. It's sort of a pre shoreline line. Everything up to the shoreline will still be there.

Jenny Peay: I would feel more comfortable if it was boundary adjusted and trimmed out and showed just that parcel that they can use for that. Where we're changing the zone, they can use the entire parcel. We can't go back and change that once we do that, they can do whatever they want.

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Chris Christiansen: True. So, one thing to consider because this is an important decision and we are missing three of our colleagues that may be better suited, to potentially table this to get more opinions before we move forward on this. beforehand we have a motion to approve is there a second? Okay, can we entertain another motion then?

David Bird moved to table action for the proposed Land Use Map Amendment, located at approximately 300 E 1700 S, American Fork City, UT 84003, from the Shoreline Protection Land Use designation to the Design Industrial Land Use designation.

David Bird: I just moved to table this until we have better representation on the Commission.

Jenny Peay seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion was tabled

- d. Review, and recommendation on a proposed Zone Change, known as Southam Industrial, located at approximately 300 E 1700 S, American Fork City, UT 84003. On approximately 4.99 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.**

The applicant has applied for a proposed Zone Change. The project looks to change the Land Use Map in order to change the zoning designation on the property from M-1 to the I-1 zoning designation.

Public Hearing Opened

McKay Winkle: One quick thought, can you go to the parcel map again? I guess I could calculate the acreage there, but I just wanted to point out again, that our parcel doesn't go all the way to the shoreline. While we're still happy to incorporate and do whatever protection that is required to protect a big chunk of that land for shoreline. I'd be happy to do so. But that still gives plenty of shoreline to protect and like we've said earlier, the land can't be developed too far down. So, the building would be kind of at the top space.

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Harold Dudley: But what precludes you from developing further south? I think I know that answer, but I want you to answer.

McKay Winkle: Just water table. I think we had a Geotech done, it just gets really muddy out there. And, I mean, we don't really feel the need to. We can put all the building up front, and the rest is storage in a usable yard space. That works fine for us.

Harold Dudley: Are there any wetlands or any other designations that preclude development on the south side? Do those state anything with development?

McKay Winkle: There likely could be. I'm not sure. We need to do a wetland study I think, to see where that does come to. But there's still plenty of shoreline beyond the parcel.

Chris Christiansen: Thank you, anyone else?

Elizabeth Phelon: Sorry, Elizabeth Phelon. Can you pull that map back up? With the shoreline protection, that's the original American Fork Plan from umpteen million years ago who knows when, because I have gone back as far as I can go, and it doesn't indicate when that was put there. So, to clarify, in American Fork before we changed the parcels to the east to I-1, there were 70 acres of industrial land in American Fork, and do you know where those 70 acres are? Right to the east of me, and the very south and very east border of American Fork. When they say shoreline protection you've got the purple up here. It's already encroached into that shoreline protection as a P-1. There are buildings there. There's asphalt, there's buildings there. There's somebody coming in and unloading at the docks every single day. There are activities happening so that all of us can have nice fine homes and nice fine businesses to work in. Okay, so he said the SP has moved down. This was a newer map for American Fork. So, the one that says shoreline protection and screen again, this was now overlaid on that. So, shoreline protection, you can see on our property has moved further south. Yeah, it comes down in a in a round piece that goes right to the corner of their property. And that trail is going to come down right across there. Again, I would invite every one of you to come down and I will take you on your very own personal tour and I will show you how their property is gonna work. There are no wetlands there. There are no wetlands. We've done that land study multiple times. There are no wetlands there. And again, the amount of land past that trail is astronomical. And there's no way that nobody's ever going to use it. We've had an incident recently in the last two months where a family was boating. The waves came up on American Fork or on Utah Lake. I don't know if any of you have been out there on a boat before when the waves have come up, it is treacherous. It is absolutely treacherous. I can say that because I have boated it. And this family, he was an older gentleman, about seventy years old. He had his daughter and four of his grandchildren on the boat. It was an old Bayliner boat, probably a 95 boat. Not a super deep one, but one that can handle Utah Lake. I can tell you where their boat docked, and it was on our property because the shoreline is still there. Even though I am I-1, the shoreline is still there. And they docked there we ended up finding them there with no shoes, no life jackets. Nothing else. The boat remained there, and we took them back to Lindon Marina where their truck was, and the boat remained there for about a week. This is a personal invitation to every one of you, you're welcome to come to my office and I will take you down there and show you exactly how that shoreline works

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because for them to take that there's no shoreline being jeopardized whatsoever. And if we're gonna say it's to the green map that's shoreline protected, and the purple P ones already encroached into it. That shoreline protection map is a really, really, really old and there's not a good place for industrial in the city. Just like every other city, in order for the city to progress. It has to have a zoning for people to have construction products. So, it's an open invitation for all of you to visit before you go on after you've tabled it.

Chris Christiansen: Thank you. Anybody else? Seeing nobody we will close the public hearing and we will entertain a motion.

Public Hearing Closed

Jenny Peay moved to table action for the proposed Zoning Map Amendment, located at approximately 300 E 1700 S, American Fork City, UT 84003, from the M-1 (Marina Zone) to the I-1 (Industrial) zoning designation.

Jenny Peay: Again, let's wait till we have better representation here. And to be honest, I'd like to hear what Bruce has to say about it. I would just like a little bit more details on this before we move forward.

Harold Dudley seconded the motion.

Harold Dudley: Can we have a discussion? I'll second that and concur that it's better to have representation and I'm one that misses a lot. That's tough, but I think it's smart in this situation. We have commissioners that have more experience in this area as well. We have our chair that's not here that has been the chair for some time. And at the same time, I would invite staff to see if you can find out anything more than Miss Phelon's found out about how we ended up with the shoreline protection land use map having so much industrial manufacture that doesn't fit that underlying map. I know that's probably a big task but anything that you can give us historically that area would be better as well as where those property lines are, and I know there's like a no build and I apologize I don't know what it is. There's a demarcation point to like the high-water point of the lake. I think anything like that would help us make a decision. A little more information from staff would help us support a favorable decision and not favorable decision. So, anything like that can be helpful.

Travis Van Ekelburg: Okay, I will see what I can do.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

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The motion was Tabled

Cody Opperman: And then what we can do too is we'll put you on the next Planning Commission agenda. So that will be October 18th.

McKay Winkle: I will be out of town then, is that okay?

Cody Opperman: We can also schedule it for a different time if that's what your preference would be.

McKay Winkle: That would be great.

Cody Opperman: I will put you on the first agenda in November then.

McKay Winkle: Perfect.

Chris Christiansen: Thank you.

Jenny Peay: This also gives us an opportunity to go down and take a look at the property as Commissioners, to see for ourselves. I think it would be a good opportunity.

Travis Van Ekelenburg: I would like to mention, with the context of what you're talking about, it might be a good idea to talk to Patrick about that. And the rest of the planning commissioners maybe being involved in something regarding that.

Jenny Peay: We have to keep it under 3, right?

Travis Van Ekelenburg: Right, but we may be able to figure something out.

Jenny Peay: Like a field trip situation?

Travis Van Ekelenburg: Right.

Jenny Peay: That would be helpful.

Travis Van Ekelenburg: There have been times in my past experience that I had to take the planning commission to a property so we could have better discussion at the meeting.

Jenny Peay: It's going to be more beneficial to see it instead of just looking at it on a map. I mean, it's gonna tell a whole different story here.

Travis Van Ekelenburg: Especially since they're going to be waiting until November to come back.

David Bird: How nice she has offered to take us along.

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Elizabeth Phelon: I'll give you each one of my business cards. I'm there from 6am to whenever it's convenient for you.

Travis Van Ekelenburg: So, I'll find out the specifics on that.

ACTION ITEMS

- a. **Review and action on an application for an Accessory Structure, known as Topham Accessory Structure, that is 1000 square feet or greater, located at 185 S 100 W, American Fork City, UT 84003. The Accessory Structure will be on approximately 0.33 acres and will be in the Residential (R2-7500) Zone.**

Cody Opperman reviewed the background information for Action item letter a. The applicant has applied for a site plan to develop a Residential Accessory Structure. The Accessory Structure exceeds the 1000 square foot threshold, requiring the application to be brought to the Planning Commission for their determination. The project looks to build an accessory building that is approximately 1700 square feet and approximately 20 feet in height in the rear yard. The property is zoned R2-7500.

Jenny Peay: This is the one that was reviewed and approved. You've already reviewed this?

Cody Opperman: Yeah, we just did a review yesterday on it and it meets all the requirements in the rear yard, the main building, all that stuff.

Chris Christiansen: Any questions for planning or engineering? The applicant? Are they here and would like to step up and tell us about your project?

Harold Dudley: Without the applicant here, did they provide any information about the exterior of the building?

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Cody Opperman: Yes, I believe this is gonna be a steel accessory structure. So, these are just kind of the elevations that they provided for the building. It's going to be 38 feet long and 44 feet wide.

Harold Dudley: So, it meets the structural size doesn't in the ordinance give us some latitude on the exterior, or does it?

Cody Opperman: Yeah, let me pull that code up.

Harold Dudley: Actually, I'm ready for a motion to table.

Jenny Peay: Do we have what it looks like?

Harold Dudley: Other than what's on the screen?

Cody Opperman: That's the exterior elevation that they provided, and wall sheeting and stuff like that.

Chris Christiansen: Because he is not here, we will entertain a motion.

Harold Dudley moved to table the action for a proposed residential accessory structure in excess of 1000 feet located at 185 South 100 West American Fork, Utah 84003 in the R-7500 zone and instruct staff to contact the applicant and request that they be at the next meeting and have them bring us more detailed exterior drawings and materials that they're using on the exterior.

Jenny Peay seconded the motion.

Jenny Peay: With that, is it possible that fire has a chance to review that too, and engineering?

Cody Opperman: Yeah, we can ask him to maybe review it. The thinking on that is that fire, during the permitting and construction phases, they would also take a look at it just to make sure they're in compliance with the fire code and their concerns too. So, we can, if that's going to be your recommendation.

Jenny Peay: My concern is that they can get a fire apparatus down to that building. I just would like to hear what their thought was on that.

Cody Opperman: Yeah. Okay.

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Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion was Tabled

- b. Review and recommendation on an application for an Amended Final Plat, known as Hill-Pryor, located at 63 E 1340 N, American Fork City, UT 84003. The Amended Final Plat will be for approximately 0.48 acres and will be in the Residential (R1-9000) Zone.**

Cody Opperman reviewed the background information for Action item letter b. The applicant has applied for an Amended Final Plat to revise the property line and public utility easement. The subject property is 0.23 acres and is in the R1-9000 zoning designation.

Chris Christiansen: Planning?

Cody Opperman: Yeah, Thank you. The applicant is not going to be here today. He did give us a quick letter to indicate why he's not here. He wants to apologize, but his daughter just had a baby and so they're in Logan meeting with their grandson. Just to give you a little bit more information from them, as to the reason why they are purchasing the extra land and doing this amended final plat, is so that they can have room for their sports court. They indicated that they are using a lot of their neighbor's side yard, so they've approached them and asked to purchase the property, and the neighbor is alright with it. They're excited to have additional land in their yard to landscape and enjoy. I won't give out their number but if you want to contact them feel free to come and ask me. As for the amended final plat, this is what the current properties look like. They're located in the R-1 9000 zone. We've reviewed the final plat for their proposed new alignment, and it is going to be kind of where my cursor is at. They vacated easements and have put new easements in place as well.

Jenny Peay: Cody, have all the easement agreements been vacated?

Cody Opperman: Yes, they have.

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Harold Dudley: So, the current lots are actually in two different subdivision plats, is that correct?

Cody Opperman: That's correct. Yeah.

Harold Dudley: I hadn't noticed that previously. So, this new two lot subdivision will be called Quail Hollow North Plat C?

Cody Opperman: Yeah, and just for further clarification, since they were in two separate subdivisions, they needed signatures from everybody in those two separate subdivisions and the applicant has already provided that. He did very good work on providing those prior to this planning commission meeting.

Harold Dudley: One last question. Out of curiosity, is this under the newly enacted state law? Would this be one that wouldn't come to us in the future potentially because of boundary, or would it?

Cody Opperman: I will have to ask legal and the director. I'm pretty sure this is just a boundary line adjustment and so maybe in the future it may not even come.

Harold Dudley: Interesting.

Jenny Peay: In line with that. If they were to boundary adjust without coming to the city, and it is described than as a non-conforming lot, how would the city address that?

Cody Opperman: They wouldn't be able to create it.

Harold Dudley: It still has to meet the zoning requirements.

Jenny Peay: I just want to avoid having a problem.

Cody Opperman: Yeah, and especially if we can't see what the lot lines look like. Then we can't make sure that the lots would be 9000 square feet in a R1- 9000 zone like they're supposed to, or what the setback requirements are. It's not just for our review. There are also easements too. So, what would happen with current easements if they're not being vacated?

Jenny Peay: Yeah, I guess that's just a concern that I have going back to what the state requirements are. If there are no eyes on it, this could be very problematic.

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Travis Van Ekelenburg: Part of what the county does too, is when you go to record this stuff, and it doesn't meet the requirements, they punt it back to us.

Jenny Peay: I hope that's the case, and that they do that.

Travis Van Ekelenburg: They have done that with other changes such as the signatures and amended plats and things like that.

Jenny Peay: I just think it would be helpful to put a note down to the county to let them know that this is coming. This may be a creation of effects for nonconforming lots and vacated easements. I can see a problem here and I just want it on the record that this will create some issues here.

Travis Van Ekelenburg: Yeah, just keep in mind they have to be developed for certain zones and area frontage. None of that has changed.

Jenny Peay: Okay, Thank you.

Chris Christiansen: Is there anything from engineering?

JJ Hsu: Not now.

Chris Christiansen: Okay, can we entertain a motion?

Harold Dudley moved to recommend approval for the proposed Amended Final Plat, located at 63 E 1340 N, American Fork City, UT 84003, in the R1-9000 zoning designation, subject to any conditions found in the staff report and recommended by the Fire Marshall.

Jenny Peay seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

- c. Review and recommendation on an application for a Final Plat, known as The Flats at Lakeshore Landing Block 2 – Plat D, located at approximately 363 S 890 W, American Fork City, UT 84003. The Final Plat will be approximately 2.42 acres and will be in the Transit Oriented Development (TOD) Zone.**

Cody Opperman reviewed the background information for Action item letter c. The applicant is applying for Final Plat approval for Lakeshore Landing's Block 2 Plat D Final Plat, located in the area of 363 S 890 W in the TOD Zone. The proposal consists of a multi-staged development and all development parcels consist of approximately 2.42 acres. The project looks to provide 93 total units in the area and be four stories in height for an apartment complex. The Final Plat shows two (2) parcels in accordance with their lot widths, and they will provide shared parking between the two parcels for the apartment units. The applicant will need to provide and complete the entry numbers for the shared parking documents and reference documents before obtaining signatures for mylar.

Jenny Peay: Are they going to provide a shared parking agreement?

Cody Opperman: Yeah, sorry. Thank you for bringing that up. So, one of the conditions for this particular plat is going to be to provide their numbers for shared parking agreements and for their reference documents down here located where my cursor is. So, before mylar is being recorded, they will need to fill out those entry numbers with Utah County.

Jenny Peay: So, with both parcels and the shared parking agreement, are they going to meet the parking?

Cody Opperman: Yes, they make the parking requirements of that area.

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David Bird: Do you have an ariel on that Travis?

Chris Christiansen: Okay, is the applicant here? Would they like to come and address?

Roy Bartee: We don't have anything to add unless you have any questions.

Chris Christiansen: Thank you. Any questions from the commission? Okay we will entertain a motion.

David Bird moved to recommend approval for the proposed Final Plat, located at approximately 363 S 890 W, American Fork City, UT 84003, in the Transit Oriented Development Zone, subject to any conditions found in the staff report and recommended by the Fire Marshall.

Jenny Peay seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

- d. Review and recommendation on an application for a Final Plat, known as The Flats at Lakeshore Landing Block 4 – Plat H, located at approximately 495 S 890 W, American Fork City, UT 84003. The Final Plat will be for approximately 1.87 acres and will be in the Transit Oriented Development (TOD) Zone.**

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Cody Opperman reviewed the background information for Action item letter d. The applicant is applying for Final Plat approval for The Flats at Lakeshore Landing Block 4 Plat H Final Plat, located in the area of 495 S 890 W in the TOD Zone. The proposal consists of a multi-staged development. The applicant is requesting a five (5) story building but what is required by the code is four (4) Stories. All development parcels consist of 1.87 acres.

The project looks to provide 111 total units in the area and be four stories in height for an apartment complex. The Final Plat shows two (2) parcels in accordance with their lot widths, and they will provide shared parking between the two parcels for the apartment units. The applicant will need to provide and complete the entry numbers for the shared parking documents and reference documents before obtaining signatures for mylar.

The applicant is requesting a five-story building rather than a four-story building. Section 17.4.608 (Section 6 Lot Plans) (D)(2)(b) states, "lots assembled into one parcel that encompass more than one lot type are assigned the lower of the lot types unless City Council has approved otherwise." As Lot Types 6 and 7 are located throughout the building this would imply that the overall building would be assigned the Lot Type 6 designation unless City Council has approved otherwise. The Lot Type 6 designation would mean that the max height of the development is four-stories as mentioned in Section 17.4.608 (Table 6A – LT-6 Building Form).

If the applicant is approved for the five-stories from the City Council, then the applicant will need to come back and amend their Lot Plan for The Flats at Lakeshore Landing Final Lot Plan – Block 4 Plat H to reflect the five-story iteration.

Jenny Peay: Can planning commission approve the 5 stories, or does it have to be City Council?

Cody Opperman: I think it's important for you guys to give your recommendation on it. I mean, counsel is going to be the approval body for that said request. But I think giving background information and just also having the final plat ready to go. I think you can also help the applicant in the long run with whatever the determination would be made by counsel too. So, I think if there's a discussion to be made about that five-story building from planning commission, they could utilize that to better understand the situation too.

Jenny Peay: My first question then would be what are the buildings surrounding that?

Cody Opperman: So, the building surrounding it is going to be townhomes from Lakeshore Landing as well. I believe they are, and maybe the applicant can correct me if I'm wrong, but it's a block type four. Three to four for the townhomes, which was a little bit of a different lot type requirements. Again, I apologize I haven't seen the townhome plans, but I have seen the apartment plans so, surrounding it from the west to the south is going to be the townhomes and then also just to the east there's a development and they are going to be for townhomes as well.

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Jenny Peay: So, I guess my question would be on a type four, what is the height requirement for a type four versus a type seven?

Cody Opperman: Yeah, so a lot type 4, let me just quickly check that.

Jenny Peay: I'm just trying to get a perspective of the different heights.

Cody Opperman: Maybe Ken can shed some light as well if he wants to. But let me just check out block type 4 which will allow some different lot types.

Chris Christiansen: While you're looking that up would the applicant like to address us?

Ken Berg: Ken Berg, with Berg Civil Engineering. So, this whole area, not just the area that they have highlighted, but the area bounded by the road is an entire block, block type four. In your TOD code, in that block type, I have to have a certain percentage of lot type fours, which are townhomes. Lot type five, which are also kind of townhome-ish, lot type six and lot type sevens. I have to meet those requirements. So, in that block, we've met the town requirements, and we've been working for the past year to make the lot type six and like seven requirements, which are apartments. So, where the TOD code is written to do exactly this. This is meeting the code. It is not creating a conflict in what is their next-door neighbor. No, this is code. This is what it's supposed to be. And in our proposal to ask for a five-story building. We're not asking for any more units. It's still the TOD code set the density at 111. So, we have the option of having rooftop amenities, but our proposal is we want to add almost an additional story of amenities for those residents, but we want to put it on the main floor or the first floor, not the top so we can use them year-round, so it's more beneficial to all of the residents within that building. So that is our request to counsel. The way the TOD code is written is we have to make the request to them. Usually it's you guys first, but the code says you have to ask these guys first, so it's what the TOD is.

David Bird: So, they require you to have block seven that is required?

Ken Berg: Yes.

Jenny Peay: Looking back at our TOD, that's exactly what it's set up to do is to put the businesses or amenities at the bottom and the residents at the top, so I like it. I think it's going to be very nice. Is there any type of elevation that we have?

Ken Berg: Yes, we've submitted all those through staff, they meet the requirements of the code, they fit in with what's already been built down there and we're excited to build them.

David Bird: Are there other 5 level facilities down there, buildings that are higher, or is this going to be sticking above everything else?

Ken Berg: So that one would be five stories. The one that you just approved, which is just north across the street, that one's four stories. Portions of it could also be five stories, but we were able

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to fit everything plus the amenities within that apartment building and keep it to four. But the configuration of this one just didn't work out in the different type of amenities are trying to fit in that building took a little more space. That's why we're requesting the five and then the other two vacant parcels you can see to the west of the townhomes. Those you approved last meeting and those are also four-story buildings. But then as you move further out, there's going to be higher than the TOD, it's even past five.

Cody Opperman: The transit sits closest up towards 200 South so you're looking at our maximum 10 story over there. And a minimum of 55 dwelling units to the acre.

Roy Bartee: Roy Bartee, owner for The Flats. The project to the north of the parcel that you already made a recommendation on, that apartment project is five stories. So, there is precedent for some five-story structures in the immediate area. So, there's a couple of reasons we want to do the five-story building, which is we don't want a ton of studio apartments, you know, in the area or in that building. One of the reasons is, since the density is set and if we add that extra story, we can actually accommodate you know, larger units in which you're going to accommodate you know, families or, you know, our couples or whatever, right? But it reduces the number of studios that would be in that in that building. So, I think that's more congruent with what is happening in the neighborhood rather than a bunch of studios. That's one of the main reasons to do it. And then like amenities on the ground floor.

Chris Christiansen: Thank you.

Jenny Peay: Can I just ask one thing? On the conditions if we approve this, can you be specific on what those would be?

Cody Opperman: Yeah, so the conditions, it's a little bit interesting let's just say. Again, this final plat is specific to the four-story building. Their lot plans are specific to the four-story building. So, you can if you guys want, approve this final plat for the four-story building, but also in your motion you guys can give maybe whatever recommendation you want for the five-story building. Additionally, the project conditions for the final plat currently are going to be to complete all entry numbers for shared parking documents and reference documents again, if the council approves the applicants request for a five-story building, then the applicant will need to come back and amend their lot plan for The Flats at Lakeshore Landing lot 4 plat H, to reflect the five-story iteration. And if the council does not approve the RCA for a five-story building, or request for Council action, then the building height only for RCA will need to be removed from this final plat. Then additionally address comments from our project engineering third party reviewer.

Jenny Peay: That's a mouthful.

Cody Opperman: I think it's important just for the motion that you guys give, that this plat is for the four-story building, and what your determination is for the five-story recommendation.

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Chris Christiansen: So, either way, if it becomes a five-story building, it will come back to us again to allow an ability to comment on that. What we're approving is the four stories that it's showing right now. If we were to make a recommendation for approval, that would depend on these conditions.

Jenny Peay: So, okay, I just want to get this clear. So, we can approve this as a four-story, with a recommendation as a five is that correct?

Chris Christiansen: We could, or we could just leave it as is with the conditions, because it will still come back, and we have all the minutes that the City Council will see of our comments on what our opinions are on the subject as well.

Ken Berg: We have to do it twice. There's no other way around it. So, we need your recommendation so that we can ask for permission. Once we have the permission slip from the City Council, we're gonna come back and ask you to do it. That's, that's my song and dance and the hoops we're gonna jump through because that's just the way that it's written. And we all now understand it and we're willing to do it, but you get to see my ugly face once again. For this project, and probably a few others.

Chris Christiansen: We just thought you liked us that much.

Ken Berg: I do!

Chris Christiansen: Any other questions from the Commission? I think we've covered everything so we can entertain a motion.

Jenny Peay moved to recommend approval on the Final Plat for Lakeshore Landing's Block 4 Plat H, located in the area of 495 S 890 W in the TOD Zone, subject to any conditions found in the Staff Report.

David Bird seconded the motion.

Harold Dudley: Do we need to make a recommendation on the five part?

Jenny Peay: Well, I was trying to save a step, but apparently, it's got to go through that anyway and come back to us.

Voting was as follows:

Chris Christiansen

AYE

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Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

- e. Review and action on an application for a Commercial Site Plan, known as Unique Collision Electric Vehicle Installation, located at 221 S 500 E, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 8.04 acres and will be in the General Commercial (GC-1) Zone.**

Travis Van Ekelenburg reviewed the background information for Action item letter e. The applicant has applied for a Commercial Site Plan to develop an electric vehicle charging station that will add four (4) charging stalls to the existing site. There are several businesses on the property, so an overall site plan was required for an accurate assessment of the subject property.

Cody Opperman: Sorry, I just want to say one thing too. We found out that in the GC-1 now the planning commission is going to be the approval body for site plans. So just giving you guys a heads up, whatever your determination is, whether it's approval or denial, it stops. So, you guys are the determining body.

Chris Christiansen: And I believe we are acting in an administrative role on this item as well. So just a reminder, based on our training. Okay, thank you. Engineering?

JJ: We just need a PUE around the properties.

Chris Christiansen: Alright, is the applicant here, would they like to address us about your project? Come forward and state your name.

Mike Nielson: My name is Mike Nielsen. I'm Business Operations Manager for Unique Autobody. The property owner is actually UAV Investment, LLC, and I represent both parties. So, these are two high voltage charging stations that would be installed along the northwest corner of that property so that was on 500 East. Those two stations would allow for rapid charging. These would be similar to the Tesla superchargers with universal charging connections for all vehicle types and would be available to any customers who choose to use them. This would be at a cost, you know, they're not free just like any supercharger has a cost type of thing. Yeah, large property, little, tiny development of it on the corner. We have applied for grants because the federal government is looking to install these types of chargers in increments along high traffic areas that are within a mile of the freeway which makes us a good position for these chargers. So, are there any questions?

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David Bird: Because this property is owned by the collision shop already you will just designate a portion of parking to the chargers, is that correct?

Mike Nielson: You can see the collision owns the entire eight acres, and then we lease to two to three entities. Sorry, I forget about the parking stuff. So, there's five total entities that operate there. We leased Ken Garff some space because it used to be an auto dealership with velocity and then prior to that it was something else. So, we leased some storage to Ken Garff for some of their vehicles in the short term. We lease to a towing company a small portion, then we lease to Enterprise Rent-a-Car and a paintless dent repair company leases some office space in our building.

Travis Van Ekelenburg: I'd just like to mention that when we have a large site like this, like a Walmart parking lot or anything like that, when it's one property and there's several different businesses on there. We have to take a look at the whole thing, and that's part of why the requirements are the way they are.

David Bird: Are there any problems with the traffic flow on this, as far as maybe these need to be at like a gas station or something?

Travis Van Ekelenburg: They are not required to have a traffic study or anything like that for this application.

Chris Christiansen: Okay, thank you. Any other questions from the commission? If not, we'll entertain a motion.

Harold Dudley moved to approve the proposed Commercial Site Plan, located at 221 S 500 E, American Fork City, UT 84003, in the GC-1 zone, subject to any conditions found in the staff report and recommended by the Fire Marshall.

David Bird seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Harold Dudley	AYE
Jenny Peay	AYE
David Bird	AYE

The motion passed

Other Business

Cody Opperman told the commissioners that there are many applications coming through the planning and building departments, especially in the TOD area of the city.

Chris Christiansen thanked the staff, especially Patrick and Cherylyn for the very informative training last month.

Adjournment

Harold Dudley motioned to adjourn the meeting.

David Bird seconded the motion.

Meeting adjourned at 7:33 PM



Angie McKee

Administrative Assistant I

The order of agenda items may change to accommodate the needs of the commissioners, public and staff.