

APPROVED MINUTES

04.17.2024

AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION

April 17th, 2024

The American Fork City Planning Commission met in a regular session on April 17th, 2024 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Christine Anderson, Chris Christiansen, Rodney Martin, Bruce Frandsen, David Bird, Harold Dudley, Jenny Peay

Commissioners Absent:

Staff Present:

Travis Van Ekelburg	Planner
Cody Opperman	Planner
Ben Hunter	City Engineer
Angie McKee	Administrative Assistant I

Others Present: Ken Burg, Jana White, Brian Summers, Steve McCleary, Don Coleman

REGULAR SESSION

Chaiwomen Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

- 1. Minutes of the March 20th, 2024 Planning Commission Regular Session.**

Chris Christiansen motioned to approve the Common Consent agenda.

Harold Dudley seconded the motion.

APPROVED MINUTES

04.17.2024

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Jenny Peay	AYE

The motion passed

PUBLIC HEARINGS

- a. Review, and recommendation on a proposed Code Text Amendment, known as Minimum Level of Improvements Required Prior To Issuance of Building Permits, of the American Fork City Municipal Code. Amending Section 17.5.126 (D), the Code Text Amendment plans to give the city engineer discretion into providing information regarding curb grading for residential lots.**

Ben Hunter reviewed the background information for Action Item letter a: The Staff has initiated a Code Text Amendment to amend Section 17.5.126 (D). The Code Text Amendment plans to give the city engineer discretion into providing information regarding curb grading for residential lots.

Ben Hunter: So, a lot of times the instances where this comes into play is where someone may be constructing a home that doesn't have minimum level of improvements like curb gutter sidewalk. So, a lot of times they may come to the city looking for that information, which we a lot of times may not have design related information. And so, a lot of times that will be a requirement on the applicant to provide, and we would review. But sometimes we have road projects and things

APPROVED MINUTES

04.17.2024

coming through, or we want to make sure that it will tie into the future curb and gutter as it continues down the road. So, this just modifies it so that they provide and work with their engineer, that's doing the design work, and provide that information to us for our review.

Chairwomen Anderson: Thank you. Questions for Engineering?

Bruce Frandsen: Yeah, my question Ben, is this only going to be applicable if they are building a house? My question is, what do we do if on the south end of town, somebody's got 150 acres and they want to put an agricultural building on it, is this amendment or this portion of the code required that entire parcel to have, as I read it, water, sewer, curb and gutter, widen the road, etc, etc, for an agricultural type building?

Ben Hunter: So, this particular section of code doesn't necessarily trigger that. There will be other sections that may or may not trigger that. All that this proposed code amendment does is changes who provides it. Because of how it's written right now, the city engineer shall provide that. Which a lot of times, we don't have that grading information. So, in the other sections of code when it is applicable, which it may or may not, there are several criteria that have to be met when it would be required. I don't recall with like the agricultural building. One of the criteria in a different section is the value of the of an agricultural building versus the value of doing all the minimum level of improvements. And if that threshold isn't met, then you wouldn't have to do it based on that other section of code. So, it doesn't change when it's applicable. All this changes is who's providing the information.

Bruce Frandsen: Okay, that helps, thank you.

Rodney Martin: So, this is just to help move the process along because if you aren't able to get to it, they can have their engineer do it and it moves the process along.

Ben Hunter: Or if we don't have the information because a lot of times, we don't have that information, that it moves the process so that they can provide it to us, and we can review it and keep them moving forward.

Rodney Martin: Perfect.

Chairwomen Anderson: If we don't have any other comments, we can move forward with the motion. Oh, sorry, public hearing, if there's any public comment, you're welcome to step forward.

Public Hearing Opened

No Comments

Public Hearing Closed

APPROVED MINUTES

04.17.2024

Harold Dudley moved to recommend approval for the proposed Code Text Amendment, amending Section 17.5.126 (D), relating to plans to give the city engineer discretion into providing information regarding curb grading for residential lots, and providing an effective date for the ordinance.

David Bird seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Jenny Peay	AYE

The motion passed

- b. Review, and recommendation on a proposed amendment to the American Fork City General Plan, amending the Moderate-Income Housing Plan, to update the Implementation Strategy.**

Travis Van Ekelenburg reviewed the background information for Action Item letter b: Staff has initiated a General Plan Amendment to the American Fork City General Plan, amending the Moderate-Income Housing Plan to update the Implementation Strategy. The Plan was adopted previously, however, due to some changes in projects, there is a need to update the implementation strategy.

APPROVED MINUTES

04.17.2024

Travis Van Ekelburg: We have some state requirements each year, and we have to keep that updated.

Chairwomen Anderson: As I understand it, the specific strategies that we chose as a city are still the same. Just details about the timing of those things has been adjusted?

Travis Van Ekelburg: Yes, the timing. We need to make sure we are meeting those this year.

Jenny Peay: Kind of like the implementation process. They change that all the time.

Chairwomen Anderson: Based on different factors.

Travis Van Ekelburg: This will be something that may need to happen from time to time, these minor adjustments, as we go through the housing planning.

David Bird: So, these plans will basically just keep us in compliance with the state?

Travis Van Ekelburg: Correct. Basically, they like to see that we're following through with what we're telling them we're gonna do.

David Bird: And vice versa.

Jenny Peay: They like to keep you busy.

Chairwomen Anderson: Thank you, any further comments for planning?

Public Hearing Opened

No Comments

Public Hearing Closed

David Bird moved to recommend approval for the proposed General Plan Amendment to the American Fork City General Plan, amending the Moderate-Income Housing Plan to update the Implementation Strategy, and providing an effective date for the ordinance.

Jenny Peay seconded the motion.

Voting was as follows:

APPROVED MINUTES

04.17.2024

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Jenny Peay	AYE

The motion passed

- c. Review, and recommendation on a proposed Code Text Amendment, known as TOD Parking Requirements, of the American Fork City Municipal Code. Amending Section 17.4.608 (Section 6 Lot Plans)(Table 6F – Parking Requirements), the Code Text Amendment plans to increase the parking requirement for LT-8 and LT-9.**

Cody Opperman reviewed the background information for Action Item letter c: Staff has initiated a Code Text Amendment, known as TOD Parking Requirements, which will amend Section 17.4.608 (Section 6 Lot Plans)(Table 6F – Parking Requirements) of the American Fork City Municipal Code. The proposed amendment looks to increase the parking requirement for LT-8 and LT-9. Right now, the requirement is 1 parking stall per dwelling unit, this would change that to 1.5.

Cody Opperman: We understand that currently, automobiles down in that area are still the primary function to get around town. So, we just want to be able to alleviate some parking situations by increasing it to about 1.5 to match the general mixed-use areas of the TOD. In the future, we will more than likely take a look at this again, because the TOD environment is supposed to be more of a pedestrian environment. So, once more services come into play down the road, we can maybe transition back to one parking stall for each dwelling. But when the services aren't there currently, we understand the need to provide parking spaces for our current residents and future residents.

Chairwomen Anderson: I see this as kind of a temporary fix while we're waiting for full build out and full services to make it so that this area isn't as dependent on cars. But for the present, there isn't a whole lot of alternatives yet. Comments or questions?

APPROVED MINUTES

04.17.2024

Bruce Frandsen: Yeah, I'm just looking at the chart here, and I see lot types one through five, where we have, I think, one and a half or two. Then we dropped down to a couple of lot types with one, and we bounced back up to one and a half. I go down there, and I look where we're even in a lot type seven, and there's no parking in lot type seven. We're still building 42 units to an acre as a minimum. And I'm glad to see we're going one and a half. But I'm not even sure if that's going to be enough. We continue to approve, geez, you know, 75 units per acre and you're right, there's no parking down there. You know, I drove it the other day with a couple of city council members, it surprised them what we had down there. I don't know, we need to keep our eye on it. It may need to be bumped up again in the future. Because it is dangerous down there. I mean, the fire chief says he can't even get his smallest apparatus into a significant number of those homes down there. Yeah, I appreciate this, I think we need to keep our eye on it.

Chairwomen Anderson: It seems like a lot of the growing pains is lack of city transit, right? And how do we trigger that coming into the city?

Cody Opperman: Yeah, like you said, there is a little lack of city transit. Hopefully in the future maybe UTA provides some doubling of the front runner tracks or front runner train so that people are more able to utilize the front runner tracks and in a faster fashion rather than maybe waiting an hour, hour and a half to get to their location. Another item can be UTA services for bus rapid transit stations, really providing that multimodal transportation rather than just automobiles as the primary option. Currently we've had really no developments for any commercial activity for the residents to be served in that area either. So that comes into play when you have these high-density residential developments. And they're still having to actively drive across town to get to what they want to buy, or anything of that sort. So, there's a lot of things that can come into play for a pedestrian oriented environment. That could also be more bike infrastructure. Once that's more complete, a lot more people could be able to utilize it better. But other items could be maybe providing parking structures down there that may be city owned or other organizations owned as well. So, I think it's pretty important to not only increase the parking requirements from our city ordinance, but also be able to look at other options that could alleviate the problem, rather than just increasing parking demand for each dwelling unit or business.

Chairwomen Anderson: Right, because right now, the problem will just get worse unless we address those two things. Bringing more commercial to the area so that it does become more self-sustained. And then also bringing more specifically bus rapid transit, so that they can use that rather than needing their cars if they want to live in a mixed-use environment.

Cody Opperman: Yeah, we understand that maybe a transitional approach is a lot better of an option. So, again, with the increasing of the parking demand to 1.5, this kind of transitions from the two parking stalls for a detached dwelling unit or a detached single-family home. It transitions more, rather than a hard fast stop for parking requirements down to one dwelling unit.

APPROVED MINUTES

04.17.2024

Chairwomen Anderson: Thank you, any other thoughts, or questions?

Jenny Peay: Cody, I don't know if you're aware or if this is the case, but are contractors contributing to the over parking down there or is it strictly residential? Do you know?

Cody Opperman: That could be one of the reasons. I mean, there is a lot of construction going on in that area for sure. Especially with 200 South coming into play now. There's a lot of traffic going to be involved with 200 South itself. A lot of homes are being developed down there at the same time. I still think it is property owners having maybe two vehicles minimum, and maybe another extra play vehicle as well. Once a total build out scenario is completed, it will take time. If I could make it happen in a year, that'd be great. But it just takes time to make people understand that 'Oh, I can actually maybe work here, and then my partner or family member will only need one. We don't need two vehicles.' So, it does take time.

Bruce Frandsen: Generally, what I have noticed is the majority of the crowding and congestion is in the evenings. If you drive down there during the day, everybody has gotten in their cars and taken off, but in the evenings when everybody's home, you know, from six or seven on and also on the weekends, that's when it's really congested down there.

Jenny Peay: No, I like the direction so thank you.

Public Hearing Opened

No Comments

Public Hearing Closed

Chairwomen Anderson: It's open for any further comment or a motion.

Rodney Martin moved to recommend approval for the proposed Code Text Amendment, amending Section 17.4.608 (Section 6 Lot Plans)(Table 6F – Parking Requirements), titled TOD Parking Requirements, relating to increasing the parking requirement for LT-8 and LT-9, and providing an effective date for the ordinance.

Chris Christiansen seconded the motion.

Voting was as follows:

APPROVED MINUTES

04.17.2024

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Jenny Peay	AYE

The motion passed

- d. Review, and recommendation on a proposed Code Text Amendment, known as the Issel Code Text Amendment, of the American Fork City Municipal Code. Amending Section 17.7.603, the Code Text Amendment plans to reduce the minimum area of a project from four (4) acres to two (2) acres.**

Travis Van Ekelenburg reviewed the background information for Action Item letter c: The applicant has applied for a Code Text Amendment to amend Section 17.7.603 of the American Fork City Municipal Code. The proposed amendment looks to reduce the minimum area of a project from four (4) acres to two (2) acres.

The applicant submitted a statement with their application, which is attached. Staff deems the statement to be inaccurate and misleading, as staff have recently engaged with the Hospital to discuss their expansion plans, and the current development agreement for the area, and as such, recommends denying the application.

Staff Analysis

Changing the PO-1 zoning Code will hamper large scale master plan development as reducing the size will make it difficult for the shape and size of many of the lots in the PO-1 zone to meet code ingress/egress requirements. In addition, reducing the size requirement for combined office and housing projects will cause a potential fragmenting of the zone, which is outlined as being for mainly office use, which can allow for a housing element, but with the reduction, could cause housing to be dispersed in a way that does not meet the intent of what a large-scale masterplan should be, which takes into consideration larger areas of land.

The code as written currently allows for development under code section 17.7.603(C)(1), and the reduction as proposed is not needed for development to occur on any existing site within the

APPROVED MINUTES

04.17.2024

zone. Staff views the proposed change as not being of benefit to the entire PO-1 zone, but to the applicant's property.

Jenny: Can you go back to your map again?

Travis Van Ekelenburg: Yes. So, the subject property up here, the hospital is right here. You can see that you've got the R1-9000 designation as you move further East. You've got R1-12000, larger lot sizes coming in, up to RA-1.

Chairwomen Anderson: And then East and West of the project in question?

Travis Van Ekelenburg: Not American Fork jurisdiction.

Chairwomen Anderson: Yeah, not annexed into the city yet.

Travis Van Ekelenburg: Let me know when you're good Jenny.

Jenny Peay: Okay, go ahead.

Travis Van Ekelenburg: So, the applicant is applying for a code text amendment to amend 17.7.603 to change the minimum area for the project from four acres to two acres. I'm going to submit a statement with their application that conveyed their reasoning for the code change. After reviewing it, staff deems that the statement to be inaccurate and misleading, as staff has recently engaged with the hospital. The hospital does have a current development agreement in place, and they have plans to expand as well. That contradicts the statements submitted by the applicant. And that along with the staff analysis in the staff report, our reasons why we're recommending denying the application as these changes for this particular zoning designation is meant to have large scale developments in place. So, if you take a look at the intent of the 17.7.603 It clearly states that it is for large office complexes and combined office housing projects. The housing projects are a secondary thing in the in the section of code, the main things for the office uses that allows the housing to be developed in the code. So, as you can see through the permitted uses, that development is still possible with these properties. There are many properties that have this zoning designation that are non-conforming as well as they were probably built before zoning was enacted in the area, or the or the city was incorporated. So, take a look at the applicants' comments. I'm not sure where they got the information on the PO-1 zone, when it was officially written. Maybe they can touch on that as they come to the podium. The hospital has not abandoned development, they have lots of plans to move forward with that as well. This particular section of code was not meant for smaller developments, it is meant for large development. And so, the four acres needed when you take into consideration landscaping, parking, all the other requirements of code for developing office-type uses. If you combine the development of parking, landscaping, the code requirements, all of those come into play to have enough space to develop those particular types of developments. So, with that, do you have any questions?

APPROVED MINUTES

04.17.2024

Jenny Peay: It seems to me that a development agreement would supersede a lot of this if the hospital already has one in place. Is that correct?

Travis Van Ekelburg: They do have a current development agreement, yes. Patrick, our development services director, met with them I want to say 3 weeks ago, or six weeks ago. He talked to them in regard to their plans for expansion of the hospital.

Jenny Peay: Did it include the property just North of the hospital there?

Travis Van Ekelburg: I wasn't privy to the discussion that was just what was conveyed to me.

Jenny Peay: I was just curious.

Travis Van Ekelburg: Yeah, we don't have an official submittal, but they do have a development agreement which is what they would use for the development and expansion of the hospital.

Chairwomen Anderson: If the applicant is here, we'd like to invite them to come forward and state their name and tell us about your project for this code text amendment.

Brian Summers: Okay, yeah, I am Brian Summers. Thanks for your time. So, on that verbiage about the hospital, it's not that they abandoned all development plans, but I think that it's pretty widely known that at one-point, Intermountain Health Care wanted to make that hospital way bigger, until they did the Lehi hospital they are currently building. I have an uncle that's like an executive at IHC. And so, I get my insider information there. But that's kind of not really the point. The point is that the way the code is currently written for the PO-1 zone is it just doesn't work for anybody but the hospital. It only speaks to one property owner in that zone. There's not a single other property in the city that's zoned PO-1 that is larger than four acres. I think actually maybe even three acres, at least around the hospital anyway. I know there's a couple of other spots. So, it really only speaks to one property owner, which really isn't fair to the property owners of those smaller parcels. They want to do something that's within the zoning code. They want to do a mixed-use, if possible, but they only have two and a half acres. They've been ready to go for about 10 years. Some of the other neighbors are probably not going to be ready to go for another 10-20 years. They want to be able to plan something that makes sense for the neighbors, not just the hospital, but also for the people who are to the north. The people to the east and even to the west, where we have some zoning that's residential, some of it is like even a third acre, half acre, you know, some of it's RA-1, and they just want to develop something that makes sense. The road 300 North, where this particular parcel sits, it's not on North County Boulevard. It's on 300 North, which just feeds into residential areas in Pleasant Grove. So, it really doesn't make a ton of sense to do a full-fledged office building there. But something that's like mixed use that can be a buffer over those residential areas from the big commercial PO-1 would be great and we're just kind of looking for some way to maybe work with city staff so that

APPROVED MINUTES

04.17.2024

we can have a way to better develop this parcel because it is kind of a black eye with the community right now. Yeah, I think that's kind of all of our points.

Chairwomen Anderson: Thank you. Do we have any questions? Oh, well... If you'd like to step forward.

Steve McClary: Yeah, Sorry. I'm just taking care of Dad duty at the same time, so I appreciate you being this patient. Steve McCleary. To his point, when they put together PO-1, your staff is 100% correct that this was set up for the big business side of things, the expansion of the hospital, and etc. The problem is it takes away the ability to achieve it, without having to enroll and collaborate with your neighbors. So, you kind of lose your self drive per se, right? You can't really do anything to achieve what you guys are asking for the highest and best community voted. So and So for that purpose. We just want a chance to have a scenario even if it's similar from a text amendment side that just talks to like discretion. Like you give a brief discretion to allow for something less than four acres. It doesn't have to be an across-the-board global push to change your code as much as it gives us an opportunity to work with your group and team if we only have two acres because as it's sitting, the only person that meets that mold is the hospital so it kind of just steers us to have to work with the hospital. And that's kind of like limiting our ability to go to market fair. And so that's one of our concerns from that side of it and still in our rights to actually achieve the zoning that you asked. So, we've proposed some blending aspects prior to this. That didn't work and that's why we're here. And the reason they didn't work is because they said we couldn't plan that because we only have 2 acres. So with that being the case, we wanted to try to propose something that would pull us into a blend that would maintain the spirit of being a kind neighbor to Pleasant Grove and the surrounding residential people by doing a buffer with something like a professional office mixed use to match up and buffer with that or something. We're open to all sorts of stuff. We were working with most of the property owners and trying to put something together but it's so hard to get everybody on the same timeframe, and same page because everybody has different timeframes and different ideas. That's kind of where we're at, we're stuck, we're pinched, and we just want the discretionary opportunity to work with staff around a text that would make more sense than just a straight across four acres in this scenario.

Chairwomen Anderson: Thank you for your comments.

Public Hearing Opened

Jana White Issel: I am Jana White Issell. I grew up there, it's my parents' property, I'm the one that's over it, so I can speak to the history of the hospital. The neighbor next door is the one who sold that property initially, it was supposed to be one level, it was never supposed to go up. All of the adjustments in the past have been made for the hospital. The hospital had pressure to make a road going north, they came to all the neighbors to ask to sell that. All the

APPROVED MINUTES

04.17.2024

residents didn't want hospital traffic going to 300, as you could imagine, through their neighborhoods because that is all residential. It's quiet compared to the other roads around. They approached my dad to purchase his land when he was alive. That was 15 some years ago, and it was a very lowball offer, he said no. You see the one little light purple by the RA-1 that's green? That is the one neighbor that did sell after her husband had died. Then people came around to see a weird house and then an office building and this weird road that goes down this side. When my parents are gone. I'm left with this property. Nobody wants it. Nobody wants to live in the house. We had somebody come to make an offer; they couldn't get road access from the hospital. They can't get access from the back even though there's a little leeway from the Pleasant Grove side and there's a little leeway as a road was supposed to be planned at one point in the American Fork side. That's all been shut down. It's all enclosed by different individual property owners. So, that fell through because nobody wants the property because of the residential access issues that were there. We have gone through several rounds trying, and we are truly locked with 2 and a half acres, that looks like Clappett Ville, with nothing to do right at this point. So, it got zoned with this purple when the one guy was trying to push it through with everything. And then with the road access stuff, you guys were very willing to zone it, but with the road access stuff, nobody wants it. Nobody wants to develop on it because of all the difficulties that we're running into. We would like to respect neighbors with the big lots across the house. Of course nobody wants a hospital just going across. It is still very controversial with the people who still live there, so we're trying to find something that kind of appeases both, so we're not stuck with a piece of property that I've been paying taxes on for over 15 years. It's only worth would be if you can do something, and right now you can't do it.

Chairwomen Anderson: So, tell me which one, you're just West of this property?

Jana White Issel: No, that's my property.

Chairwomen Anderson: Okay, thank you. Any further comment for public hearing?

Public Hearing Closed

Chairwomen Anderson: Comments among the commissioners?

David Bird: I think it's good to know how they got here in the first place. What's the rationale behind the four-acre limit, why was that designated in the first place?

Travis Van Ekelburg: I wasn't here. But I can guess it would go back to the things that I was talking about earlier, about what it actually takes to develop an office with parking and landscaping requirements and all the development requirements that we have. And like I was mentioning, the housing part of it is more of a secondary thing in this particular section of code, it allows to combine that and it allows to have office alone. And I don't know the history on that. I mean, I can get back to you on that if you really need it.

APPROVED MINUTES

04.17.2024

David Bird: I am just trying to figure out how we got here.

Travis Van Ekelburg: Yeah, it's a good question.

David Bird: Can those requirements not be met on a 2-acre plot, as well as a four-acre plot?

Travis Van Ekelburg: Well, this is this is meant for large scale developments. And so, we have areas in our zone where we want large scale developments. There's others in the city where that is in place already, and for this particular area, the land use and the zoning support larger developments. We have to keep in mind that making a change like this affects the entire zone for the entire city. Even though reducing the area requirement would allow opportunities for them, it may hamper other properties during development down the road and so as we take a look at the comments in the staff report in regard to the various reasons as to why we still feel that we need large scale development in this area, those are a lot of the reasons for that. So, taking a look at the staff analysis you can see that there's a lot of reasons listed there. I can go through them if you'd like. But I think you guys already have them. And just based on the application and the commentary on the application we didn't really see any justification for reduction in area requirements.

Rodney Martin: I have a question for the applicant is PO-1 the zone that you want for this parcel, or is there another zone that works for that? Because changing the zoning for this parcel, to me, appears to be better so that we are not messing with the PO-1 requirements and that you can apply to change the zoning to something better. Or do you want PO-1?

Brian Summers: I think we're open that other zones honestly.

Rodney Martin: Because you want to be able to sell the property eventually, right?

Brian Summers: Yeah, I can have an engineer draw up some drawings of like mixed uses, like office space on the main floor and living above. And that product works really well in other cities on parcels as small as an acre. Actually, where my real estate office is, it's in one of those. It's on like .95 acres or something like that. There are 15 units, and the parking is plenty ample and it's great. So, I mean we I think we would be open to other zones.

Steve McCleary: We did evaluate that, as you can look at these parcels the way they're set up on the skinny side, it makes it hard for you know, meeting set back requirements, egress, or frontage when it comes to your 100-foot depth on the single-family requirements and stuff like that. So, on the residential side, actually the flexibility that would come from the PO-1 zone, so many different things that we're looking at from that side if we did have four acres, would allow us to kind of wind and air. But again, we have to have that 4 acres, right. So, the skinniness of all these property owners is kind of the problem on the residential side as well.

Brian Summers: We did look at the R1-9000 and just with the width of the parcels and the road, the lots wouldn't meet the depth requirements.

APPROVED MINUTES

04.17.2024

Rodney Martin: Right, those lots were created back when everyone had their own gardens and livestock and we're self-sustaining and all that but in today's economy building is not ideal.

Steve McCleary: But yeah, we were open to and evaluated those initially. But the initial commentary from our meetings with Patrick and the team was you're not zoned, and you will have to go through a rezoning, and you have to go through this process. It's highly unlikely because the city wants PO-1 here. And that's kind of the the direct the narrative that we got, which landed us in the scenario of trying to propose a master plan with all the different parties. We had Mr. Larson, to Hal, we had Carrol Bell involved. We had all sorts of different people who were trying to work something out. In the end it just got too cumbersome among the relationships, some people didn't like each other. I mean, there was emotion and sentiment that way.

Rodney Martin: Okay, thank you, and staff. I'm looking at the zone map and the only other PO-1 zones in the city are already occupied with buildings. There's no blank space in the PO-1 zones elsewhere in the city. Are we looking to zone or rezone anything else in the city to PO-1?

Travis Van Ekelburg: Not staff initiated, no.

Rodney Martin: Okay, because Bruce and I are looking at this, and there are not any four-acre spaces.

Travis Van Ekelburg: And there may or may not be, that doesn't mean that properties won't be redeveloped over time, considering the long-range plan.

Rodney Martin: Sure, then I'm correct in assuming that the parcels on the West and the East of this one, are not incorporated into the city as of yet.

Travis Van Ekelburg: Correct.

Rodney Martin: So, there's no zoning because they are not ours.

Travis Van Ekelburg: Correct.

Rodney Martin: I've got a hard time handcuffing property owners to a plan that someone else wants, but I do see why we want to not put a blanket change on an entire zone. You said 'Future' and of course that brings it to light, but I don't know, the other two property owners are going to have the exact same problem, so you're tying the hands of these property owners. And unless the hospital has paid them money as a deposit towards their property, I don't think the hospital gets to say.

Travis Van Ekelburg: Well, the hospital doesn't have a say, the city staff does and as we're looking at the land use map, professional office does go into this area. And I can assume, I don't know this for sure, because I would have to research it, but I can assume that the professional office land use goes farther north, etc. Due to future expansion, the development agreement in

APPROVED MINUTES

04.17.2024

place, I don't know what other things took place. But that's kind of the way it's looked at when we take a look at the land use map. In American Fork, as you know, the land use and the master plan is not a guiding document, we have to take it into consideration when we make decisions on stuff.

Rodney Martin: So, do we need to see the development agreement before we make a decision?

Travis Van Ekelenburg: Chair, I believe Cody has a quick comment he's got to get off his chest.

Cody Opperman: So maybe just to do a little bit more clarifying for you guys too, this particular section of code 17.7.603, The combined Housing and Office Projects, this is a conditional use found within the PO-1 zone. So, in order to actually do this, you have to meet these certain criteria, which is where the four acres comes into play for this large, combined office and housing project. There is the PO-1 zone that has other criteria for permitted uses such as just professional office uses. So that can be found in Section 17.4.406, But within that section, it does go into play that whatever you are proposing, particularly on your lots, you have building setback requirements, you have all these other situations. So, this isn't the only thing found in the PO-1 zone that particularly stops property owners from developing. There's the other PO-1 zone that this is referenced in because this is a conditional use. If you can't meet those certain criteria in a conditional use, then you can't do that conditional use. You can still build Office projects; you just have to meet the requirements of the PO-1 zone. So, this doesn't particularly stop them from developing, it just stops them from developing the Combined housing and office project, because they do not meet the four-acre criteria.

Harold Dudley: Can we pull that code up? Are the setbacks on that firm or are they like some areas of our code where it says 'May, upon land use authority,' as I recall. There is discretion there.

Cody Opperman: No, it's pretty firm. I believe like some front setback the front setback mentioned is that it's going to be 30 feet from setback line.

Harold Dudley: 30 feet, that's not a problem. What's the sides?

Cody Opperman: Okay, so section 17.4.406 professional office zone. You can see the permitted and conditional uses here. You can have medical clinics, laboratories, office buildings for professional persons, nursing homes and assisted living facilities hospitals. But for combined office and housing projects, you are subject to the applicable provisions for that code that you have seen that Travis has provided for you in this presentation. But if you take a look here, requirements for say hospitals, animal care, medical clinics and stuff like that, you're going to need the minimum width of 95 feet, 12,000 square feet, but location requirements here.

Harold Dudley: Wait, go back for just a second before you do that. So, the area requirement is only 12,000 square feet. Okay, thanks.

APPROVED MINUTES

04.17.2024

Cody Opperman: Yeah, then you've got your location requirements here. So, the main building shall not be less than 30 feet from the front lot line. Side setbacks for interior lot lines, which this is an interior lot. Not less than eight feet from either side lot line and a combined total distance of not less than 18 feet. So, you're looking at a minimum of eight feet on one, a minimum of 10 feet on another and then let's see here on a corner lot this doesn't apply because this is an interior lot. And in the rear setback all main building shall be set back no less than 30 feet from the rear lot line and so they would still be able to provide and develop other permitted uses within the PO-1 zone as long as they follow this certain criteria here.

Chairwomen Anderson: Rod, did you have a comment?

Rodney Martin: How wide is this lot facing 300 north, What's the frontage? I was trying to measure on google maps, but the mouse is broken.

Steve McCleary: It's on the county parcel map. The reason we went to the conditional uses for that same reason like I said earlier, it gives us the flexibility, the only one that gave us an option to go to something conditional that gave us flexibility to their point, was the PO-1 zone. That's why we placated to that again because we didn't have to rezone for PO-1. We did understand that we will be conditional. But as we did in engineering, and because we tried everything, we've literally tried everything to fit, because you got to understand mathematically it's a debacle. You have to start taking all these numbers, like you're looking at right now, and an engineer has to plot it out on paper and then you have to meet their building requirements that are taking your building permit and then you have to also be able to understand parking and how to facilitate parking. And then you have to evaluate podium or not podium or, or whatever height restrictions and it just squished us to a point where we can do anything. We tried to do everything we could to apply ourselves to this, we even talked to the individuals that again, like you're looking at she had six acres that's not annexed into the city and her comment to us is "I will never do professional office." She's a horse type lady, and she has a horse property, and we even tried to help her find a horse property, which is extremely hard to do right now. And she's like, well until I can find a horse property, I can't do it Steve. And I'd say I understand completely. So, the timing kind of bucked there, but also, she wanted residential because she's like, 'I just don't understand why they want professional office right next to my half acre estate.' I would want a buffer. So that's what we were trying to do. If you look back on the history of these guys, you're gonna see that we provided a Master Site Plan and they kicked that out the door because again, they said that you guys are talking, and you don't have continuity amongst all your property ownerships. And so, it doesn't work for you to do a phase one on a master development without their involvement and we couldn't get Hal to even answer the door after a while, because he's just not a public person. So anyways, that's kind of where we ended up.

Chairwomen Anderson: Okay, we'll take this last comment and then wrap up discussion among the commissioners.

APPROVED MINUTES

04.17.2024

Brian Summers: Okay, so the owners of the estate had it listed for two years, I believe it was, at a fair price for commercial development for Office Buildings. Nobody wanted it because out on North County Boulevard it makes sense to have an office building. Back there for a sister residential feeder street, it doesn't make sense for the points that he made. Just the nature of the lot. By the time you bring in all the things you'd have to do, it just does not make sense to have a commercial building there. So, she did try to sell it as a commercial property and to have it developed as a commercial Office, professional office building.

Harold Dudley: I have another question of staff. If the hospital who owns the big piece to the south, if they purchased this property. If the hospital actually purchased this two and whatever acres, then they did a property boundary and they combined the properties together right? And then they would have more than the four acres, correct? Then they could submit a site plan for a building on that narrow strip of property. Am I correct or am I wrong?

Travis Van Ekelburg: As long as they meet all the other requirements, yes.

Harold Dudley: Other requirements such as?

Travis Van Ekelburg: Landscaping, parking, and all of the requirements for development, which takes up a lot of space.

Travis Van Ekelburg: The hospital could develop something very similar there to what these people want to put there, if they owned the property. And yet to me it doesn't change. Say the hospital wanted to expand and put a little clinic there, very similar to what these folks are wanting to do. If they bought the property and did it, it would be a permitted use, and they just have to meet the site plan requirements. And that's what I'm struggling with. I get that we have plans. That's how you avoid each lot doing one thing versus another. I'm curious now, when this was zoned, if anybody actually could go back and know, but if your family was in approval of that, do you know?

Jena White Issel: It was after my parents were gone, and people were putting into development. The neighbor next door was agreeing...

Harold Dudley: Do you want to come to the mic?

Chairwomen Anderson: Yeah, I don't know if they can hear you.

Harold Dudley: Yeah, that way they can get it on the record.

Jena White Issel: The one to the West had given a partial agreement to sell their back acre, and still have an acre and a half right there. They had the two and a half acres that would have sufficed. They put into zone this back one because as you see, their back acre already falls into the PO-1 zone so they wouldn't have to re-do that one, as well as ours did, not the front. The city was willing to change that, they've always wanted the hospital to have a road North, the Hospital started putting it in, no one would sell to them back in the day. They backed out because they

APPROVED MINUTES

04.17.2024

sold some property someplace else and paid too much tax, so they backed out of the deal. They continued to go forward with it with the people that they had, nothing would work, it couldn't get access from the back Hospital area because of the private properties. It had to go from the North, they did their market analysis, that was a no. I think they ran into the same problems we are; they couldn't fit it on a two-and-a-half-acre lot. So that deal totally backed out, nobody has worked with them for a couple of years. We sat there and continued to try and sell it, nobody wanted to buy it at market value. The offers came in under, until we started looking at all the zoning things, they pulled those off the table as soon as they looked at everything. So, it just sat there. Obviously, the neighbors would rather have residential. Nobody wants offices there. I understand that. We're like 10 feet short or something of the crazy 60-foot wide road, and the setbacks, there's no way for us. We looked at trying to do townhomes and tried to do smaller lots with houses, we tried to do everything to appease everybody, but were stuck.

Chris Christiansen: Thank you.

Chairwomen Anderson: Any further comments from commissioners?

Chris Christiansen: Yeah, so several comments. One thanks for being here. This is not an easy task for us to look through. We're trying to weigh so many different things, right? And to me, this illustrates some of the reasons why we want those master projects right? Because individually, we may not do what's best for that area. But that's all we have the access to do that, so we're just going to move forward. And then we have a Swiss army knife with different options there. Maybe it wasn't the best use overall for that area. So, managing that and weighing that against individual property rights. You know, I'm a property owner here and I have certain rights. Just because I want to do something doesn't give me that ability to do that. And I realize that as well. So, I think one of the reasons why with professional office space you didn't have offers, is it's a really soft market right now. I'm involved in that a little bit. And so, I know you're trying to time things, and it's just hard to get everything to match up. But I do think if you went back to that existing code, and I appreciate the desire to have that buffer for these other residents by having that mixed use there. But it was required if you just went professional office space. It only required 20,000 square feet. It was only professional office space, right and there's a whole bunch of other uses here

Cody Opperman: It's 12,000 square feet.

Chris Christiansen: Oh, 12000. Well, right here the minimum area of a project which contains only office, facility shall be 20,000 square feet.

Cody Opperman: Yeah, this is for the Combined housing and office project for the conditional use. If you're just going for outright permitted office, it'd be 12,000.

Chris Christiansen: So, I feel like there's plenty of uses that would be available there that we're not handcuffed and you're only able to do one. There may be other zonings that we have to do

APPROVED MINUTES

04.17.2024

that. I'm just having a hard time seeing that we're limiting the ability to choose different things. And maybe it's the timing of the market. Maybe it's the timing of neighbors. But I worry. A great point is there's maybe not a lot of PO-1 left to develop, but I hesitate to make changes to development codes, just for one property owner I think that's too much, but thank you.

Cody Opperman: Rod, you were just asking about the length the width of that lot. Did you see what you wanted to see there?

Rodney Martin: Yeah, I figured out how to use my measuring tape and I got 167 and they got 170 something so yeah. So going back to the zoning map that you had up where we see that the back half of these properties are PO-1 and the others are whatever those are, so seeing that, we're kind of stuck. This is a recommendation or whatever the landowners applied to change the zoning in the front half, the north half of that back to whatever it is for the people on the East and West and then that will leave the back half in the PO-1.

Chairwomen Anderson: Say that again, to switch the back half back to residential?

Rodney Martin: No, to switch the north half, the front half facing 300 North back to residential and leaving that back half in the PO-1 to match the other properties, to the east and west of them. Although it's not ideal, and it handcuffs the back half of their property for the use of basically just the hospital.

Travis Van Ekelburg: Rod, you are looking at the land use map?

Rodney Martin: Yeah.

Travis Van Ekelburg: So, let me pull up the zoning map.

Rodney Martin: Are you saying I'm confused between land use and zoning?

Travis Van Ekelburg: That's right.

Rodney Martin: Okay. Because if that was zoning it would have made sense.

Chairwoman Anderson: So, I have a few thoughts. One is like there's this puzzle in front of us and I want to just puzzle it out and try to figure out what if we went to this zone what if we went to that zone, all of the things that you've already tried to work through, but I feel like that isn't something we can actually do tonight.

Rodney Martin: No, they would have to reapply for that.

Chairwoman Anderson: And so maybe to simplify things for this moment, I think what we have to decide is, do we want to change the code for this piece of text.

Rodney Martin: Yeah, I am just trying to problem solve a little bit.

Chairwoman Anderson: So they go home with something.

APPROVED MINUTES

04.17.2024

Rodney Martin: Yeah, so they have something to go on. But I realize we can't make decisions beyond the scope of what is before us.

Chairwoman Anderson: So is this piece worth changing the code for the whole, I mean that's not the right way to say it. Is this issue...

Rodney Martin: Is this parcel worth changing the code for the entire zone.

Chairwoman Anderson: Right. And how does that affect other areas of the city? That's the question that I'd like to discuss. Harold, I'd like to hear what you have to say.

Harold Dudley: But this has not changed, and I am glad that Cody brought that up. Currently the minimum requirement is only 12,000 square feet if it's a office building,

Cody Opperman: Yep, 12000 square feet and then 95 feet in width. This particular parcel is 167 feet of width as Rod was saying, or 172 feet. But we just showed on here just how large the parcel is, two and a half acres. That's well over 12,000 square feet.

Harold Dudley: That's where I'm struggling, I'm trying to understand the premise. I think the premise when this was put in, was it a combined use?

Cody Opperman: A combined use. Yeah, sorry to interrupt.

Harold Dudley: No, please explain the premise of how that four-acres came in.

Cody Opperman: So, four acres is specific to the combined office housing project. So, it's for a larger scale development to allow for the residential aspect as well, or just a larger kind of office structure. But I believe the applicants, and they can correct me if I'm wrong, they want to provide a residential aspect on that particular property. But the PO-1 zone does not allow it unless they have four acres.

Steve McCleary: To clarify on that if you don't mind, we just want, again, discretion as an option. You don't have to change our whole code. Similar to the previous code that you guys had, right now it's hard pressed that we have to have a certain scenario, we have to meet certain things. It doesn't give the smaller, skinnier, property ownerships, the ability to be discretionary and providing a plan to you guys, that may or may not be available for you guys to vote. And so although you guys are reading some of these minor codes and stuff like that, you're not applying yourself as an engineer, nor are you fully applying yourself in trying to lay out all of the code, including building. Building also has the fire code and all of this different stuff. And when you apply yourself to that, as much as you guys are being kind in trying to evaluate it in its simplicity. Development is so much more than that. It's way more complex than that. And I'm telling you with all the work we've done to try to do this, we would have done it any which way we could. We would have done it. We've spent frivolously at this point, and I apologize because it's been me that's spent it. She's spent money abundantly to try to figure this out from Engineer to Engineer. And we're in a scenario where these guys, they know what they're doing. I know

APPROVED MINUTES

04.17.2024

Ken Berg: I know all these different engineers. And I'm telling you, when you lay it out from an engineering perspective, you just get roadblock, after roadblock after roadblock the feasibility to facilitate in the PO-1 Success, and that's all we're saying.

Chairwomen Anderson: I think we, I mean I for one, see the struggle that this is, because it is very hard to figure out what to do with this piece. And it makes it especially difficult because we are bound to uphold the code as it's written. And so even if I would like to bend and say like, well, it makes sense for this piece. Let's just change the rules for this piece but that would be easy to do if I didn't have a specific city code that I am bound to uphold. So, I think my puzzle is trying to figure out how to give you the leniency that you need for this piece, while also doing what I have to do. But I don't have a choice on that.

Steve McCleary: And that's the discretionary side we want in the code.

Chairwomen Anderson: Which would require a code change.

Chris Christiansen: And that is not what they are presenting.

Bruce Frandsen: I guess that's why we have the two-acre presentation presented to us today.

Chairwomen Anderson: That's what we are deciding on today.

Bruce Frandsen: And it's kind of worth looking at.

Chairwomen Anderson: Okay, and I'm gonna play the other side of the coin just as a question for staff. We talked about this conditional use requiring the four acres but in the rest of the city left, that conditional use won't be used hardly at all because we don't have that amount of space to use it. So just playing devil's advocate if we were to change the code to two acres maybe that makes sense in a city that only had small pieces left to fill in this kind of thing. And what's your thoughts on that?

Cody Opperman: I mean, it does make sense right? But at the same time, we're not preventing them from developing the property. They can develop the property for an office type of use or a hospital or a veterinarian hospital, whatever the permitted uses allow in the PO-1 zone. So I just want to again, just tell you guys that we are not preventing them from developing the property. All of you just saw that the minimum requirements to develop the property is 95 feet in width on the lot and within 12,000 square feet for the lot, for the entirety of the lot, and so this doesn't stop them from developing for Office uses. Again, it doesn't stop them from developing, it stops them from developing the residential aspect which the conditional use outlines. So they're able still to provide a medical aspect to the city on this particularly narrow lot. It's just, for lack for a better term, not what they want.

Harold Dudley: Who could guess or who could give their best guess of when this section of the code went into place, this four acre? I don't know, I apologize.

APPROVED MINUTES

04.17.2024

Travis Van Ekelenburg: You know, I don't know.

Harold Dudley: Would it have been 10 years ago, five years ago?

Travis Van Ekelenburg: I mean, it would take a lot of research.

Harold Dudley: Yeah, it would take a lot of research and that's okay, because it probably wasn't last year. Here's another way to maybe look at it and make us, at least we feel good about I can't speak for the other planning commissioners, is our world has changed. And we've looked at ways of having residential where we haven't in the past and I'm just not having a struggle with decreasing this to two acres to give that flexibility for these infill type projects. And yet I do appreciate what other commissioners have said is development like that at the end of the day when it's all done is not as good as a wholesale development. I've seen that in other cities. I've watched particularly Sandy City there where their city building is, they have a plan have they not? That's not perfect yet, but had they not enforced some of this, they would not have, down around the city center, that kind of development. So, I struggle back and forth. I don't know.

Bruce Frandsen: You know, my two bits, I'll just weigh in on it. I personally don't have a concern with reducing it to two acres. I look at what we have, we have no four-acre parcels left, which means for anything to ever happen, we're going to have to have multiple property owners come together to do it. I have personally experienced a number of times being rolled into a zone that I didn't ask for. That I didn't want. I mean I have felt that a number of times. I believe that property rights, in my opinion, they carry a lot of weight.

Chairwomen Anderson: Travis?

Travis Van Ekelenburg: So, keep in mind, like Cody was trying to say, you've got the PO-1 zone, the permitting and conditional uses that are allowed for development. Those are not being taken away. When you do have a conditional use, you know how conditional uses work, they have to come before you, and they have to meet certain criteria in order to come to fruition. So, this one is a particular conditional use. Okay. So, if you're looking at it from the lens of, they don't have any development rights, it's definitely not the case. Okay. So, keep in mind when there are conditional uses and we read the intent of the current code that is in place, in conjunction with the land use map and the general plan. That's what you need to be taking a look at in regard to your decision.

Bruce Frandsen: Right. I get that Travis. I think if we go through with the permitted use, which basically says you can build an office building, they're very constrained because of the width and the depth on that property. You know, they hit the diagonal width multiplied by two and get your ingress egress, all of that. You know, they might be able to develop the North third of it, and be able to get fire and all of that stuff in there. I mean, I've developed almost 2000 lots myself and my family, and I think I get where they're coming from. To go in there, my guess is when they

APPROVED MINUTES

04.17.2024

talk with the engineers, and they lay out a 600 foot long 40-foot-deep office building, it doesn't work. I mean, they probably have other constraints that just makes it not doable.

Travis Van Ekelburg: That's the thing, you guys know that not every property works for every idea. Not every property works for every site plan that you want to do. And that's just the nature of development. So, there's a lot of ways to look at this. But, you know, the main thing the applicant is trying to get through is that they're trying to make an adjustment to this section of code for a conditional use.

Chairwomen Anderson: What is the value is for the city, with the remaining PO-1 land that we have, what is the value in keeping the larger size? How does that help?

Travis Van Ekelburg: You know, I haven't asked that question because I wasn't in the meetings with the hospital. I have not read the development agreement; I haven't been privy to that stuff. When I get an application like this, as you guys know, I take a look at what the applicant has submitted versus what they're trying to do. And I think that you should know that I don't go back and take a look at every single parcel that's PO-1, and research how it got to that particular zone. And that's why I was saying earlier that I assume that when all this was developed this way, that it was referenced around the hospitals further zoning over time. But I don't know. The hospital is a large-scale development.

Chairwomen Anderson: Yeah, I'm just trying to check my bases. Like if I were to vote to decrease the size, what would I be missing? What would I be losing?

Travis Van Ekelburg: Can you say that another way.

Chairwomen Anderson: If I were to vote to decrease the minimum size of the PO-1 conditional use, what would be the downside of that?

Chris Christiansen: So, to me, sorry Travis. I mean, the downside is now we're gonna have to replicate that on these two parcels. We're now not allowing you for a bigger, better use, because we've already sliced this little piece off to accommodate one little, tiny scenario of a conditional use. So, we are losing out on the prospect of that whole area, right? So, we can't grow. Maybe it is a children's hospital, whatever it is, right? We can't do that now. To me, it's the type of problems we are creating by doing this.

Chairwomen Anderson: Neighbors can wait 70 years to sell. You know, we're waiting for this thing that could happen that may not ever happen.

Chris Christiansen: That is the nature of property ownership.

Jenny Peay: So, here's my perspective on this. And again, I think we're a little bit ahead of ourselves on code text amendment here. I feel like there's some red flags that are going on here. First, number one, we've got a development agreement that we have no idea what's in that agreement. I think that needs to be looked at. I would also like to have some information on why

APPROVED MINUTES

04.17.2024

that slice was zoned the way it was zoned, so we're not creating future problems again here. So I feel like we're just a little bit ahead of ourselves. I wondered if staff would sit down with them after they do some due diligence research on that, to be able to find those answers out and then maybe possibly come back and bring something different, whether it's a different zoning change or a different text amendment. I just feel like we're just a little bit ahead of ourselves to jump in to approve some type of text amendment that is going to affect the rest of the city.

Rodney Martin: The argument that the reduction is not needed for development to occur on that parcel, kind of has me saying, then we need to approach it somewhere else or get more information.

Jenny Peay: Well, that's why I say I think there's probably some information that we're not privy here to, that could potentially cause a lot of headache in the future here. So, I would say let's do some research on this and then get back with these homeowners and sit down with them and see if they can do something that fits what they would like to do.

David Bird: I would agree with that. My thought is, I would like to see the rationale, the justification, for the four-acre requirement. In my mind, I'm just kicking that around saying. There's got to be some rationale that makes sense. Because otherwise, I see no reason to not allow people to develop those two and a half acres. As Rod said earlier, I think they're handcuffed.

Travis Van Ekelburg: So, I'm just kind of curious, does the planning commission feel that two and a half acres is a large-scale development?

Multiple Planning Commission Members: No.

David Bird: It's not large scale, but to justify something a property owner should be able to do. I don't think they should be limited because they only have two acres. I don't mean to label it that way.

Rodney Martin: Looking at the future, and the best use.

Travis Van Ekelburg: Do you know when the house was built by chance?

Jena White Issel: 77-78

Travis Van Ekelburg: So, they were zoning inactive at that time.

Jena White Issel: The history of zoning, you go back to Ted Merritt, and he was mayor. They've zoned those back acres for those two and a half properties. That's when they zoned that. Before the hospital. But that still landlocks you because you still can't get rid of your property. The hospital will buy that when they buy it. They could buy it a hundred years from now, that's kind of ridiculous.

APPROVED MINUTES

04.17.2024

Travis Van Ekelenburg: So, I guess my point is, that at some point that property was zoned residential.

Jena White Issel: Nope, they are all agricultural houses that have farms.

Travis Van Ekelenburg: You can do residential and agricultural. But at some point, there had to have been a change to the PO-1 zoning designation. Whoever owned the property at the time knew about it.

Jena White Issel: Yep, Hal Lenoard. Hal Lenoard owned that property. We were in Manila. We were not incorporated. The deal for that acreage that the original hospital sat on, not all the rest of the stuff;

Travis Van Ekelenburg: Oh, you weren't annexed into the city?

Jena White Issel: No.

Travis Van Ekelenburg: When did you annex in?

Jena White Issel: I'd have to go back and look at the records. It's when they came to run a sewer line that they needed to run to the hospital. My Dad was the only one that would let them run down his property. Hence the two owners on each side are not annexed in and on their deathbed, they will not annex in. So it doesn't make sense where we're in this weird spot with these other two property owners, and we're jumbled up in this big master plan,

Travis Van Ekelenburg: See, the problem we're up against staff, is we have to adhere to current code. So regardless of what the property is, the zoning designation is what we're bound to.

Jena White Issel: When you're zoning on the neighbors and other people, does that make sense for the hospital and that back acre?

Travis Van Ekelenburg: We look at properties individually. We can't look at what's surrounding and see what zone it is. So, a lot of people come into our office, and they say well, the neighbor down the road is zoned this, so we want to be zoned that too. It doesn't really work that way, Right?

Jena White Issel: So, what zoned that acre, was the mayor at the time was a real estate agent and was trying to sell off those properties. Hospital plans did change. If you're looking at what the original ones were, I don't know. In that meeting, once they developed, they backed off of wanting to buy any property probably about 15 years ago.

Travis Van Ekelenburg: So, the development runs with the land and is something that supersedes zoning. It actually takes place of that. So, whatever they have in that agreement, that's what they're allowed to develop.

APPROVED MINUTES

04.17.2024

Jena White Issel: How are they allowed to do that on private property owners? That agreement they did on people's private property that wasn't zoned into the city. annexed into the city.

Harold Dudley: That's what I am wondering.

Jenny Peay: Yeah, there has to be..

Harold Dudley: I don't want to delay you guys, but..

Jena White Issel: We've been delayed already. We've been delayed for ten years.

Travis Van Ekelburg: I think honestly there seems to be some missing elements here. I think that we have to stick with our recommendation as staff based on, you know, what we see from the application on the surface level. And we have to take a look at the things that were mentioned here in the code and stuff that Cody mentioned, as well.

Chairwomen Anderson: What direction you feel comfortable taking at this point.

Jenny Peay: Well, there's a couple of different things you can do here. You can table this and come back with some different code text amendment. And with research that gives us more information to evaluate this a little bit better. Or you can deny it. By denying it, it kind of hand packs these property owners to a lot of different options.

Chris Christiansen: Not necessarily, it would go to council.

Jenny Peay: It would go to council.

Chairwomen Anderson: But without the further designation that they are looking for though.

Jenny Peay: But they are still going in blindsided. My personal opinion is that we table it, give staff the opportunity, and our homeowners, to come back with some additional information so we can make a better choice here. Because I just feel like we just don't have all the facts.

Chairwomen Anderson: Any other comments?

Rodney Martin: Do we have an engineer that can shed light on this and help?

Harold Dudley: Before the engineer speaks, I missed the opportunity I had to have to take, because it's my personality. The the lady sitting next to him, he was so engaging that she fell asleep and had to be taken out of the meeting. So, I don't know whether we want to listen to him or not.

Ken Burg: That's my charm. There's a couple of zones that are in this combined housing or a planned unit development. It's always been four acres. We'll call it the ghost of planner's past, and where that number came from, you probably all know who that ghost is. But recently, if this property you're looking at tonight was zoned R4-7500, It's three. That you changed maybe a

APPROVED MINUTES

04.17.2024

couple of years ago for a project. I don't know the justification for that, but it's just a number. It is to prevent, you know, PUDs going in everywhere, but it's it's used to develop a plan. Most other cities. It's not four acres. It's much smaller as the pieces get smaller. So, I don't know. It could be in your big code rewrite, if this four acres is still remaining as a minimum project area. I don't know. It may be, It may disappear and be a smaller minimum project size to get started. But I can see throughout your code where the four came from. Its reference to other, you know, planned, combined housing projects. But to say that it's a hard and fast rule. It's not, because you have changed one. It's a special section in your in your planned development code. You made a special exception for your R4-7500 to reduce it to three. I don't know what project it was. I didn't do it, but it's somewhere in your city that you said "No, for this one, three works. It doesn't have to be four," and so, there's your history lesson for the night, and I'll sit down.

Chairwomen Anderson: Okay, thanks. I have two kind of thoughts. One is we need more housing. And I like the idea. I'm not saying like everything here fits perfectly for me, but the idea of adding housing to office or commercial, I think, is a good thing to do anywhere you can do it. And then my other thought is, I think one of the failings of traditional planning, is requiring things to be in such large chunks so we can't have as much interconnectedness and maybe more walkability, and more services spread throughout the residential. So, there are things about this that I would be in favor of. I'm not married to the four-acre thing. And I do like incorporating housing wherever we can. I wonder if there's a way to make allowances for something like this, when there are smaller areas that need to be filled in because we don't really have huge areas to put as kind of mixed use as far as this specific what's it called? But, where we do have small areas that need to be filled in, I would like to one, add more housing and two, add more flexibility.

Chris Christiansen: I concur too. For me, one little, tiny thing is that if everything else around this was completely built out, there were no other pieces that were not annexed. And we just have this one little, tiny thing that is hindered by this, for a good cause, I can see that reasoning there. But we still have two and a half acres on one side and on the other side we're looking at it several half acre pieces here. It still could be developed in a larger development potentially.

Chairwomen Anderson: You're sitting in the middle of people who don't want to sell. That's a tricky spot to be, but you can develop within our code.

Rodney Martin: So our options are to table or deny. I think tabling is not a no. Bring us more information and we'll be able to be confident in making a decision from having more information, possibly. Anything we say from here, short of taking a vote, I think..

Chairwomen Anderson: Do we have liberty to change anything else? In the code text amendment, in a different way than what is proposed?

APPROVED MINUTES

04.17.2024

Cody Opperman: Yeah. You're able to make recommendations like say if you don't want it to be two acres, you can say I'm not really in favor of two acres, let's maybe shrink it down to the three, or something like that.

Chairwomen Anderson: So other wording where I mean, because, like Travis said, even changing it to two or 2.5 That isn't a large-scale thing.

Cody Opperman: Yeah. So you could change it from large scale to maybe small scale.

Chairwomen Anderson: If we were building this city from scratch, you know, it would make sense to hold tight to this large-scale option, it could make sense. But given the amount of space that we have left for this, it does make sense to allow for more flexibility so we could change that wording, if that's an option.

Bruce Frandsen: Could we make the wording that, let's say, any parcels four acres or over live with those rules any that are less and have been unique parcels since 19? Whatever... I know they do that in Idaho on a bunch of properties up there that we have. You kind of have a grandfather date. You say if on that day when this code came in, if you didn't have four acres you kind of get grandfathered in, you can still move ahead and build and do what you want. And you could do that. And the other option is obviously your three options, where you can vote to approve it or deny it or maybe we could do something like that because I do see that there's a real problem with somebody who's annexed into the city. With neighbors on both sides who are not even in the city, and who apparently expressed a desire never to annex into the city. I get that. I have a whole bunch of those neighbors. And I can tell you, they won't be annexing, and it's going to be a couple more generations. And I have some of my property that's going to be a couple more generations. So yeah, I get it. I mean, there are some drawbacks to annexing into the city and a lot of people avoid annexation because of those.

Chairwomen Anderson: I also see value to what Jenny said, that maybe there's more information that we need before we pursue any of these different options.

Jenny Peay: I also think that you need to keep in mind that if the development agreement comes out, and that was something different that it brings with the land, and the development agreement actually runs with the land. They're stuck anyway. So, let's get more information.

Rodney Martin moved to recommend to table for the proposed Code Text Amendment, amending Section 17.7.603 of the American Fork City Municipal Code which looks to reduce the minimum area of a project from four (4) acres to two (2) acres. Get us the development agreement

Harold Dudley seconded the motion.

APPROVED MINUTES

04.17.2024

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	NAY
David Bird	AYE
Jenny Peay	AYE

The motion was tabled

ACTION ITEMS

- a. **Review and recommendation on proposed Zoning for the Coleman Annexation, located at approximately 5141 W 6400 N, American Fork City, UT 84003. On approximately 6.20 acres, the property will be annexed into American Fork City and be given the Marina/M-1 zoning designation.**

Cody Opperman reviewed the background information for Public Hearing letter a: The applicant has applied for annexation within American Fork City. The project area looks to have the M-1 zoning designation assigned to the land, which would be for Marina Facility Support Projects. The annexation will consist of roadway dedications for 1500 South (6400 North) and 100 West, both will include dedications for a minor collector roadway and major collector roadway. 100 W will also include dedications for the maintenance of the American Fork River.

Shared Use Paths are shown on the Bike and Pedestrian Master Plan along 1500 South and 100 West. Any future development that happens at this location will need to follow all applicable municipal codes for the Marina Zone

Chairwomen Anderson: Any Questions? The applicants here if you'd like to step forward and comment you're welcome to. Okay if there is no other comments we are ready for a motion.

APPROVED MINUTES

04.17.2024

Jenny Peay moved to recommend approval for the proposed Annexation Zoning, located at 5141 W 6400 N, American Fork City, UT 84003, subject to any conditions found in the staff report.

Rodney Martin seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Jenny Peay	AYE

The motion passed

Rodney Martin: Good luck with your project.

- b. Review and recommendation on a proposed Zoning for the Harbor Road Annexation, located at approximately 500 W 1100 S, American Fork City, UT 84003. On approximately 90 acres, the property will be annexed into American Fork City and be given the SP and PR-3.0 zoning designations.**

Travis Van Ekelenburg reviewed the background information for Public Hearing letter b: The applicant has applied for annexation within American Fork City. The project area looks to have the PR-3.0 zoning designation assigned to the land, which would be for a Planned Residential Zone, and SP Zone for the Shoreline Preservation Zone. The subject properties are approximately 90.7 acres in size with dedication areas identified via submitted plat and the zoning designation will be the PR-3.0 and SP zoning designations as highlighted in the zoning map in the agreement.

Chairwomen Anderson: Do we need to talk about the little sliver that is shoreline protection?

Travis Van Ekelenburg: That's just part of the designation that's gonna go in. Ben, wasn't the roadway going to be moved, so the shoreline protection was going to be in a different area?

Ben Hunter: Correct.

APPROVED MINUTES

04.17.2024

Cody Opperman: Yeah, the alignment of the road is just south of the shoreline protection area. Over the course of the process, there's been multiple iterations of how the roadway was going to be created. So, currently, how the road aligns there still will be a little sliver north of the roadway. But in the future, we can have some more conversations about getting rid of that potential shoreline protection just north of that roadway alignment. So just to get them through the Planning Commission and City Council process, that will be the designation as shown on our land use map, and zoning will take place for that.

Chairwomen Anderson: Okay great. Any further questions for planning or engineering?

Bruce Frandsen: I just want to quickly ask one question. Can I see that there are a couple of parcels that are going to be vacated by the city as part of this annexation or proposed as part of the annexation? You can go back to the map you just had right there. So, it's my understanding that road goes away. Is that correct?

Travis Van Ekelenburg: Yeah, it's gonna be adjusted.

Bruce Frandsen: It's gonna go further south?

Travis Van Ekelenburg: Yes.

Bruce Frandsen: And the city is going to vacate those? Is that how that works? I'm not familiar with vacations of city parcels.

Ben Hunter: Yeah, so there's a few different elements to this and it isn't necessarily included in the PowerPoint presentation. But one of the exhibits that is included in the annexation agreement doesn't get rid of the alignment but adjusts it further south. And since it is already an existing public right of way, there will be a process of surplusizing that to be able to vacate it. And that will be conditioned upon being able to accept the new roadway alignment and so yes, there'll be some of that shifting but because it is currently city right of away. Then there is that additional step that city council will have to take for that.

Chairwomen Anderson: And I apologize that the applicant, I believe, is here you're welcome to step forward if you'd like to? All right, we're ready for a motion. If we have no further comments.

Rodney Martin to recommend approval for the proposed Annexation Agreement, located at 500 W 1100 S, American Fork City, UT 84003, subject to any conditions found in the staff report.

Chris Christiansen seconded the motion.

APPROVED MINUTES

04.17.2024

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Jenny Peay	AYE

The motion passed

Other Business

Cody Opperman informed the commission about upcoming plans.

Jenny Peay Resigned from the Planning Commission. The Commissioners thanked Jenny for her years of service and let her know how much they valued her contributions to each meeting. They are very sad to see her go, but they are also excited for her to be able to enjoy her retirement.

Adjournment

Rodney Martin motioned to adjourn the meeting.

David Bird seconded the motion.

Meeting adjourned at 7:48 PM



Angie McKee

Administrative Assistant I

APPROVED MINUTES

04.17.2024

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