

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

May 8th, 2024

The American Fork City Planning Commission met in a regular session on May 8th, 2024 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Christine Anderson, Rodney Martin, Bruce Frandsen, Harold Dudley,

Commissioners Absent: Chris Christiansen, David Bird

Staff Present:

Travis Van Ekelburg	Senior Planner
JJ Hsu	Engineer
Angie McKee	Administrative Assistant I

Others Present: Tyler Horan, Martin and Carmen Yablonovsky

REGULAR SESSION

Chairwomen Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

- a. Minutes of the April 17th, 2024 Planning Commission Regular Session.**
- b. Resolution approving the Development Services Director to amend and update the Supplementary Design Standards document as needed.**

Chairwomen Anderson: One item is the minutes from last meeting and the second item is resolution approving the Development Services Director to amend and update the supplementary design standards document as needed. Do we have any discussion or explanation of this item from staff?

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Travis Van Ekelburg: We don't. In speaking with the Development Services Director, his direction was that you either approve or disapprove of the common consent agenda as is.

Bruce Frandsen: Have we seen item number two and have any discussion on that previously here?

Travis Van Ekelburg: Not to my knowledge. Basically, it's giving Patrick the ability to make subtle changes as needed, to that particular supplementary section of code. We're trying to get a better design of things, somewhat similar to the outdoor storage in industrial zones. So, it's that same type of thing to where he will be taking a look at it to make sure it's appropriate for the surrounding neighborhoods etc.

Chairwomen Anderson: But this would apply to any development in the city.

Travis Van Ekelburg: Yes. If the development required those sections of code, yes.

Chairwomen Anderson: Looking at section 17.5, this includes many things, but just to list a few; accessory buildings. Fencing, off street parking, landscaping, signs, accessory apartments, setbacks.

Rodney Martin: Where are you seeing that because I only see three things or four things?

Chairwomen Anderson: 17.5? Am I right?

Travis Van Ekelburg: I can pull it up for you guys.

Rod Martin: So, under Development Services, Planning, Zoning and Building; Supplementary Design Standards, the table of contents lists 17.5.121A, 121B, and 121C are combined landscaping...

Chairwomen Anderson: Is that the section we are talking about?

Travis Van Ekelburg: Okay, is this on your screens, can you guys see this?

Bruce Frandsen: Yeah, we do.

Rodney Martin: Okay, I was looking at a different one.

Travis Van Ekelburg: Okay, so 17.5, there are several sections here. It's actually part of our main development section that deals with landscaping, off-street parking...

Chairwomen Anderson: Setbacks, right?

Travis Van Ekelburg: Right.

Bruce Frandsen: Buildings, water rights, I mean there's 31 or I'm counting 35. 35 different items.

Chairwomen Anderson: So, I guess for this item, I would be looking for a little bit of explanation from the Development Service Director, from Patrick, about why it's beneficial at this point to go this route.

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Travis Van Ekelenburg: Okay. I think you can make a motion to approve the minutes and leave out the resolution if that was your desire for more clarity. With instructions for me to take that back and get more clarity for the planning commission.

Chairwomen Anderson: And it may just be that during this period, as we're rewriting the code, that it's...

Bruce Frandsen: Until the code is formalized?

Chairwomen Anderson: Right. But it's tricky because not all the code agrees with itself. So, there may be times when it is more effective for him to have that power, but we'd like to have that discussion.

Travis Van Ekelenburg: So, part of the reason our code is the way it is in a lot of ways, is because there's been a lot of small changes, per project. Those type of changes over time have sort of made the code be inconsistent with itself in some areas. So, this is a way as we find those nuggets of code that need to be addressed and straightened out, he has the ability just to do that quickly. I don't think the intent of it is to change anything drastically. We're going to have to bring things like that to you and the city council.

Rodney Martin: I'm all for, you know, moving the process along, but I just don't know that I have enough information, but I'm ready for a motion on item a.

Chairwomen Anderson: I'll entertain a motion for the common consent agenda.

Rodney Martin: Madam Chair, I move that we approve the minutes from April 17, 2024, Planning Commission...

Chairwomen Anderson: Can you say 'The common consent agenda'?

Rodney Martin motioned to approve the Common Consent agenda item a only.

Harold Dudley seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE

The motion passed

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Chairwomen Anderson: Okay, in the interest of saving our applicants some time not having to wait through all of the city business, we'll go ahead and start with our action items first. And then public hearings after that.

ACTION ITEMS

- a. **Review and recommendation on an application for a Commercial Site Plan, known as GA Larson Storage Yard, located at approximately 51 West 1100 South, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 4.03 acres and will be in the Planned Industrial (PI-1) Zone.**

Travis Van Ekelenburg reviewed the background information for action item letter a: The applicant has requested approval for a Commercial Site Plan to develop an Outdoor Storage Yard. The proposed Site Plan is on the recently approved Deer Park Annexation property and is approximately 4.03 acres in size. The new Site Plan has proposed to be enclosed by an eight (8) foot screening fence that will have a one (1) foot barb wire row on top of the fence for additional security. The storage yard will be on the north end of the property fronting 1100 S. This outdoor storage yard will be a conditional use found within Section 17.7.701 of the American Fork City Municipal Code. The City Council will be the ultimate determining body for this use of the property.

1.

Travis Van Ekelenburg: Do you have any questions of staff in regard to this particular proposal?

Bruce Frandsen: Yeah, I have a couple of questions. So, access will or will not be onto 1100 South? The shared agreement is with the folks to the east with the ranch operation?

Travis Van Ekelenburg: We should probably have the applicant come up as this is Cody's project and he's out of town.

Bruce Frandsen: Okay, no problem.

Chairwomen Anderson: If you can state your name for the record, please.

Tyler Horan: Yeah, Tyler Horan. So, the main access is probably going to be through the existing access, that's what they're asking for shared use. So, we will come through what's already paved, and then there's an entrance there. We do also have on the west side of the

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property, it's kind of hard to see on this drawing, but we're not fencing that, and there will be another entrance there. We own another chunk of property that's to the south, but that is kind of between where the UDOT road is going to go, so we don't have another access. I guess there's just two points of access.

Bruce Frandsen: Both through the current industrial?

Tyler Horan: No, the one on the west would go around to 1100 South.

Bruce Frandsen: You have a 3rd access in there now?

Tyler Horan: If you drive through there, we actually had to do the improvements along the road so it's already curb, gutter, sidewalks, and the turnout is there.

Chairwomen Anderson: Thank you.

Tyler Horan: Thank you.

Chairwomen Anderson: If we have no further comment, we are ready for a motion.

Bruce Frandsen moved to recommend approval for the proposed Commercial Site Plan, located at approximately 51 W 1100 S, American Fork City, UT 84003, in the PI-1 Zone, subject to any conditions found in the staff report.

Rodney Martin seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE

The motion passed

PUBLIC HEARINGS

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- c. Review, and recommendation on a proposed General Plan Amendment, known as Yablonovsky General Plan Amendment, of the American Fork General Plan. The Amendment plans to amend the Inner-Block Cottage Area Map extending the area identified on the map to include the applicant's property.**

Travis Van Ekelburg reviewed the background information for Action Item letter c: The applicant has applied for a General Plan Amendment to amend the Land Use Recommendations of the American Fork City General Plan Undeveloped Inner-Block Areas Map. The proposed amendment looks to include the applicant's property in the areas identified on the map for infill development. The property is currently developed with a single-family home that was built in approximately 1967 (according to county records). The property is in the R1-9000 zoning designation and is approximately 0.83 acres in size.

The General Plan States Land Use Recommendations for residential land use categories to include Inner-block areas for possible in-fill housing (see page 23 of the General Plan). The Undeveloped Inner-Block Cottage Map of the General Plan was updated in 2004 to include potential development areas colored in blue and possible access routes colored in yellow.

Page 24 of the General Plan states the following "3. The City's long-standing policy of requiring building lots to abut upon public streets and not allow the use of flag lots or common drives to access individual lots should be continued."

American Fork City Code Section 17.5.505 Inner-Block Cottage Development Projects states the following:

A. Intent. It is the intent of this section to:

1. Provide an alternative method wherein vacant and underused land in the interior of the existing blocks within the original town site and similar landlocked areas of the city may be developed, provided that development within such inner-block areas will be compatible with existing surrounding development; and
2. Establish and set forth the special requirements and guidelines applicable to inner-block cottage development projects considered reasonably necessary to balance the interests of the surrounding development and applicants and accomplish the intent stated under subsection A.1. above.

Bruce Frandsen: Can you point to the lots we're actually looking at?

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Travis Van Ekelenburg: I can't really read it and I can't get in that close.

Harold Dudley: I thought I found it, but I don't think that was it.

Travis Van Ekelenburg: When the applicant comes up, we can probably talk about that. This is a image from the road. This driveway is approximately 12 feet in length. I can mention a couple of things here for development. If there was a lot to be placed here, there would be roadway improvements that would need to be installed. Depending on how the power lines are situated, they may need to be buried. In speaking with the fire marshal, Matt Sacco. He mentioned to me that the driveway would have to be a minimum of 20 feet wide back to the house, and considering from the driveway to the back of the house is about 200 feet, their hoses only go about 150 feet. So, anything further than that will require a fire turn around so the apparatus would be able to get around the property. The right of way dedication would be about 15 feet I think, I was talking with JJ about that earlier. Across the street already has curb, gutter, and sidewalk installed, so it'd be 62 feet all the way across and so that would be approximately 15 foot right of way to make that 62 feet as the roadway was improved. Here's an aerial view closer up of the property. There's the driveway coming through like this, fire turnaround would have to be placed right through here, and then you'll see the right of way improvements were being installed through here. The proposed amendment was to include the applicant's property in the areas identified on the map for infill development. So, the applicants request and considering the property right above it is in the inner block cottage map, they just want to be added to that particular area. The property is currently developed with a single-family home that was built in approximately 1967, and it is on a R1-9000 designation. Considering the intent of the inner block cottage section of the code staff has recommended denial as staff feels that does not meet the intent of the inner block cottage section of code as this section of code in the general plan is meant for infill development.

Harold Dudley: I'd like to, before the applicants come up, go back to Bruce's question. I want to see on the map where this is. I didn't get a chance to look at this before, and when I saw the map, maybe if you can turn that to where the north is up?

Travis Van Ekelenburg: The map is small. The applicant can probably point us to where the property is on here a lot faster than I can.

Martin Yablonovsky: Well, yeah, that's a little tricky.

Chairwomen Anderson: I don't think it's marked on this map.

Rodney Martin: Where's Shelly?

Bruce Frandsen: That's what I'm thinking, where's the school?

Martin Yablonovsky: I think it is off that map. I think it is to the right.

Travis Van Ekelenburg: So, these are cut off then?

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Martin Yablonovsky: Yeah, it's over to the right.

Harold Dudley: So, can we pull it up though?

Travis Van Ekelburg: That's all we have. I pulled it straight from the general plan.

Rodney Martin: Can you pull up the ariel image of those properties?

Travis Van Ekelburg: Yes sir. Would you like the one that's further out?

Rodney Martin: Yeah, the one that's further out. So, this is just east of the Shelly playground.

Harold Dudley: Right.

Rodney Martin: The property to the north has the lambing sheds that are still there. The east part of this property, the hill goes up right there. So that row of houses north to south, they have a big drop off behind them. They have a great view of the lake. But yeah. So, this drops down and comes out there on 1st West by Shelley.

Harold Dudley: So that's where my difficulty is, by definition of infill, the property to the North is on that map. Parcel 0007 is in the map.

Travis Van Ekelburg: It is.

Bruce Frandsen: The entire parcel to the north?

Travis Van Ekelburg: Yes.

Bruce Frandsen: Right up to the road?

Travis Van Ekelburg: Yes.

Rodney Martin: As well as the properties to the North backed up by the cemetery.

Travis Van Ekelburg: The question that I had...

Harold Dudley: The properties to the North of that are in that as well?

Travis Van Ekelburg: Pardon me?

Harold Dudley: Sorry, I mean Rod. The properties North of this are in that infill map as well?

Rodney Martin: Yeah.

Travis Van Ekelburg: No, just that larger parcel.

Bruce Frandsen: Oh, Okay.

Chairwomen Anderson: Just that little square.

Harold Dudley: Not North of 600?

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Travis Van Ekelenburg: No. And if you read through the inter block section of code, it talks about the size of how they wanted it, and that's mentioned in the general plan as well. That's why when you're looking at the map, you have just little pockets they identified. And it's my assumption, I would have to research to find out if it's true, but considering this house was built back in the 60's, and it's developed on the inner portion of the lot, I think that's why it was not included as part of that. I think if the house was built to the front of the property, it definitely would have been included.

Bruce Frandsen: My question is that parcel to the North. There are some structures on that up by the front.

Travis Van Ekelenburg: Correct.

Bruce Frandsen: But the ones up by the front are also included in the inner block?

Travis Van Ekelenburg: The entire property.

Bruce Frandsen: The entire property, so they can develop up to the road in that North section?

Travis Van Ekelenburg: They can, and the way it's written, they don't have to. And they can develop under the regular R1-9000 zoning designation if they choose to.

Bruce Frandsen: I can't see the width, oh it's 110 feet apart from the back portion.

Travis Van Ekelenburg: The one the one thing to mention about the inner block cottage section of code is, flag lots in American Fork. We don't really have code for flag lots. There are certain sections that allow that type of use, but it's for very irregular shaped lots that have certain issues that are outlined in code. Now, on top of that, if you read through that section of inner block cottage code, it talks about the minimum area requirements, the maximum height, setbacks, all that kind of stuff. So, it's not really developing it. It's under the R1-9000 requirements for building a house. It ends up being a lot smaller, I think the maximum height of the house is like 24, 26 feet or something like that.

Chairwomen Anderson: Okay. Do we have any more questions for staff at this point?

Rodney Martin: I just have comments and opinions.

Chairwomen Anderson: Okay, Great. We will invite the applicants to come forward. If one of you wants to speak or both of you, if you could be about three minutes for each or both of you, and please share your name for the record.

Martin Yablonosky: Thank you for this time, Travis, thank you for kind of going through this. My wife and I moved here just a little over a year ago. We had a big area where we were kind of thinking where to buy a home and we decided to live here. We were under the impression that we could subdivide the lot when we bought it. So, I'm not putting any blame on anyone but, we did have that in mind. We went to a concept plan meeting. And this idea with Mat about a

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firetruck turn around, he mentioned that we would need to have. Travis had said that most of the R1-9000 requirements to subdivide and build a home would qualify as far as I can tell. I'm just a rookie at this, I'm just learning. But as far as I could tell, all of the requirements would work on this lot to be able to subdivide and follow all the rules for the R1 9000 zone. So I went to the concept plan meeting. And I was still hopeful as they went through the meeting and then the next day, I got an email from Cody Opperman saying actually, you can't subdivide because it would require a flag lot to subdivide. So that wasn't brought up in the in the original meeting. I went to the city building and I asked to speak to Patrick O'Brien, and I said is there any hope? Is there anything that we can do here, and he said, it may be possible to amend the overlay map since the property is adjacent to an area that has an inner block cottage area. And so that gave us hope, I went back to another concept plan meeting, and presented what you have, you have the wording. But basically I have found in city code that the idea of this inner block cottage area, is to develop land where there has been some Past over lands. And as Travis has brought up, if the house were to the front of the road, it seems like that's a no brainer. And I guess I would just say when you look at the idea of finding a good home for a single family, most likely my mother-in-law. The idea of finding a home for someone, it seems like it's something that American Fork would want to do and at the end of the process whether the home was at the beginning and and you develop the back of it. Or if it's at the back and you develop the front, it seems like it's going to be the system, you're going to have the same end result. And so, I just hope that you would consider that and I'm not sure if I'm missing anything. You want to add anything?

Chairwomen Anderson: If you could also just state your name, please.

Carman Yablonosky: Carman Yablonosky. So, if you look at the lot that is to the south of us, it all used to be one big lot. The lot that's to the north of us. This was an equivalent lot. 2.5 acres and there was a family that owned it and they did end up sectioning off the front of that lot at some point into, I don't know how many lots, do you know how many?

Martin Yablonosky: I think 4 or 5 lots.

Carman Yablonosky: Yeah, so I think that originally was the front of that lot. Because the driveway used to go the other direction to what we have now. So, it kind of does go along a lot with what has already been done to those lots to section off the front that hadn't been built on. So that's just another consideration.

Martin Yablonosky: One thing you mentioned earlier Carman, that it kind of goes along with the other homes. You know, if we built a home right on the front of the lot, it kind of goes along with the other homes, so visually it works out. So, thank you

Rodney Martin: If they're willing, this is Rod Martin's opinion, if they're willing to put a 20-foot driveway, and a 200-foot turnaround in their, what's essentially their West yard, and everything still fits in there, including the right of way and everything, I don't see a problem with it. That area of American Fork, needs to have more development, needs to have the right development.

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But if they're able to meet the requirements of the fire marshal and give up two thirds of a football field in asphalt, 200 feet radius. I honestly don't have a problem with that. I live a block away from where you guys are, we are not in the same stake because we are across the road, but that area is going to be developed, it's going to happen. Will it work for what you have to give up? Maybe not. But I don't have a problem with it.

Chairwomen Anderson: I agree with a lot of what you said because I agree with infill, and I think it could work. The sticky place that I find us in is our existing code. And we are, you know, obligated to follow the code as it is. I think that several parts of this code should be changed. It shouldn't be called the inner block cottage section of the code. If we have a lot of areas like this that are not inner block. I think that wording is what's causing the problem. It could be called the infill cottage section, or you know, something like that. If that were the case, and if American Fork city code currently allowed flag lots, I would feel allowed to recommend approval for this, which is what I would want to do. I don't personally see any problem with this proposal. But I think the code has to change before I can approve it. Right now. It can be developed. Anything in this area can be developed under the R1-9000. And I think that's their option at this point. Even though I would like to offer more options. I don't think that the current code allows us to, and I think it would be opening the door for a lot of conflict down the road with people saying well, you know, you set the precedent by allowing this one into the inner block cottage. I think if we just fix the language in the code, then things like this don't have to be an issue and we can just allow infill wherever it needs to be built.

Bruce Frandsen: Yeah, I tend to agree with both of you. I think there's one thing. Send it to the city council. If they change the code, it also brings to their attention that hey, maybe this whole thing doesn't really work, it needs to be re-worded. I think if they do it under the R1-9000, all they do is create a flag lot, which they can't do. Now, they build a house up front, call the one in the backend a accessory dwelling. They could have done it that way, but it's kind of in reverse now. But we do have a code which allows for an accessory dwelling behind your primary house. I don't know, maybe they build a primary house and use that as their accessory dwelling. I don't know, square footage and that kind of stuff. I don't know how they can do a 200-foot radius they only have 110-foot width property. That is going to be a problem. I mean, my tendency is to say Yeah, put it into the code and then see if they can work it out with all the other coalitions they have, or push it to the council and let them really realize you have an issue with the code. There are legitimate reasons and it's time we need to re-do that. I mean, I drove up there just the other day through that area, and I said to my wife, "Man, there are a lot of inner blocks left up here". That's a great place for more housing in the community. Thank you.

Harold Dudley: Can I ask a question? Sometimes I think I know what I'm doing, and other times I think I don't. Is the application change just to include that in the map, or are there text changes too?

Travis Van Ekelenburg: That's correct, just in the map.

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Harold Dudley: So, all we're doing is including this in the map? That's what's before us today?

Chairwomen Anderson: That's right.

Harold Dudley: With no text changes?

Rodney Martin: Yes.

Harold Dudley: Okay, well with that I am inclined to absolutely vote in favor of this. Because just like zoning it's adjacent to a piece that's already been put in the map when they were doing this very thoughtfully. I assume. I have to assume that, and I say very thoughtfully because based upon a little bit of the language of the text of the ordinance, the parcel of the North doesn't really fit this definition of infill. It's got plenty of frontage, and I don't know that it fits any better. And I don't know that at the time, I'm just being honest, that someone could have looked at this one and add it on. So, I'm in favor of voting to just amend the map because we're not amending the text of the ordinance. They still have to meet the requirements of the ordinance or figure that out with fire. I'm gonna leave it at that. I'm in favor of changing the map to include this because I don't think we're doing anything too drastic making that recommendation to city council.

Chairwomen Anderson: My opinion is, if we move it on the way the code is right now, the code will never get changed. It will just kind of be like 'oh we allow this kind of thing in an inner block'. But it's not really inner block. I think it will just make a lot of confusion and it will send a message to city council that it doesn't really need to be changed because we kind of are making do with the wording as it is.

Rodney Martin: So, we're actually going to add things piece by piece over the years. And that's the confusion? Piece by piece to the yellow or the blue maps, you're worried about that being done one by one, or what?

Chairwomen Anderson: No, I'm worried about more inconsistency with lots wanting to be added to the inner block cottage that do not have inner block open space for developments. But the whole wording in the inner block cottage thing is totally oriented around unused land in the interior of the existing blocks. And that's not what this is. Although I think that it should be developed, I think that I can't pass it until the wording is different. I would just like this on record for city council, that I would love to see flag lots allowed in our city.

Harold Dudley: I second that.

Chairwomen Anderson: I looked online today, and I can read you 23 cities in Utah, surrounding us, that allow flag lots, and I'm just going to read them for city council. Cedar Hills, Draper, Lehi, Orem, PG, Provo, Hurricane, Murray, SLC, Harriman, West Valley City, Logan, Mill Creek, Enterprise, Eagle Mountain, Saratoga, Sandy, Lindon, Bountiful, Santaquin, Enoch, Layton,

Travis Van Ekelburg: Draper.

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Rodney Martin: Draper.

Chairwomen Anderson: I said Draper.

Bruce Frandsen: Hey, I agree. I agree with that.

Chairwomen Anderson: I think that we need to allow more alternative housing opportunities. And just like this, we need to allow flag lots. There are so many, just those blue spaces on the map show how many housing units could be developed if we allowed flag lots, and I just think it needs to happen ASAP. Yeah, Travis?

Travis Van Ekelenburg: I would just like to mention, keep in mind we are going to be redoing the code. We are going to be redoing the general plan. In speaking about this particular application, we did talk about redoing that map as well, you know, if we end up being stuck with that type of code for whatever reason. So, these are things that are all potentials. As far as developing code for flag lots, obviously it exists a lot of cities use it. But we don't currently have it. So, our problem is we're stuck with what we have for our current code. And that's what we have to base our decisions on. And, frankly, every day, I have to tell people well, it's a great idea, but our code doesn't allow it. So, you know we're in that situation quite a bit as planners. And I know it puts the Planning Commission in tough situations because things make sense but the code doesn't allow it when we have an older code like this. So that's kind of what we're up against. I just wanted to make that comment.

Chairwomen Anderson: So, a full rewrite is out several months, but how possible is it to make I mean, I know this is more small changes, but how possible is it to make changes that we request to the code in the meantime, so that applications like this can go through?

Travis Van Ekelenburg: You can request certain things be staff initiated, you know, and we can take a look at them. And you know, run it through the chain of command and see how it plays out. Like I said, we're interested in more housing, we're interested in better development and more options for American Fork as American Fork is growing and becoming a larger city. That's why we're doing the rewrites and those things, because we know American Fork isn't that fork in the road in a lot of ways.

Chairwomen Anderson: So, would it be possible in a reasonable timeframe for say these applicants to have things like that changed in the code?

Travis Van Ekelenburg: Probably not, because I think it would be a general plan amendment and a code change. So, there will be several elements that we have to go through, and it's quite a process, I think, and I'm not sure how the City Council feels about it. But definitely, I can convey that information for sure. And I could possibly get back to you on that.

Chairwomen Anderson: Yeah, that would be great, thank you.

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Bruce Frandsen: Well, I was just along your train of thought too, I think. I think if we recommend approval with some added verbiage that we also direct staff to ensure that in the next major code rewrite, the inner block section of code to include infill,

Rodney Martin: And flag lots.

Bruce Frandsen: And flag lots be included in the next major rewrite.

Harold Dudley: I think that's fair.

Bruce Frandsen: Something like that, then that way we don't forget about it. That way. We're not just passing it on to the council and saying, hey, we'll deal with these each and every time they come along. We're saying hey, recommend approval with direction to cover this in new code.

Harold Dudley: That's basically what I was gonna say the same. I appreciate your thoughts. And I don't disagree with you on the code. And I do feel like somewhat that's what we're doing today is we're making one small step in amending the map. This is all we're doing. And so I don't know that we're going against the code. Now what I do worry about is we amend this, and I know our development services director had indicated you do this, I am concerned that we approve this that it still there's some hurdles that may need to take place. I know the applicant want some more time and I want to give that; I really don't think that we're stretching, and I appreciate Bruce's comments. If we make that as a reason for the motion and not a condition because the applicants can't meet them, but a recommendation to staff, I think that speeds up everybody's process as opposed to having... I know if I was in their situation, If I could get my mother-in-law to live next to me, I would too, and that goes against what people say about Mother-in-laws, but I would have it as well.

Chairwomen Anderson: If the applicant would like to step forward just for any final clarifications quickly,

Martin Yablonosky: So once again, thank you for the discussion. And I would just say that as we went through the concept plan meeting, we became aware of the financial commitment that we would be putting into American Fork, you know, to improve the front of the property in terms of the sidewalk. To do what Mat said is actually to have a turnaround right in front of our current home. And so I would just say that we believe that we can meet all of the R1-9000 requirements to do this. And we feel it would be nothing but good things for the city of American Fork. And so once again thank you for considering this.

Travis Van Ekelburg: Chair, can I make a quick comment about that? So, the R1-9000 zoning designation is what they're under, but they would have a choice if they're on the map to develop under the inner block cottage section of code or R1- 9000.

Harold Dudley: Right, and that would leave them some options.

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Martin Yablonosky: Yeah, kind of going back to that, I was thinking that we still had to have 90 foot of frontage for the subdivided or for the second lot, and maybe we don't. But anyway, there's maybe some more I need to learn.

Travis Van Ekelenburg: Yeah, and we could talk about that if you'd like. Come on in and we can talk about it.

Martin Yablonosky: Thank you very much.

Chairwomen Anderson: So, my understanding is that they are currently in the R1-9000, and it's possible to develop in the R1-9000.

Martin Yablonosky: Except it requires a flag lot, and because of that, we can't. So, that's why we're trying to amend over. It does allow flag lots in the overlay?

Travis Van Ekelenburg: Right, that's correct.

Chairwomen Anderson: This is difficult for me because all of it makes sense. If I was the Queen of the world, obviously this is like a perfect thing to do, so yes, do it, you know? But we would have to be putting you in a position where you want to build with the flag lot, but you're not able to. And so, you're still a little stuck. And you're in a zone that doesn't quite fit your purposes. So, this is very tricky for me.

Travis Van Ekelenburg: Keep in mind tonight, that you're motions and your voting would need to be unanimous for stuff to move forward.

Harold Dudley: But if I could just ask for clarification and to have on the record. If a vote is to deny, they can appeal directly to the city council. Correct?

Travis Van Ekelenburg: Correct.

Harold Dudley: So a vote to deny with the council meeting minutes and other things also move him along in the process?

Travis Van Ekelenburg: In a way, Yes.

Chairwomen Anderson: And that may be the best thing for us to do, because that points out to city council that this doesn't make sense, and we need flag lots. And you know the code obviously is not including all the areas that need infill. I don't know how many families you meet with that want to do this but aren't able to.

Travis Van Ekelenburg: We have conversations, but we don't get a lot of applications for the inner block cottage development.

Chairwomen Anderson: Right.

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Bruce Frandsen: So, if we vote, let's say it was two, two, and that gets denied. I guess they still have the ability to appeal to the city council?

Harold Dudley: On a no action?

Chairwomen Anderson: If it is two-two, no. We have to vote unanimously.

Harold Dudley: We have to have some action.

Rodney Martin: So, it would have to come back to us.

Bruce Frandsen: So would it still go to the council then?

Travis Van Ekelburg: It has to be unanimous.

Chairwomen Anderson: To leave this body, it has to be unanimous.

Bruce Frandsen: So it has to be a denial.

Rodney Martin: Or approval.

Bruce Frandsen: Or approval, it just can't be a split vote. Gotcha, Okay, Thank you.

Travis Van Ekelburg: But one of the pitfalls I mentioned for tabling would be all this information getting conveyed in the way that you feel tonight to the other commissioners, that'd be tough. They'd have to go back and listen to it and do that type of thing. But, but again, it's up to the planning commission.

Chairwomen Anderson: I would be in favor of denying because of what Harrold said, that it brings it on to city council, the applicants are not stuck in this body, and City Council is aware of the issues that need to be addressed and also as a planning commissioner, I'm voting for the code, which is what I think is our obligation.

Harold Dudley: I'm prepared for motion.

Chairwomen Anderson: Anyone else?

Rodney Martin: Yeah, just for Mr. Yablonosky. You're in a process that you're going to help push American Fork to do what we've been needing to do. So, you know, keep the faith. Something can happen and you're going to be one of the people that helps make it happen.

Martin Yablonosky: What would be the timeline for that?

Rodney Martin: We don't know.

Chairwomen Anderson: Well, in the next two weeks, you'll go to city council.

Rodney Martin: You'll need to appeal this, and then it goes to city council.

Chairwomen Anderson: They won't need to appeal, it will just move straight through.

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Harold Dudley: Well we need to make a vote first.

Rodney Martin: We will have to vote first, but it's going to be a process, and you're not going to be breaking ground anytime soon.

Chairwomen Anderson: I do want you to know that I want this to go through. I want you to be able to develop in the front of your lot. I think that's good for the city and good for everyone to be able to do what you're trying to do. So, I hope that this process opens doors that make that possible.

Travis Van Ekelburg: Chair, I just wanted to mention that I do not think we did the public hearing portion for this item.

Chairwomen Anderson: Thank you, we will open the public hearing.

Public Hearing Opened

No Comments

Public Hearing Closed

Harold Dudley: Madam Chair based on our discussions and based upon a recommendation to staff that during a rewrite, a major rewrite of our ordinance that inner block cottages infill and flag locks be looked at intensely, to assist in the development and increased density quite frankly, of our city to provide single family homes for people to move into based upon that recommendation to staff. I move that we recommend approval for the proposed General Plan Amendment, titled Yablonovsky General Plan Amendment, relating to the Inner-Block Cottage Section of the General Plan as proposed by the applicant and providing an effective date for the ordinance.

Bruce Frandsen seconded the motion.

Voting was as follows:

Chairwomen Anderson	NAY
Harold Dudley	AYE
Rodney Martin	AYE

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Bruce Frandsen

AYE

The motion failed

Chairwomen Anderson: Sorry, I do want it to go through. I do want this to be developed. I just can't do it with our current code. I think we need to make sure it gets changed.

Rodney Martin: So is that it for the discussion?

Chairwomen Anderson: No, we can take another motion.

Rodney Martin: Because all this proposing to do, is be included in the inner block content and cottage overlay right now. You're not dealing with code.

Harold Dudley: Correct.

Rodney Martin: This is this all we're doing is just including it in that overlay. The next thing would be to see if they're in code, and to get the line lots approved.

Travis Van Ekelburg: Yeah, this is a general plan amendment only.

Chairwomen Anderson: I guess so and staff just implied that there are not a lot of applicants coming forward with lots that want to be included in the inner block cottage but can't because they have a front lot that is open, so...

Travis Van Ekelburg: So, I've only been here just a couple of years, So there's that. But I would like to mention that the conversations that I have had with citizens is they want to do these kinds of developments. But since the city doesn't currently have anything for flag lot development, most of the questions are geared toward that which then initiates what we do have, which is the inner block cottage section.

Chairwomen Anderson: My concern was with precedents and confusion with applicants following up. But if most of the applicants are interested in flag lots, then that may not apply so much.

Travis Van Ekelburg: We call it flag lot, but it's the inner block section of code. It does address the flag lot issue in there, and just like I said before, it speaks about irregular shape lots and lots with access issues, etc.

Chairwomen Anderson: So, I do think that the wording of this inner block cottage is unfortunate, because it continually says interior. In the intent of the code it continually says interior, but it's my opinion that the underlying intent of this section of code is to allow for infill. I think the

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wording of interior is almost incidental and unfortunate. But it's specific in that way because I don't think the overall intent of this code is only for interior.

Harold Dudley: Madam Chair, if I look at the lot just to the North, I think that shows that the mapping doesn't meet necessarily the text. And so if you would feel inclined, I'd call for a re-vote, maybe.

Chairwomen Anderson: Well, we do need to have another motion.

Harold Dudley: We can't do a re-vote on our current motion?

Rodney Martin: No, we have to do a new motion.

Travis Van Ekelburg: That motion died.

Rodney Martin: So seeing the property proposes to be included in our inner-block cottage overlay, and that they have significant other hurdles that they'll need to satisfy. I propose that we move to recommend approval for the proposed General Plan Amendment, titled Yablonovsky General Plan Amendment, relating to the Inner-Block Cottage Section of the General Plan as proposed by the applicant and providing an effective date for the ordinance. And Further Instruct staff and city council to review our flag lot ordinance and then bring that ordinance into line with our neighboring cities.

Bruce Frandsen: I have a question. Christine, I kind of got the impression you may have got some additional information that may have changed the vote on the first motion. Was my assuming correct or not? And if so, is it possible for someone else to restate a very similar motion and have a vote again?

Rodney Martin: That's what I thought I did.

Bruce Frandsen: Well, yeah, I guess that's true. Can I add to his motion?

Travis Van Ekelburg: No, that's his motion.

Chairwomen Anderson: What happens to a motion that hasn't been seconded?

Travis Van Ekelburg: It dies.

Bruce Frandsen: No, I was just gonna say we may need a little more specificity saying it has to be included in the upcoming major rewrite.

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Rodney Martin: Okay, so instructing staff to include this as a priority measure in the rewrite with the city council, including flag lots specifically about flag lots, to be included as a priority in the rewrite and or code text amendments, prior to the rewriting if needed, and changing the wording on Interior in the Inner block cottage section.

Harold Dudley seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE

The motion Passed

Harold Dudley: Thank you so much. Who was our founding father that said about democracy? Something about it is messy, but we get it right in the end.

Carman Yablonosky: I wasn't expecting such a thoughtful and considerate process. So, thank you very much.

Chairwomen Anderson: Thank you, that's a hard one. It's such a weird period of time, because we're stuck with an old code. I feel like I was saying the underlying content is not necessarily in line with the verbiage.

Harold Dudley: Right.

Rodney Martin: Right. The original intent of that was to take those ultra deep lots that were meant for gardens and everything, and there's several examples off of 300 or 500, where they bought a couple of homes and then did a cul-de-sac using that interior land.

Chairwomen Anderson: I just hope that the new code comes quickly enough so that we're not in hot water from other applicants coming in and you know, misusing what we just did.

Harold Dudley: Fingers crossed. You need to have some parameters around. But I will admit I've had a paradigm shift even from two years ago Christine. I'm sorry, but I think it's important that

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we have this discussion. You brought up like, how do you basically do a single family when you could have double family home. Right?

Chairwomen Anderson: Right.

Harold Dudley: And that was a few years ago and I was opposed to that, as you'll recall. And you know, the world is changing. Everything's changing. So I'm very much in favor of attempting to get still single family the ability for single family or even remember that the accessory dwelling so that our children or grandchildren can have an option. If they want to live in one of these apartment complexes, then Great!

Travis Van Ekelburg: We actually do have that already.

Harold Dudley: Yeah, it's there but there still need to be more options.

Travis Van Ekelburg: That's one of the things that we're working hard at is the housing issue.

Rodney Martin: And trying to meet the state's mandates and requirements.

Chairwomen Anderson: I think that will be an interesting part of the code. When we start discussing how that rewrite looks and how, you know, zoning changes.

Travis Van Ekelburg: And the good part of it in my opinion is that you all have been experienced with the old code, and you see many things that need to be repaired by modifying or taken out, etc. And so, your input is going to be super valid as we go through this process.

Harold Dudley: I do worry also, with rewrite that you're so focused on the future that many of parcels become non-conforming, because they don't meet the current code. So I think we need to look at how a non-conforming use can still expand because it wasn't meant to be non conforming.

Travis Van Ekelburg: The state doesn't allow non-conforming uses to be modified in any way.

Harold Dudley: We have to address that I think. We're gonna have some non-conforming, unintended non-conforming uses that I hate to burden somebody from something that seems right. I don't know, I went to school to be a planner, and I'm glad I got out of it because it's damn hard.

Chairwomen Anderson: It's really hard. Okay, thank you. It will be interesting to discuss all of it as it comes down the line.

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- a. **Review, and recommendation on a proposed Code Text Amendment, known as CC-2 Central Commercial Zone of the American Fork City Municipal Code. Amending Section 17.4.403 (D), the Code Text Amendment plans to modify regulations related to setbacks for commercial structures abutting residential zones.**

Travis Van Ekelenburg reviewed the background information for Action Item letter a: Staff has initiated a Code Text Amendment to amend Section 17.4.403 (D) of the American Fork City Municipal Code. The proposed amendment looks to modify regulations related to setbacks for commercial structures abutting residential zones.

Travis Van Ekelenburg: We're trying to get a little more protection for residential areas in regard to commercial development and development that impacts them directly. So we're making a code change to match the height of the building with the setbacks. For example, a 30-foot-tall building will have a 30-foot setback. So, we're trying to move the buildings and things closer to the inner portions of the property and to keep it away from residential properties.

Rodney Martin: Yeah, you don't want sun blocking buildings right next to somebody's house.

Travis Van Ekelenburg: Right. Which you know, historically, we have zoning. To keep people from building a seven-story skyscraper next to a bungalow.

Harold Dudley: Can you go back a slide real quick?

Travis Van Ekelenburg: Sure.

Harold Dudley: So, the way the ordinance currently reads is when abutting a residential zone, the land use authority... And this is where I get confused. Is that us or a staff level?

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Travis Van Ekelburg: That would be staff level. For example, if we get a site plan in for a commercial development, we're going to be looking at the height of the building to make sure their setbacks are correct for the site plan before it comes to you.

Harold Dudley: When abutting a residential zone, the land use authority may require..

Rodney Martin: Up to 30 feet. So we're just taking away the 'may' and then putting it equivalent to the height of the structure shall be required. So instead of 'may', it will be 'Shall'.

Travis Van Ekelburg: Yeah, the key word is 'Shall'.

Bruce Frandsen: And we're taking out the land use authority.

Chairwomen Anderson: And before it was just 30 feet, but now, if the building is taller, than the setback matches the height.

Travis Van Ekelburg: That's correct.

Rodney Martin: And it says we may require up to 30 feet.

Harold Dudley: So, per the ordinance, someone developing commercial development right next to a residential, or just an R4-750 residential zone?

Rodney Martin: Any residential zone.

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Harold Dudley: Any residential Zones?

Travis Van Ekelenburg: We will get to more of that on the next item. We're just looking at this one right now for the R4-7500.

Harold Dudley: So, the land use authority could allow for a setback less, under the current ordinance, there could be a setback less than 30.

Rodney Martin: Yeah.

Travis Van Ekelenburg: Correct.

Rodney Martin: So, this is just cementing it. If it's 30 feet tall, it's 30 feet back. If it's 20 feet tall, it's 20 feet back. So that just matches the height of the building to the setback.

Chairwomen Anderson: So is this in effect, limiting height?

Travis Van Ekelenburg: No. They can still make the building as high as the property will allow.

Chairwomen Anderson: Right, but for infill, when they have a limited amount of space, it limits the height.

Travis Van Ekelenburg: Are you speaking in commercial development?

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Chairwomen Anderson: I'm just trying to see what the effect is on developers. I see this as protecting residents. I'm just trying to see both sides of it to make sure I understand what the effects are.

Bruce Frandsen: You're thinking if they had three- or four-story building, and have the 40 foot setback, you wonder what that might do to the parcel.

Rodney Martin: Well, they would have to get creative then. When you're looking at infill, where they can only do 2 story's on the back part of our building, because that's abutting residential and then we're going to go up after that so that we're far enough away. The developers will have to conform to it. I like protecting residential zones, I like doing that. So this seems to make sense that the roof is here, take a 45-degree angle, and that's where it hits a property line.

Harold Dudley: So, the back of your commercial development, is it residential, or is it...

Rodney Martin: It is residential. Yeah, there's plenty of space back there.

Travis Van Ekelburg: So, keep in mind, Planning Commission, developers will still be able to develop. It is not taking any property rights away.

Rodney Martin: It's just a matter of...

Bruce Frandsen: What they can do.

Rodney Martin: Protecting the residential impact.

Harold Dudley: So, a ten-foot-tall building would only have a ten-foot setback.

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Rodney Martin: Well, the minimum setback would still need to be adhered to. So, if there's a minimum of 20, there's a minimum of 20.

Bruce Frandsen: I got two setback requirements. One, what the minimum says, two what's the height of their building.

Rodney Martin: Right.

Bruce Frandsen: And it would setback, whichever is larger.

Rodney Martin: Right.

Harold Dudley: But there is no minimum material rear setback required. So again, if it's a side lot... I'm looking at your house. I love your property. I'm looking at your property, it's a rear lot in a commercial..

Rodney Martin: Zone.

Harold Dudley: Zone. And you decided to expand your business and you wanted to go back and you were gonna put up a 30 foot building. You need 30 feet then from that back wall.

Rodney Martin: Right. Which I think helps the residents behind.

Chairwomen Anderson: But help me understand...

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Harold Dudley: If for some reason you have smaller lot, and your a commercial build, and you have a smaller lot, and that is still zoned residential behind you. I don't know. I'll be honest, I'm struggling. I like the flexibility that the current ordinance allows the Planning Commission to make some discretion. I like current ordinance as it stands, I'm just being honest.

Rodney Martin: Well, if you look at our neighbors, Kirkham Upholstery, they have a brand-new building. It's at least two stories high, and it's five feet from the rear of the property.

Chairwomen Anderson: And wouldn't that be allowed with this? There will be no minimum interior side or rear.

Harold Dudley: No, it would not. If you are abutting a residential zone, you would have to be the height of that building.

Bruce Frandsen: Whether that abutment is on the rear or the side.

Rodney Martin: Okay, so this would still allow for example, Kirkhams, to build on the back of their lot.

Chairwomen Anderson: Staff, could you clarify this for me?

Rodney Martin: It say's when abutting a street.

Travis Van Ekelburg: What's the question specifically?

Chairwomen Anderson: So, it seems like the front setback needs to match the height, but the rear and side setback doesn't have a minimum? Is that correct?

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Travis Van Ekelenburg: So item B is talking about setbacks in general. So front, side, and rear. Front is obviously going to be on the street.

Harold Dudley: Well, it's not going to be abutting a residential zone.

Travis Van Ekelenburg: So, the side, if it's abutting a residential zone, and it's a 30-foot-tall building, it's got to have a 30-foot setback from that residential zone.

Rodney Martin: No, this looks like it's from the street. The way this reads it looks like it's from the street because C: says interior side and rear, there is really no minimum interior side or rear setback requirement, except that any proposed structure shall be located outside of easements along an anterior side or rear property line. So, if there's a power company's easement, then they have to meet that easement, because there's a lot of power companies' stuff that goes between properties, or cable or whatever. And so as long as you're meeting the easement at the rear of the property, so if you look at Kirkhams for example, they're five feet away from the fence and they meet the easement.

Harold Dudley: I'm not going to argue with you Rod, but I think we may need to table this, because I believe Kirkhams would not meet the new ordinance.

Rodney Martin: I mean it looks to me that the proposal is talking about the front.

Harold Dudley: No, the front is A: When abutting a street, and then when abutting a residential zone. It says nothing about front yard if it's abutting a residential zone, either in the front or the rear, or the side.

Rodney Martin: Well, that's what I see is there, so the only option left is front.

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Chairwomen Anderson: So do we just need to add an item B: Do we just need to add when abutting a residential zone, all setbacks...

Bruce Frandsen: On any side, or something.

Chairwomen Anderson: Needs to be equivalent to the height? Is that the intent Travis?

Travis Van Ekelenburg: You could do that. That is the intent. I mean, if you want to change the wording a smidgin to make it sound better for your motion, then, Yeah.

Rodney Martin: Yeah, let's table it and have them re-write it.

Chairwomen Anderson: Well, we can change the wording and move it on, can't we?

Travis Van Ekelenburg: Yeah.

Harold Dudley: I'm not going to, well, I guess if we... No, I'm not going to vote in favor. I don't think, there is nobody sitting in front of us waiting, and we're confused, I think.

Rodney Martin: So, table or deny?

Chairwomen Anderson: So, what would you be in favor of?

Harold Dudley: I'm in favor of it standing the way it is. That when abutting a residential zone, the land use authority may require setback. So, then we can require appropriate setbacks. There's

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so much of this. Since I have sat on this, there's so many commercial developments that have been next to a residential zone and yet that residential zone, those people have been here, they've not gotten a single corner. John Heiner developed something up here on the corner by the glass place. Further from Jones point on the corner there. And there was a commercial development and there were some issues there. And we allowed a setback, much less than a typical interior setback because there was a six-foot wall, and the adjacent landowner in the home didn't oppose. And by this, if I'm reading this correctly, what Kirkhams just did, this would not allow.

Rodney Martin: Not at all. So, if they mean street frontage only, then it needs to say so.

Harold Dudley: Along Main Street, if you have a residential lot right next, I know that's what got you on this commission. Isn't that what got Christine on this commission? We're glad you're here, right? But there are some places on State, but particularly on Main Street as we continue to try and get more commercial development in, that are adjacent to residential zones. That I think with some planning, it's appropriate to have less of a setback than the height would go.

Chairwomen Anderson: On Main Street. I agree. This, I think protects, you know, so we have our higher things on Main Street and then as we go toward residential, we're a little more protective of that space and that height. So, I like the concept of if you're right next to residential you have these rules, but I just don't understand...

Rodney Martin: Rear and front or just front and so we need to clarify that.

Travis Van Ekelenburg: I think the way I'm looking at the code, you have Section A which is abutting a street, same as the R-4 7500. When abutting a residential zone, that's where the height of it comes into play. And then you have interior, side, rear, which no minimum setback required except for proposed structure is outside of easements, etc. And so the main part of it is when abutting a residential zone. That is what's being addressed. So you have A:, which is taken care of for abutting a street, and then you have C: for interior and side, which doesn't deal with residential. B: does deal with the residential component when it's next to the commercial zone.

Bruce Frandsen: So does C: over rule B: when the side is residential?

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Travis Van Ekelenburg: So if the side is residential, B: prevails.

Bruce Frandsen: Well, I can see how it could be interpreted in both ways.

Rodney Martin: My Oregon Public School education is kicking in here. So go to the top part one, Text Ordinance D: Location requirements. 1. Front setbacks shall be no less than 30 feet. 2. Side and rear setbacks... So right there. 2. is dealing with side and rear setbacks. And then A, B and C are within that same side and rear. So, if we change this, then projects like Kirkhams, or like potentially the project that I'm looking at, and may or may not have designs for, would not meet these requirements. So, this is doing the side and rear.

Chairwomen Anderson: What does part C: mean then?

Travis Van Ekelenburg: It deals with interior lots. You have corner lots and interior lots, it mentions interior side and rear specifically.

Harold Dudley: If you're adjacent to another commercial zone.

Travis Van Ekelenburg: Correct.

Harold Dudley: So, if you're adjacent to another commercial zone, there's no setback. I get the concept and I somewhat agree with it. But I feel like the current ordinance addresses it, that we as the land use authority can adjust those setbacks as needed. So when it's an appropriate basis to be 30 feet, it can be. If it's appropriate, and I think along Main Street and other these places, I think it's appropriate to be less than the height of the building, because the adjacent residential zone is typically a multifamily zone and it's use to that development. I don't want to hamstring. Just like we've sat here 100 times, and see it's a good development, but we can't, because the height of the buildings 25 feet, and they want the setback 25 in order to build this nice new commercial building along Main Street. We can't because the setbacks too much. And if we had

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the ability to say, put in a 6-foot-high wall, plant some trees, some landscaping, then you could have less of a setback in your 25 feet building. We could do that as a planning commission.

Bruce Frandsen: Along Main Street, you have lots that are only 16-17 foot wide.

Harold Dudley: And they do but I mean, and they are abutting residential.

Bruce Frandsen: You put a 12-foot single story with a roof on it, you're at 14 feet, and now that's 28 Total feet setback.

Chairwomen Anderson: I think where we would come into a big problem is an inner city building or Main Street building next to an apartment complex. And then we're having to space up that commercial because it's next to an apartment complex, which is just as high.

Harold Dudley: Yeah, it's just as high or higher.

Chairwomen Anderson: Would that still be residential? If it's an apartment complex on Main Street?

Travis Van Ekelenburg: The other side of the CC-2 zone?

Chairwomen Anderson: We have mixed use in our in our main downtown area. I guess it's not a residential zone. It's still the CC-1.

Rodney Martin: Yeah. And now we're getting to zoning.

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Travis Van Ekelenburg: Well, if you look down Main Street, you have a lot of CC-1, CC-2. And then on the outside of it, you do get you know, some R-4 zoning, ect. I don't know, the CC-2 is not that big of a zone, there is not as many properties with it, in comparison to other commercial zonings. So I don't know if there's anything I can add to help you guys in regard to this.

Rodney Martin: I'm ready for a motion. I think what Harold said is spot on. And as a resident Commission, we need to be able to have the ability to look at things case by case and say hey, does this fit our city? Does this help us? Does this you know, does this fit you know what we want our city to look like? And I'm all for continuing as is and not making this change.

Chairwomen Anderson: So, I have a question that might help me understand this better. If a development comes in on the edge of our CC-2 zone, that is abutting residential or adjacent to residential. And it's, you know, seven stories. And they don't have the space to have that big of a setback. With our current code, do we have the power to say you need this much setback if you have that much height? Or is it better to have it in the code?

Travis Van Ekelenburg: It's better to have it in the code.

Chairwomen Anderson: Do we have the power to say that if it's not in the code?

Rodney Martin: Yeah, we can't just arbitrarily pull out a number that's not in code and say, 'Hey, this is a rule', because then they look at our code and say, 'what are you talking about'?

Travis Van Ekelenburg: Right. That is correct.

Chairwomen Anderson: So I think what I was saying earlier about an apartment complex in a mixed use doesn't really apply because that's not going to be a residential zone. That's going to be a CC-1 zone, or something like that, or like a TOD zone.

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Travis Van Ekelenburg: The use of the property could be anything, technically. But when you take a look at this, it talks about residential zone. So, it could be a commercial building that the zoning was changed on it, but it's still that use, and they would still have to meet the requirement because it says a residential zone.

Harold Dudley: So let me ask this, you're developing in a commercial zone and commercial building. A 25-foot building, under the new proposal, if you're adjacent to a residential zone your setback would be 25 feet.

Travis Van Ekelenburg: From residential.

Harold Dudley: The residential lot.

Rodney Martin: The property line.

Travis Van Ekelenburg: Of the residential zone, yes.

Harold Dudley: But could you not have a situation where that residential zone is still land use planned to be commercial at some point? The plan doesn't always match the zone. It could be planned commercial, and yet it's still zoned residential. The people that own it, grandma owns it. She's not ready to go commercial yet, but it's masterplan commercial. Good to go commercial. Eventually my grandma dies. Grandma doesn't care that Kirkhams building is five feet away. There's adequate buffering. There's a six-foot block wall. And we will be sitting here with Rod, trying to expand his commercial development on Main Street, and we will be hamstrung by a code because the book says 25 feet and we can't do anything about it. Whereas under the current ordinance, we could. We're not bound, yet we must have some reason we can't be arbitrary. But we could have some ability to make a decision. We could require a 25-foot setback when it may require a setback of up to 30 feet. We can't go crazy and require a setback of 50 feet, but we can do less.

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Chairwomen Anderson: Can we make both of those possibilities in this? Like up to 30 feet if it's under 30 feet high, if it's over 30 feet high, then it needs to match the height of the building?

Rodney Martin: I still think we need to go case by case with it.

Harold Dudley: What's the setback in a residential part?

Travis Van Ekelburg: It depends on the zone. Around 25-30 feet.

Harold Dudley: In R4-750?

Travis Van Ekelburg: I can pull it up.

Chairwomen Anderson: I guess my worry with just leaving it as requiring a certain amount per application, is if there were something that were very high, could we say you have to have a 75 foot setback.

Rodney Martin: I don't think we could because they have to be able to develop their property and if it's commercial. There's a reason why it's commercial. Like on Main Street, there's a reason why it's commercial. It's not their fault that they're adjacent residential but they do have to be good neighbors.

Harold Dudley: So 25 They can project another five.

Rodney Martin: Right.

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Chairwomen Anderson: I kind of like what Harold was saying about allowing for more options. But then if we could also add a segment that protects...

Rodney Martin: So a maximum height by residential?

Chairwomen Anderson: Yeah, if it's up to a certain height it needs to match the setback or something like that.

Rodney Martin: So over 30 feet or something?

Chairwomen Anderson: Yeah, I don't know what that magic number would be.

Harold Dudley: Whose the applicant on this?

Travis Van Ekelenburg: Staff.

Harold Dudley: What was the reason?

Travis Van Ekelenburg: I don't know.

Harold Dudley: What's that?

Travis Van Ekelenburg: I don't know. I was not there. Sometimes when we get these staff-initiated amendments to the code, Patrick explained to me that sometimes they just kind of tell him to get it going, moving forward so he doesn't have any background information as well.

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Rodney Martin: Right.

Chairwomen Anderson: On some of these items, it would be great to have a little more information.

Travis Van Ekelburg: Yeah, when we talked about that today, I already put that information out.

Chairwomen Anderson: I just say for the record here.

Public Hearing Opened

No Comments

Public Hearing Closed

Rodney Martin moved to recommend denial for the proposed Code Text Amendment, amending Section 17.4.403 (D), titled CC-2 Central Commercial Zone, relating to modifying regulations related to setbacks for commercial structures abutting residential zones.

Chairwomen Anderson: I am just wondering why this instead of table.

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Harold Dudley: Because this way they can start fresh.

Harold Dudley seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE

The motion was Denied

- b. Review, and recommendation on a proposed Code Text Amendment, known as PO-1 Professional Office Zone of the American Fork City Municipal Code. Amending Section 17.4.406 (E), the Code Text Amendment plans to modify regulations related to setbacks for commercial structures abutting residential zones.**

Travis Van Ekelburg reviewed the background information for Action Item letter b: Staff has initiated a Code Text Amendment to amend Section 17.4.406 (E) of the American Fork City Municipal Code. The proposed amendment looks to modify regulations related to setbacks for commercial structures abutting residential zones.

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Rodney Martin: So, I should say that what I have thought up, and would potentially bring to the planning commission and Council in the future, would still meet the proposed.

Harold Dudley: Oh yeah.

Rodney Martin: So, I don't want anyone thinking well, he's got something he wants to push through and so that's why he's voting that way. So, just to make sure that, you know, nothing that I would have thought would have been affected.

Harold Dudley: And I appreciate that. You say that and I apologize for bringing up your

Rodney Martin: No, it's alright.

Harold Dudley: Site, but it was just a good way for us to get a good example. It was not intended for anything other than to give a good example.

Chairwomen Anderson: Okay, Staff?

Travis Van Ekelburg: Thanks Chair. As you can see, this is similar to what the previous agenda item was. Do you have any questions after taking a look at the similar change?

Rodney Martin: So, it's essentially the same verbiage it's a 'shall'.

Travis Van Ekelburg: Correct.

Chairwomen Anderson: Part of my concern with this? And again, I'd like more information, and maybe that would answer my concerns, but part of my concern is that it might make it almost impossible to develop on some lots that are small, even if otherwise they would fit better. We're creating a requirement for a huge setback that might make it somewhat less usable. However, I do want to keep a buffer between residential and commercial.

Bruce Frandsen: Right.

Rodney Martin: Right, and we still have that ability.

Chairwomen Anderson: Right.

Rodney Martin: I mean we may require that.

Chairwomen Anderson: So, I want to preserve that but still make something that is flexible.

Rodney Martin: I think we have that flexibility now with a may require deal, and something could be added too, like hey, beyond just height we need more setback. But that could be added later or dealt with in the re-write.

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Public Hearing Opened

No Comments

Public Hearing Closed

Chairwomen Anderson: We've kind of discussed this we can move to a motion if we have no further discussion.

Harold Dudley: Can you just go back, just real quick.

Travis Van Ekelenburg: Yes, sir.

Harold Dudley: So in this scenario, I'm just making sure I'm right, so this is professional office. A professional office has a requirement of 30 feet from the rear line already, no matter what.

Rodney Martin: Yeah.

Harold Dudley: When abutting a residential zone, the distance for any new structure equivalent to the height of the structure shall be required. So that's kind of what you were saying on our last one, but this is different.

Chairwomen Anderson: Where are you at?

Harold Dudley: I'm on rear yard setback of an interior lot, and now we're talking about a professional office zone, right?

Travis Van Ekelenburg: It is worded just a little bit different.

Harold Dudley: It's worded different, but in the professional office, the main building has to be setback 30 feet, no matter what. Accessory building, Same as required under side yard setback of interior lots. Which is what?

Travis Van Ekelenburg: In the PO-1?

Harold Dudley: Yeah.

Travis Van Ekelenburg: Let's take a look.

Harold Dudley: Well, that's okay. I'm not gonna belabor it. I'm not prepared. I think we need more investigation because it becomes confusing. This one required a 30 foot for the main professional office building, and then saying the building was 40 than it would require to be setback 40.

Rodney Martin: So it's kind of an automatic thing, but I don't like it.

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Harold Dudley: Especially the professional office aspect because I think there's some design aspects that could be done that still protects the residential without having to go back to this whole discussion, the world has changed. And setbacks used to be just an automatic thing for planners, right? 30 feet in the front and back, 8 on the sides. And I still like that. I don't want somebody next to me, but I do feel like in an inner city this is important that we can develop some of that out. There are probably places in Highland that you're not going to do that. There are probably some places in American Fork that we're not going to do that. But within our inner city, and that's where a lot of these commercial professional offices are, it's essential there is.

Rodney Martin: I like us still having the authority to make an approval and not having it be so hard to pass.

Travis Van Ekelenburg: Would you like me to go back to the motions?

Chairwomen Anderson: Yeah, I think we can go to the motions. I just want to see the code for the rear here.

Travis Van Ekelenburg: So, the current code states 30 feet from the rear for interior lots, corner lots 10 feet.

Bruce Frandsen: Question, would an equipment storage shed, a tuff shed. Would that qualify as an accessory?

Rodney Martin: That depends on square footage.

Bruce Frandsen: Okay, let's say it's 201 square feet.

Travis Van Ekelenburg: So, it needs a building permit at that point.

Bruce Frandsen: Okay, my thought is, we got an eight-foot fence in the back. They build a six foot tuff shed. Why can't you put that up tight against the fence? Now they have got to offset six feet for the wall, plus two feet for the cable. Now we are going to require a tough shed to be set back 8 feet. Do we want to do that? I don't know. That's a what if, I get it.

Chairwomen Anderson: I have a question about this code. So, number 3 item A: all buildings not less than 30 feet. Even if it's a one-story Dentist office?

Travis Van Ekelenburg: Correct.

Chairwomen Anderson: Item C: When abutting a residential zone, a setback distance is equal to the height. Which one supersedes? The 30 feet?

Travis Van Ekelenburg: So, one talks about abutting a street, the other a residential zone, so they are two different things.

Chairwomen Anderson: So, item 3-A.

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Travis Van Ekelenburg: Sorry, I was looking at 2-A.

Chairwomen Anderson: 30 feet from the rear lot line, or equal to the height. Which one would it be?

Travis Van Ekelenburg: So it's gonna be 30 feet for all main buildings regardless of what's around them. But if they're abutting a residential zone, it will be equal to the height of their design.

Rodney Martin: I just think this is confusing enough that we need to send it back like the other one, and then get some better writing.

Chairwomen Anderson: This wording makes sense to me. If it's anywhere, it's 30 feet if it's against residential, then it's equal to the height.

Bruce Frandsen: What if it's only 10 feet? Is it 10 feet or is it 30 feet?

Rodney Martin: This would say it's a minimum 30 No matter what.

Travis Van Ekelenburg: Main buildings will be 30 No matter what. Sometimes you can have four story professional office buildings.

Bruce Frandsen: it doesn't say main buildings, it's accessory buildings too. It's any new structure.

Harold Dudley: If I'm building a dentist office, and my dentist's office is a one story 24 foot building. I come in and I'm designing it. I have an architect. I can see that architect going I only have to have 24 feet. I know you're saying it's 30, I kind of agree with you. But I think it's not written in a way that everybody is clear it's in a way that makes it unclear.

Travis Van Ekelenburg: To me, these are amazing reasons. We bring all this stuff to you guys.

Harold Dudley: Right.

Rodney Martin: Someone is going to read it that way.

Chairwomen Anderson: The second question is, do we want that, or do we want more flexibility like we've been talking about so those are both...

Harold Dudley: Madam Chair, I'm prepared for motion.

Chairwomen Anderson: We can do that.

Public Hearing Opened

No Comments

Public Hearing Closed

Harold Dudley moved to recommend denial for the proposed Code Text Amendment, amending Section 17.4.406 (E), titled PO-1 Professional Office Zone, relating to modifying regulations related to setbacks for commercial structures abutting residential zones.

Rodney Martin seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE

The motion was denied

- d. Public Hearing review, and recommendation on a proposed Code Text Amendment, known as Area of Accessory Buildings, of the American Fork City Municipal Code. Amending Section 17.5.105, the Code Text Amendment plans to repeal various subsections of 17.4.100, 17.4.200, and 17.4.300.**

Travis Van Ekelenburg reviewed the background information for Action Item letter d: The Staff has initiated a Code Text Amendment to amend Section 17.5.105. The Code Text Amendment plans to repeal various subsections of 17.4.100, 17.4.200, and 17.4.300 of the American Fork City Municipal Code.

Travis Van Ekelenburg: So, as you can see on the slide, were trying to have the same requirements for accessory buildings in those particular zones. This will take the place of what is

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existing for each one of those sections that are repealed. So, this will be what those particular zones would fall under.

Bruce Frandsen: Hey Travis, I noticed that in one of those repealed sections, it indicated that an accessory building shall not be used as a residence.

Travis Van Ekelburg: Correct.

Bruce Frandsen: This code as you're proposing it, does not address use as a residence.

Travis Van Ekelburg: We do have a section of code that addresses that though.

Bruce Frandsen: Okay.

Travis Van Ekelburg: So, you can't have living quarters in an accessory structure. That falls in line with our section of code for accessory apartments that have to be owner occupied. You can rent out the basement, and if you want to have a short-term rental, it still has to be owner occupied, and that type of thing.

Bruce Frandsen: Okay, my next question, I want to go to paragraph 3, residential agricultural zones. That paragraph indicates that an accessory building might be the only building on the lot.

Travis Van Ekelburg: Correct.

Bruce Frandsen: There might not be a main building.

Travis Van Ekelburg: You can do that, yes.

Bruce Frandsen: It also indicates earlier in the code, that should you do an accessory building, you have to comply with all of the other developmental requirements; curb, gutter, sidewalk. My question is, this is not for me. I don't have a piece of ground in this fight. But I do have some neighbors. There three quarters of a mile from any city utilities. They're in our RA-5 zone. They want to build a building to house a tractor, store hay, or keep pigs. This code as I read it, would require them to run sidewalk, curb, gutter, bike path trail, widen the road, drag down culinary, pressurized irrigation, hook to a sewer line that's not down there, etc. I think it would be advisable to put an exception, maybe for RA-5 for sure, maybe even for RA-1 zone, that indicates if you're doing an accessory building without a primary building on the lot, you're exempt from all of the developmental code requirements. Just a thought.

Travis Van Ekelburg: And just like anything else that the planning commission takes a look at, you're able to make those recommendations and do your motion of voting.

Bruce Frandsen: Okay, that's where that would occur, in the motion. Thank you. Do you see a problem with that Travis?

Travis Van Ekelburg: A lot of that stuff falls on engineering. I wish I had more background information on the discussions in regard to City Council and the administration in regard to how

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these come into play. But I do see your point. I do think that the Planning Commission does have the leeway to make recommendations and send things back if necessary for a re-wording or adjustments to bring it back before you again for an additional recommendation.

Bruce Frandsen: Gotcha. I also think that there is a state law which prohibits cities from putting stringent requirements and prohibitions on the construction of solely agriculture. I know that Patrick and one of the neighbors went through that. He ended up putting up a 20,000 square foot building without a building permit because state code says you can prohibit it. I think we need to take a look at an exception in that case. I don't know if that can be covered in a motion, or if we need to do like we did on the others which we looked at wording.

Travis Van Ekelburg: I think with something like that, considering how this is set up, It may be better to just send it back, but it's up to you guys. There's the possibility of sending it back, or you could do something in the motion to try to put that in there. It's up to you how you want to handle that.

Bruce Frandsen: Okay, that's all I have.

Chairwomen Anderson: I just have a comment on this one. Just reading through the packet, I would just love to request a little more background information. This is staff initiated, but why? What's the intent? What's the reason? What's the purpose of what we're doing? Obviously, it's a lot of work for staff to go through, we just want to know why, and that helps us kind of see what it is that we're looking at.

Travis Van Ekelburg: Yeah, I think that's reasonable.

Chairwomen Anderson: As far as I can understand, these sections used to be the accessory case in several sections. So, the purpose of this is to move it into one section that applies to all of it. A simple kind of summary like that would help.

Public Hearing Opened

No Comments

Public Hearing Closed

Chairwomen Anderson: Can you review then Bruce, what it is you would like to see in this?

Bruce Frandsen: Sure. I think if you are in a residential agricultural zone and you would like to build an accessory building, that you would not be required to do all those improvements, culinary water, etc. Because the majority of these kinds of parcels are going to be on the outskirts, out by the lake, a long way from city services.

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Chairwomen Anderson: I think maybe a good course would be to return it to staff who will craft that verbiage, with the instruction to add verbiage to that affect.

Bruce Frandsen: So, would we table it with that instruction? Is that better than denial?

Harold Dudley: Either way, I think this one we could table, we haven't done that discussion.

Bruce Frandsen: Okay, I will try.

Bruce Frandsen moved to table action for the proposed Code Text Amendment, Amending Section 17.5.105, titled Area of Accessory Buildings, relating to repealing various subsections of 17.4.100, 17.4.200, and 17.4.300 and instruct staff to rework the verbiage, particularly in paragraph three, to allow to provide exceptions in the residential agricultural zones to be able to construct accessory buildings without the requirement to provide all utilities and road improvements.

Harold Dudley seconded the motion.

Voting was as follows:

Chairwomen Anderson	AYE
Harold Dudley	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE

The motion was tabled

Other Business

Chairwomen Anderson thanked staff for the dinner that we had since the last meeting. Travis Van Ekelenburg let the commission know that we are getting busier as staff, so more projects will be coming forward both commercial and residential. Chairwomen Anderson let the commissioners know we will only have one meeting in June, and one meeting in July.

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Adjournment

Bruce Frandsen motioned to adjourn the meeting.

Rodney Martin seconded the motion.

Meeting adjourned at 7:56 PM

Angie McKee

Administrative Assistant I

A handwritten signature in black ink, appearing to read 'Angie', with a stylized flourish extending from the end.

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