



AMERICAN FORK CITY

AMENDED PLANNING COMMISSION AGENDA

Regular Session
October 16, 2024
Wednesday 6:00 PM

American Fork City Hall
31 North Church Street
American Fork City, UT 84003

<https://www.americanfork.gov/AgendaCenter>

Planning Commission Members

Christine Anderson, Chair	David Bird
Chris Christiansen, Vice Chair	Harold Dudley
Bruce Frandsen	Geoff Dupaix
Rod Martin	Claire Oldham

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on October 16, 2024, at the American Fork City Hall, 31 North Church Street commencing at 6:00 PM. The agenda shall be as follows:

1. Regular Session

- a. Pledge of Allegiance
- b. Roll Call

2. Common Consent Agenda (Common Consent is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda).

- a. Approval of the September 18, 2024, Planning Commission minutes

3. Public Hearings (Public Hearings is that class of Commission action that requires further discussion on General Plan changes, Zone changes, and Code Text Amendments that alter the land use characteristics of American Fork City. Public Hearing items will have the chance for the public to speak upon)

- a. Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.
- b. Public hearing, review, and recommendation on a proposed Zone Change, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.

4. Action Items (Action Items is that class of Commission action that requires further discussion on Preliminary Plans, Final Plats, and Site Plans that alter the land use characteristics of American Fork City. The Planning Commission will have authority to approve Preliminary Plans and some Site Plans, depending on the zoning district said Site Plans are in. Final Plats and some Site plans will be recommended by the Planning Commission to the City Council for final action)

- a. Review and recommendation on a proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project. The project is located at approximately 1080 North 350 East, American Fork City, in the PR-3.0 Zone.
- b. Review and recommendation on a proposed zone for an annexation, known as Auto Mall Drive Extension Annexation, located at approximately 620 South 100 East, American Fork City. On approximately 23.92 acres, the property will be

annexed into American Fork City and be given the Planned Commercial (GC-2) and the Planned Industrial (PI-1) zoning designation.

- c. Review and recommendation on a proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City, UT 84003. On approximately 6.26 acres, the property will be annexed into American Fork City and be given the Planned Industrial (PI-1) zoning designation.
- d. * Review and action on an application for a Commercial Site Plan, known as Freeman Commercial Site Plan (Application #2), located at approximately 19 N 900 W, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 1.24 acres and will be in the Planned Commercial (GC-2) zone.

5. Other Business

- a. Upcoming Projects

6. Adjournment

Dated this 2nd day of October 2024

Patrick O'Brien

Development Services Director

**The order of agenda items may change at the discretion of the Planning Commission Chair*

UNAPPROVED MINUTES

09.18.2024

AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION
September 18th, 2024

The American Fork City Planning Commission met in a regular session on September 18th, 2024 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Christine Anderson, Bruce Frandsen, Claire Oldham, Rodney Martin, Chris Christiansen, David Bird

Commissioners Absent: Geoff Dupaix, Chris Christiansen, Harold Dudley

Staff Present:

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

Others Present: Ken Burg, Taylor Smith, Suzy Hunter

REGULAR SESSION

Christine Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

Minutes of the September 4th, 2024 Planning Commission Regular Session.

Bruce Frandsen motioned to approve the Common Consent agenda

David Bird seconded the motion.

UNAPPROVED MINUTES

09.18.2024

Voting was as follows:

Christine Anderson	AYE
Rodney Martin	AYE
David Bird	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

PUBLIC HEARINGS

- a. Public hearing, review, and recommendation on a proposed Zone Change, known as 600 East Office, located at approximately 342 S 600 E, American Fork City. On approximately 0.56 acres, the property proposes to change from the General Commercial (GC-1) zone to the Planned Commercial (GC-2) zone.**

Cody Opperman reviewed the background information for public hearing item letter a: The applicant has applied for a proposed Zone Change. The project looks to change from a GC-1 zone to a GC-2 zone. Currently, the GC-1 zone requires building setbacks that will affect the property's development. Under the current GC-1 zone requirements, it will be difficult to locate the building at the back of the property with the proper easements needed for it. GC-2 would allow the building to be placed at the 14' landscape setback.

If the zone change is approved, the applicant will need to go through the commercial site plan entitlement process to make sure that the use that is being provided has the required amount of parking, landscaping, traffic mitigation, and anything else that is applicable to the GC-2 zone within the City's municipal code. The current plan that has been submitted is a conceptual plan that has not been through our entitlement process just yet. It was provided to show what the

UNAPPROVED MINUTES

09.18.2024

applicant is proposing to do for the site. This application is only for a determination on a zone change to the property, and this does not constitute a determination of a conceptual plan.

Also, the applicant has more property located south of this lot that is in the GC-2 zoning designation. The request to change from GC-1 to the GC-2 zoning designation would match the applicant's already existing zone for their additional properties. David Bird asked if the applicant owns more land around this parcel, and if there is any indication that they will want to change the zoning on that land in the future as well. Cody Opperman confirmed that the applicant does own the land to the south, and that land is already in the GC-2 Zone.

Public Hearing Opened

No Comments

Public Hearing Closed

Rodney Martin moved to recommend approval for the proposed Zone Change, located at 342 S 600 E, American Fork City, from the General Commercial (GC-1) zone to the Planned Commercial (GC-2) zoning, subject to any conditions found in the staff report.

Claire Oldham seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Rodney Martin	AYE
David Bird	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

ACTION ITEMS

UNAPPROVED MINUTES

09.18.2024

- a. **Review and recommendation on an application for a Commercial Site Plan, known as Walmart Market Fulfillment Center, located at 949 W Grassland Drive, American Fork City. The Commercial Site Plan will be on approximately 21.90 acres and will be in the Planned Shopping Center (SC-1) zone.**

Cody Opperman reviewed the background information for action item letter a: The applicant has applied for a Commercial Site Plan to provide more parking to their fulfillment center. The project looks to designate certain parking areas for pick-up for the applicant's customer base. By providing additional parking, they exceed the required amount of parking for the entire site. Claire Oldham asked if the new parking spaces will only be for the fulfillment center, and if there will now be pick-up parking spots on both sides of the building. The applicant, Taylor Smith clarified that they are adding 9 stalls to the west side of the building that will be used for the fulfillment center. The current fulfillment center parking will then be re-striped as regular parking stalls. Mr. Smith also stated that they will be adding directional signage, a crosswalk, and will keep the current ADA space.

Claire Oldham moved to recommend approval for the proposed Commercial Site Plan, located at 949 W Grassland Drive, American Fork City, in the Planned Shopping Center (SC-1) Zone, subject to any conditions found in the staff report.

Bruce Frandsen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Rodney Martin	AYE
David Bird	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

UNAPPROVED MINUTES

09.18.2024

b. Review and recommendation on a Development Agreement for Bridges at Fox Hollow located at approximately 350 E 1080 N, American Fork City.

Cody Opperman reviewed the background information for action item letter a: The Bridges at Fox Hollow has previously been through the Planning Commission over a year ago for two particular plats, plat A and B. Since their approvals, their final plats have expired from when the City Council had approved them. As the plats are now expired, they will have to go through the entitlement process again, which is why you are seeing this development agreement. The development agreement will go into details about who is responsible for maintaining certain aspects of the area and a phasing plan for the property to be developed. Christine Anderson added that she loves this kind of development because there is such a wide range of housing options with different lot sizes ranging from nearly half-acre lots down to .14 acre. She added that she believes having different options in the same neighborhood with grandparents being able to be close to their children with larger families, is a very healthy way to have a city, and she hopes to see more developments like this.

Rodney Martin moved to recommend approval for the proposed Development Agreement for Bridges at Fox Hollow, relating to maintenance and phasing plans, and providing an effective date for the ordinance.

David Bird seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Rodney Martin	AYE
David Bird	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

Other Business

UNAPPROVED MINUTES

09.18.2024

Cody Opperman reminded the commissioners that we have the APA conference coming up and added that while things have slowed down a bit, the city staff are still working on the general plan and the code rewrite. Travis spoke of possible modern income housing coming through soon.

Adjournment

David Bird motioned to adjourn the meeting.

Rodney Martin seconded the motion.

Meeting adjourned at 6:18 PM

Angie McKee

Administrative Assistant I

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

UNAPPROVED MINUTES

10.07.2024

AMERICAN FORK CITY

DEVELOPMENT REVIEW COMMITTEE REGULAR SESSION

OCTOBER 7th, 2024

The American Fork City Development Review Committee met in a regular session on September 18th, 2024 at the American Fork Public Works Building, 275 East 200 North, commencing at 10:00 a.m.

Development Review Committee:

Development Services Director: Patrick O'Brien

Public Works Director: Sam Kelly

Fire Chief: Aaron Brems

Staff Present:

Ben Hunter	City Engineer
Dan Loveland	Chief Building Official
Cody Opperman	Planner II
Angie McKee	Administrative Assistant I
Ashley Thomas	Administrative Assistant
Mat Sacco	Fire Marshall

Others Present: Tom Freeman, Daniel Herzog

REGULAR SESSION

Roll Call

UNAPPROVED MINUTES

10.07.2024

ACTION ITEMS

- a. Review and action on an application for a Preliminary Plan, known as Bridges at Fox Hollow, located at approximately 1080 North 350 East, American Fork City, UT 84003. The Preliminary Plan will be for approximately 11.23 acres and will be in the PR-3.0 Zone**

Cody Opperman reviewed the background information for action item letter a: The applicant has applied for a Preliminary Plan to develop a single-family subdivision. The project looks to provide a total of 87 dwelling units with the project. Within the development, there will be 33 dwelling units located in a conservation subdivision project and 54 dwelling units located within a flexible lot project. Each project will have its own specific requirements that the applicant is meeting, such as square footage of each lot, open space requirements, etc.

This particular project has had a Development Agreement recently approved with the City Council to show case maintenance responsibilities, fencing requirements, a phasing plan, etc. The applicant is also proposing a side setback reduction for the conservation subdivision project that is set up to go to Planning Commission and City Council for their determination. Overall, the development plans provide many different sizes of lots that meet the requirements of the flexible lot projects and conservation subdivision projects of the City. Patrick O'Brien verified with Cody that the applicant intends to go back to Planning Commission and City Council to request a variance for setbacks. Cody Opperman confirmed that was correct as they are looking to have 5-foot setbacks on each side, so they will need a recommendation from the Planning Commission and a determination will be made by City Council.

Ben Hunter informed the committee that on the engineering side of this project, the golf course will need to approve proposed drainage pipes that will be across the golf course facilities, along with potential updates to agreements between the golf course and the HOA. He noted that these items can be resolved at the final plat level. Patrick O'Brien asked if there are any conditions for the preliminary plan, and Cody Opperman confirmed that there were no additional comments that need to be resolved.

UNAPPROVED MINUTES

10.07.2024

Chief Brems moved to approve the proposed Preliminary Plan, located at approximately 1080 N 350 East, American Fork City, in the Planned Residential (PR-3.0) Zone, subject to any conditions found in the staff report.

Sam Kelly seconded the motion.

Voting was as follows:

Patrick O'Brien	AYE
Sam Kelly	AYE
Aaron Brems	AYE

The motion passed

- b. Review and action on an application for an Amended Final Plat, known as Holmes Gunther, located at approximately 490 North Mary Pulley Drive, American Fork, UT 84003, American Fork City, UT 84003. The Amended Final Plat will be for approximately 0.34 acres and will be in the R1-9000 zone.**

Cody Opperman reviewed the background information for action item letter b: The applicant has applied for an Amended Final Plat to increase their lot square footage. The project looks to provide a triangular piece of land to the back of their lot to incorporate a new accessory structure. Once the amended final plat has been recorded with the County, the property owner will be able to submit plans into review for their accessory structure to the Building Department. The amended plat is being reviewed in conjunction with another subdivision looking to be created by the lot to the east. Cody also mentioned for the record, that the project conditions of approval included the recently updated authority approval signatures indicating three people, which would be the three people that are here today; The Public Works Director, the Development services Director, and the Fire Chief, rather than just the Development Services Director.

Ben Hunter added that on the engineering side, this lot already has all the existing infrastructure and minimum level of improvements required on the frontages, so there is no further comment from engineering.

UNAPPROVED MINUTES

10.07.2024

Sam Kelly moved to approve the proposed Amended Final Plat, located at approximately 490 N Mary Pulley Drive, American Fork City, in the R1-9000 Residential Zone, subject to any conditions found in the staff report.

Patrick O'Brien seconded the motion.

Voting was as follows:

Patrick O'Brien	AYE
Sam Kelly	AYE
Aaron Brems	AYE

The motion passed

- c. Review and recommendation on an application for a Commercial Site Plan, known as Freeman Commercial Site Plan (Application #2), located at approximately 19 N 900 W, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 1.24 acres and will be in the Planned Commercial (GC-2) zone.**

Cody Opperman reviewed the background information for action item letter c: The applicant has applied for a Commercial Site Plan to develop a rental sales establishment for watercraft. The project has come back through the process to provide additional information for utility lines that was not in the approved site plan previously. Additionally, the project will be incorporating a golf simulator on the second story of their building. As the golf simulator is a different use from the rental of watercraft, they have not provided additional information regarding the amount of parking they will need for the indoor golf simulator. If the project continues forward with the golf simulator, they will need to come back through the site plan process to provide the necessary parking for the new use.

Patrick O'Brien asked to clarify that the current application is just for the use of the rental business, not any other internal uses. Cody Opperman confirmed that the square footage for this building was only for the ground floor, and the Rental Sales Establishment on the parking plan provided. Patrick O'Brien mentioned to Mr. Tom Freeman that while he was probably aware of the initial parking approval, and how that was accommodated, he was welcome to speak on any information he has on a proposed future use.

UNAPPROVED MINUTES

10.07.2024

Tom Freeman acknowledged that he was surprised to see this come up, as he had just submitted this information this morning. He thanked the staff for their quick work. He also mentioned that he was hoping to share the thought around as to plant a seed, because the rental business is in large part dormant in the wintertime, and some friends in other cities have golf simulators which are also a more seasonal use. He feels there will not be a need for more parking spaces, as he thinks there are 38 to 39. Mr. Freeman confirmed there was initially some communication about doing a venue of sorts, but after talking with Ben Hunter he felt like that might be a little bit over utilization. Mr. Freeman reiterated that he was not expecting this to be a subject discussed on this agenda, but due to the seasonality of both businesses, he believes this to be the perfect answer.

Patrick O'Brien reminded the committee that all they would be approving today is the rental business use, not the use for the golf simulator, so that would have to come back through later. Mr. O'Brien noted that this morning Mr. Freeman submitted a request for a zoning clearance letter, but nothing in terms of a site plan amendment to consider parking or any other review elements for the golf simulator use.

Tom Freeman agreed that he only submitted a set of plans (for a zone clearance letter request), to get the proposed use approved by the city because his bank is asking that he complete the mezzanine floor in the next 90 days. Mr. Freeman mentioned that he would not want to try and complete it so quickly, but the bank is putting that as a parameter.

Ben Hunter wanted to clarify that he does not recall having the conversation Mr. Freeman mentioned about the 2nd floor use of a golf simulator, but he did agree with Mr. Freeman that in the past, they may have had a conversation about the need for a new traffic study to determine the impact that a new or added use would have on this project. Mr. Hunter noted that the only pending comment on the engineering side is clarification of capping the T at the main line. When Mr. Freeman added that had been done many months ago, he was directed to add that note to the plan set.

Patrick O'Brien moved to recommend approval for the proposed Commercial Site Plan, located at 19 N 900 W, American Fork City, in the Planned Commercial (GC-2) Zone, subject to any conditions found in the staff report.

The motion was not seconded, and therefore died. Further discussion occurred.

Sam Kelly asked about the possibility of tabling this item until the 2nd floor use is included on the site plan. Tom Freeman stated that he would prefer to move forward in case the mezzanine ended up not working, he could still complete the main level. Mr. Kelly reminded the applicant that he would be required to go back through this same approval process and accrue the fees associated with the new application and review process.

UNAPPROVED MINUTES

10.07.2024

Mr. Freeman suggested it will be precisely the same site plan, and there is not going to be any changes or amendments to the site plan. Patrick O'Brien reminded him that adding a new use would change the parking requirements. Mr. Freeman explained that he believes there is a tremendous surplus of parking, and they will never even come close to utilizing more than a fraction of it.

Mat Sacco reminded the group that the type of occupancy could change to a business that is not seasonal in the future and also mentioned that the area behind the building needs to have a solid fence that does not allow access, as that area cannot continue to be used. Mr. Sacco reminded Mr. Freeman that the criteria for use of that space was that fire would need to have access back there, and that has not been met.

Patrick O'Brien moved to recommend approval for the proposed Commercial Site Plan, located at 19 N 900 W, American Fork City, in the Planned Commercial (GC-2) Zone, subject to any conditions found in the staff report.

Chief Brems seconded the motion.

Voting was as follows:

Patrick O'Brien	AYE
Sam Kelly	AYE
Aaron Brems	AYE

The motion passed

Other Business

Cody Opperman informed the committee that the Final Plats for Bridges at Fox Hollow, and the East side of the Gunther project should be coming through for review soon. Staff are also continuing to work on the Code rewrite and general plan.

Adjournment

Sam Kelly motioned to adjourn the meeting.

UNAPPROVED MINUTES

10.07.2024

Chief Brems seconded the motion.

Meeting adjourned at 10:33 AM

Angie McKee

Administrative Assistant I

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

Agenda Topic

Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.

BACKGROUND INFORMATION		
Location:	100 E 1700 S	
Project Type:	Land Use Map Amendment	
Applicants:	Ben Wheat	
Existing Land Use:	Shoreline Protection	
Proposed Land Use:	Design Industrial	
Surrounding Land Use:	North	Design Industrial; Shoreline Protection
	South	Shoreline Protection
	East	Design Industrial
	West	Resort
Existing Zoning:	M-1	
Proposed Zoning:	I-1	
Surrounding Zoning:	North	PI-1
	South	State of Utah Territory
	East	I-1
	West	Unincorporated Territory

Background

The applicant has applied for a proposed Land Use Map Amendment. The project is looking to change the current Shoreline Protection Land Use designation to the Design Industrial Land Use designation to match the current Roderick Catalyst Business Park to the north of this property. The Design Industrial Land Use would allow for more industrial uses, specifically oriented towards the Planned Industrial Parks and Industrial Zone of the City. Running concurrently will

be a zone change for this particular Land Use Map Amendment as well. The zone change that will be requested is from the M-1 zone to the I-1 zone.

New information for the TSSD property has emerged and it will not only be just a lift station, but a potential area for conservation for the wetlands in that area. The extent of the development that will happen with the TSSD property is just the northeastern corner that is north of 1700 S for their station. Due to this new information, staff is recommending denial for the land use map amendment from Shoreline Protection to Design Industrial to keep the minimal amount of Shoreline Protection and Resort intact along with the shoreline to have complimentary uses to the boat harbor area.

Chapter 17.11 Amendments

This development code, and the zoning map adopted as a part thereof, may be amended from time to time by the city council, but all proposed amendments must first be submitted to the planning commission for its recommendation. The procedure to be followed in amending the code and map shall be as set forth below.

Sec 17.11.101 Written Petition Required - City Initiated Amendments Permitted

Any person seeking an amendment of the development code or zoning map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a nonrefundable filing fee in an amount established by resolution of the city council. Amendments to the code and map may also be initiated by action of the planning commission or upon request of the city council.

Sec 17.11.102 Planning Commission To Make Recommendations

Upon receipt of the petition the planning commission shall consider the request and, subject to completion of a public hearing on the matter before the planning commission with public notice given in accordance with the provisions of Section 17.11.103, shall submit its recommendations with respect thereto to the city council.

Sec 17.11.103 Planning Commission To Conduct Public Hearing Before Recommending Amendments - Notice Of Hearing To Be Provided

1. No ordinance approving an amendment to the official zone map or text of the development code, or approving a large scale development project may be enacted by the city council unless and until a public hearing relating to the proposed ordinance shall have been conducted by the planning commission.
2. Notice of the date, time and place of the first public hearing regarding a proposed amendment to the official zone map, text of the development code or ordinance of approval of a large scale development project shall be given at least 10 calendar days before the public hearing as follows:
 1. Published on the Utah Public Notice Website;
 2. Posted in at least three public locations within the city, or on the city's official website; and
 3. Mailed to each affected entity.

Sec 17.11.104 Amendments To Be Adopted By Council - Notice Required

1. The city council, at a public meeting called for the purpose, shall consider each proposed amendment to the official zone map, text of the development code, or ordinance of approval for a large scale development recommended to it by the planning commission and may act to adopt or reject the amendment or ordinance of approval as recommended by the planning commission or adopt the amendment after making any revision the city council considers appropriate.
2. Notice of the public meeting at which the city council will consider a proposed amendment or ordinance of approval shall be given at least twenty-four hours before the meeting, which notice shall, as a minimum, be posted in at least three public places within the city; or on the city's official website.

Sec 17.11.105 Amendments To Be Adopted By Ordinance - Public Notice Of Adoption

All amendments to the code and map shall be adopted, published and recorded in accordance with the applicable provisions of UCA 10-3-701 et seq.

17.11.200 Intent With Respect To Amendments

All amendments to this code and zone map shall be made in accordance with the general plan of land use. It is hereby declared to be public policy that this code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this code.

Staff Recommendation

Staff recommended DENIAL of the Land Use Map Amendment from the Shoreline Protection to the Design Industrial.

Findings of Fact

- a. The Land Use Map Amendment, MEETS the requirements of Section 17.11.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting,

or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Potential Motions – Commercial Site Plan



Planning Commission Staff Report
Meeting Date: October 16, 2024

Approval

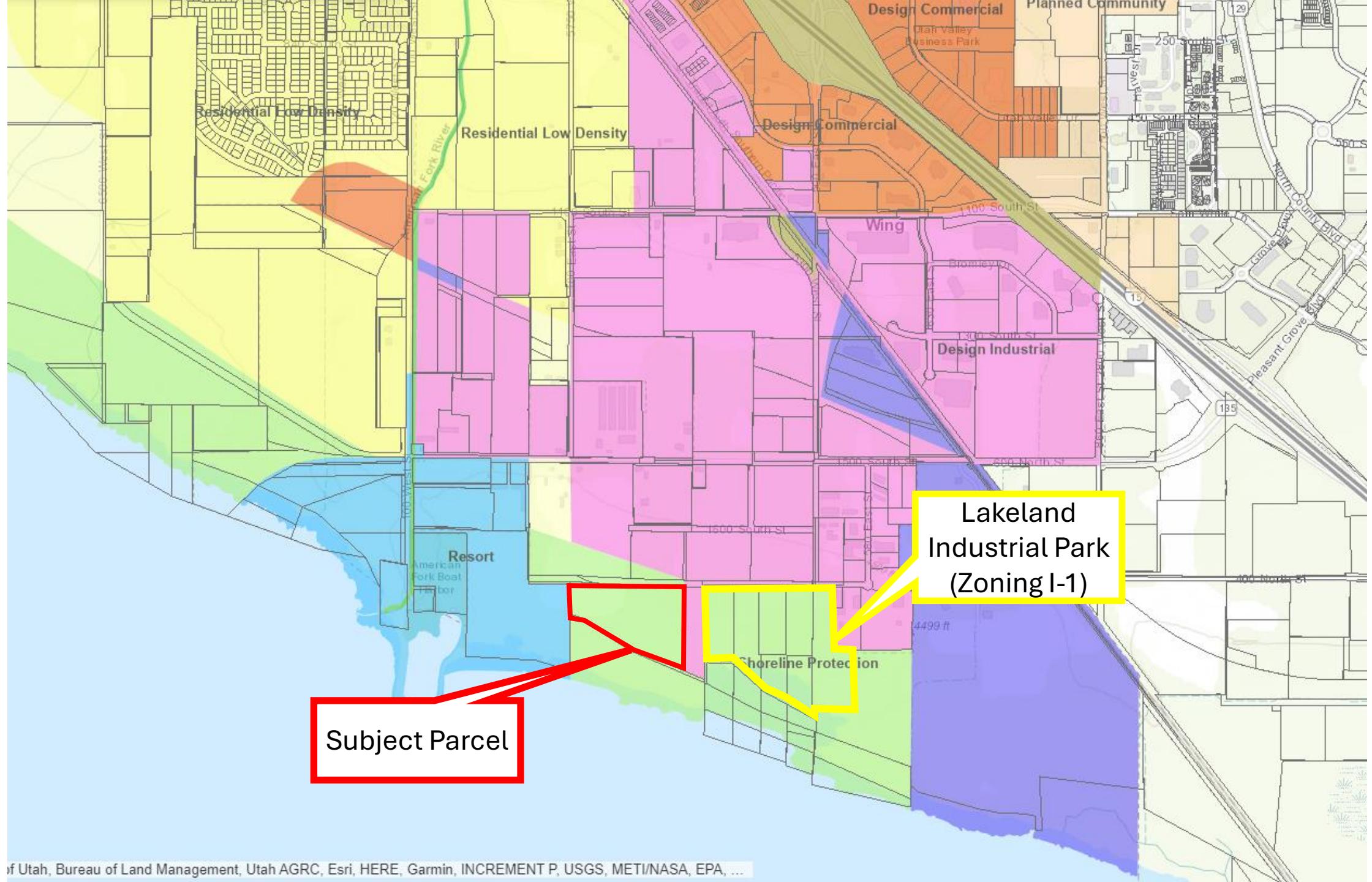
I move to recommend approval for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort designation to the Design Industrial designation, subject to any conditions found in the staff report.

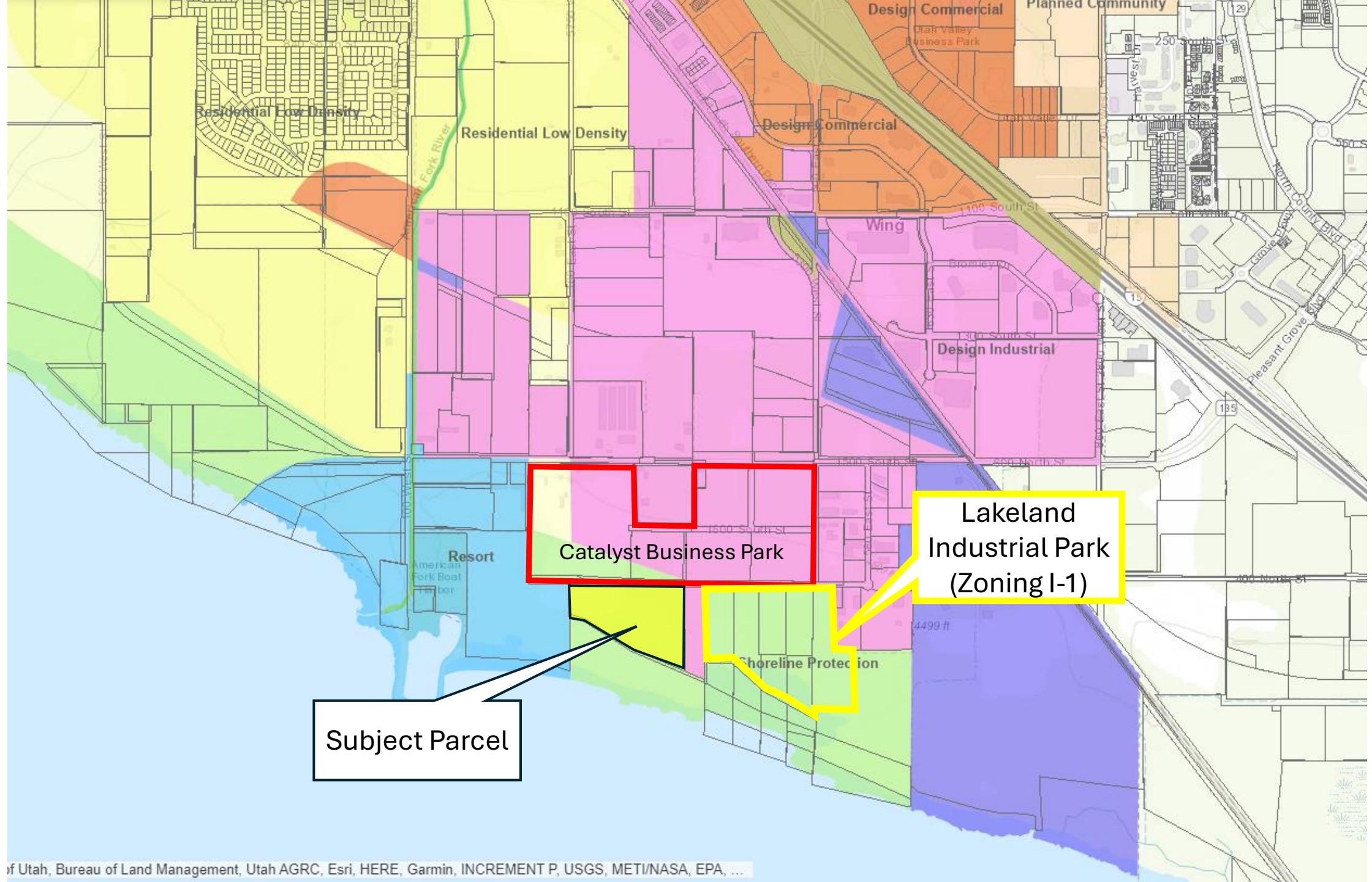
Denial

I move to recommend denial for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort designation to the Design Industrial designation.

Table

I move to table action for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort designation to the Design Industrial designation, and instruct staff/developer to.....





Roderick Enterprises

1214 East Vine Street
Salt Lake City, Utah 84121

EST. 1967

Tel (801) 506-5005
www.roderickrealty.com

American Fork City
Attn: Development Services
275 E 200 N
American Fork, UT 84003

Next Step

**Proceed to 10.16.2024
Planning Commission**

 American Fork City Development Review Committee
Planning and Zoning Reviewed tvanekelenburg 09/25/2024
Engineering Division Reviewed bhunter 10/02/2024

Dear Melissa White –

The purpose of this application is to request a land use map change for parcel 13:078:0112. The current land use indicated in the general plan is shoreline protection and we are requesting a land use map change to design industrial. Roderick Enterprises currently owns the 80 acres to the north of this property and has developed 4 of the planned 9 Class A industrial buildings in the project known as Catalyst Business Park. The land use of design industrial will be a complementary use to the Catalyst Business Park. The design industrial land use would also be contiguous with the adjacent 76 acres to the east as shown on the maps included with this application. This land use map change would be contiguous to the design industrial land use designation to the north and the east and is complementary to all adjacent parcels in the area.

Sincerely,

Benjamin Wheat

VP of Development and Leasing



Agenda Topic

Public hearing, review, and recommendation on a proposed Zone Change, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.

BACKGROUND INFORMATION		
Location:	100 E 1700 S	
Project Type:	Zone Change	
Applicants:	Ben Wheat	
Existing Land Use:	Shoreline Protection	
Proposed Land Use:	Design Industrial	
Surrounding Land Use:	North	Design Industrial; Shoreline Protection
	South	Shoreline Protection
	East	Design Industrial
	West	Resort
Existing Zoning:	M-1	
Proposed Zoning:	I-1	
Surrounding Zoning:	North	PI-1
	South	State of Utah Territory
	East	I-1
	West	Unincorporated Territory

Background

The applicant has applied for a proposed Zone Change. The project is looking to change the current M-1 zoning designation to the I-1 zoning designation. The I-1 zoning designation allows for industrial uses that are similar to the existing uses to the east of the property. Recently, there has been a zone change for the property directly east of the proposed zone change to the I-1 zoning. As TSSD has the property directly west and will have an extension to the sewer system

located in that area, the TSSD property can be discussed to see if the Planning Commission would like their property to be the dividing factor for the M-1 zoning and I-1 zones.

New information for the TSSD property has emerged and it will not only be just a lift station, but a potential area for conservation for the wetlands in that area. The extent of the development that will happen with the TSSD property is just the northeastern corner that is north of 1700 S for their station. Due to this new information, staff is recommending denial for the zone change from M-1 to I-1 to keep the minimal amount of marina zone intact along with the shoreline to have complimentary uses to the boat harbor area.

Chapter 17.11 Amendments

This development code, and the zoning map adopted as a part thereof, may be amended from time to time by the city council, but all proposed amendments must first be submitted to the planning commission for its recommendation. The procedure to be followed in amending the code and map shall be as set forth below.

Sec 17.11.101 Written Petition Required - City Initiated Amendments Permitted

Any person seeking an amendment of the development code or zoning map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a nonrefundable filing fee in an amount established by resolution of the city council.

Amendments to the code and map may also be initiated by action of the planning commission or upon request of the city council.

Sec 17.11.102 Planning Commission To Make Recommendations

Upon receipt of the petition the planning commission shall consider the request and, subject to completion of a public hearing on the matter before the planning commission with public notice given in accordance with the provisions of Section 17.11.103, shall submit its recommendations with respect thereto to the city council.

Sec 17.11.103 Planning Commission To Conduct Public Hearing Before Recommending Amendments - Notice Of Hearing To Be Provided

1. No ordinance approving an amendment to the official zone map or text of the development code, or approving a large scale development project may be enacted by the city council unless and until a public hearing relating to the proposed ordinance shall have been conducted by the planning commission.
2. Notice of the date, time and place of the first public hearing regarding a proposed amendment to the official zone map, text of the development code or ordinance of approval of a large scale development project shall be given at least 10 calendar days before the public hearing as follows:
 1. Published on the Utah Public Notice Website;
 2. Posted in at least three public locations within the city, or on the city's official website; and
 3. Mailed to each affected entity.

Sec 17.11.104 Amendments To Be Adopted By Council - Notice Required

1. The city council, at a public meeting called for the purpose, shall consider each proposed amendment to the official zone map, text of the development code, or ordinance of approval for a large scale development recommended to it by the planning commission and may act to adopt or reject the amendment or ordinance of approval as recommended by the planning commission or adopt the amendment after making any revision the city council considers appropriate.
2. Notice of the public meeting at which the city council will consider a proposed amendment or ordinance of approval shall be given at least twenty-four hours before the meeting, which notice shall, as a minimum, be posted in at least three public places within the city; or on the city's official website.

Sec 17.11.105 Amendments To Be Adopted By Ordinance - Public Notice Of Adoption

All amendments to the code and map shall be adopted, published and recorded in accordance with the applicable provisions of UCA 10-3-701 et seq.

17.11.200 Intent With Respect To Amendments

All amendments to this code and zone map shall be made in accordance with the general plan of land use. It is hereby declared to be public policy that this code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this code.

Staff Recommendation

1. Staff recommended DENIAL of the zone change from M-1 to I-1.

Findings of Fact

1. The Zone Change MEETS the requirements of Section 17.11.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property

conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Potential Motions – Commercial Site Plan

Approval



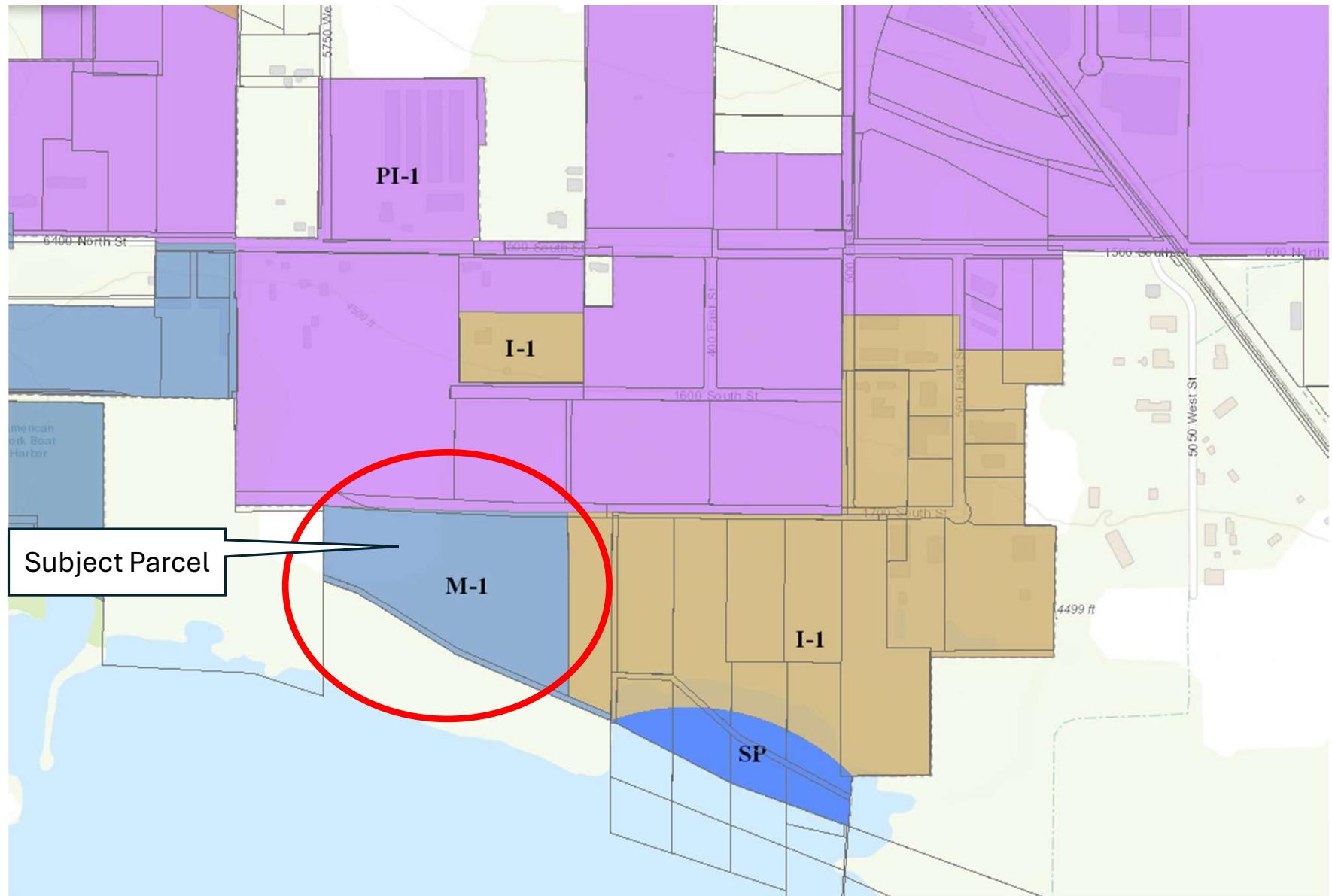
I move to recommend approval for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation, subject to any conditions found in the staff report.

Denial

I move to recommend denial for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation.

Table

I move to table action for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation, and instruct staff/developer to.....



Roderick Enterprises

1214 East Vine Street
Salt Lake City, Utah 84121

EST. 1967

Tel (801) 506-5005
www.roderickrealty.com

American Fork City
Attn: Development Services
275 E 200 N
American Fork, UT 84003

Next Step

**Proceed to 10.16.2024
Planning Commission**

 AMERICAN FORK	American Fork City Development Review Committee
	Planning and Zoning Reviewed tvanekelenburg 09/25/2024
	Engineering Division Reviewed bhunter 10/02/2024

Dear Melissa White –

The purpose of this application is to request a zone change for parcel 13:078:0112. The current zoning of this parcel is M-1 (Marina) and we are requesting a zone change to I-1. Roderick Enterprises currently owns the 80 acres to the north of this property and has developed 4 of the planned 9 Class A industrial buildings in the project known as Catalyst Business Park. The I-1 zoning will be a complementary use to the Catalyst Business Park. The I-1 zoning would be also be contiguous with the adjacent 76 acres to the east as shown on the maps included with this application. Currently the Marina zone is not conducive with the industrial development that we want to continue in the park. This zone change does not create a spot zoning and is complementary to all adjacent parcels in the area.

Sincerely,

Benjamin Wheat

VP of Development and Leasing

Agenda Topic

Review and recommendation on a proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project. The project is located at approximately 1080 North 350 East, American Fork City, in the PR-3.0 Zone.

Background

The applicant has applied for a setback variance for the Bridges at Fox Hollow Conservation Subdivision Project. The proposed variance looks to provide a 5' side setback to the interior sides of the conservation subdivision lots. The 5' side setbacks would be consistent with the 5' easements that are put on the property for interior side property lines. The reason as to why this proposed variance is coming to the Planning Commission is that within the City's Municipal Code, the applicant may request a variance to setbacks upon a finding that such variance is appropriate for the proper development of the lot(s) and that such reduction will not result in the establishment of a hazardous condition. The Planning Commission will need to make a recommendation on whether they approve or deny the proposed variance, then the City Council will be the determining body.

Potential Motions – Code Text Amendment

Approval

I move to recommend approval for the proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project, relating to side setback reductions, and providing an effective date for the ordinance.

Denial

I move to recommend denial for the proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project, relating to side setback reductions.

Table

I move to table action for the proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project, relating to side setback reductions, and instruct staff/developer to.....



1018 N Deer Crest Lane
Alpine Ut, 84003
office (801) 492-1277
cell (801) 616-1677

Memo

To: American Fork Planning Department
From: Ken R. Berg, PE
Date: 10/15/2024
Re: SETBACK REDUCTION REQUEST
Prjct: BRIDGES AT FOX HOLLOW PRELIMINARY PLAT – LOTS 201-233 CONSERVATION SUBDIVISION PROPOSED SETBACKS

AMERICAN FORK CITY CODE - 17.7.503.H.6.f

The council, subject to the prior recommendation of the planning commission, may approve a designated proposed setback envelope for one or more lots within a conservation subdivision development at variance with the city standards upon a finding that such variance is appropriate for the proper development of the lot(s) and that such reduction will not result in the establishment of a hazardous condition.

The proposed reduction of side yard setback allows for flexibility for conservation subdivision lots and does not establish a hazardous condition. The entire subdivision layout is included with the request with the city standard setbacks for the flexible lots (Lot 101 – Lots 154) and the proposed setbacks for the conservation lots (Lot 201 – Lot 233) shown on each lot.

SIGNAGE

SYMBOL	DESCRIPTION
	STOP SIGN R1-1 COMBINATION W/ STREET SIGN
	PUBLIC STREET LIGHTS PUBLIC STREET ILLUMINATION LIGHTING SYSTEM SHOWN HEREON IS PRELIMINARY. FINAL DESIGN WILL BE COMPLETED BY AMERICAN FORK CITY LIGHTING CONSULTANT FOLLOWING FINAL APPROVAL BY THE CITY LAND USE AUTHORITY. CONTRACTOR SHALL VERIFY ALL LIGHTING AND CONDUIT SYSTEMS WITH CITY APPROVED STREET ILLUMINATION LIGHTING PLANS.



PUBLIC STREET LIGHTS

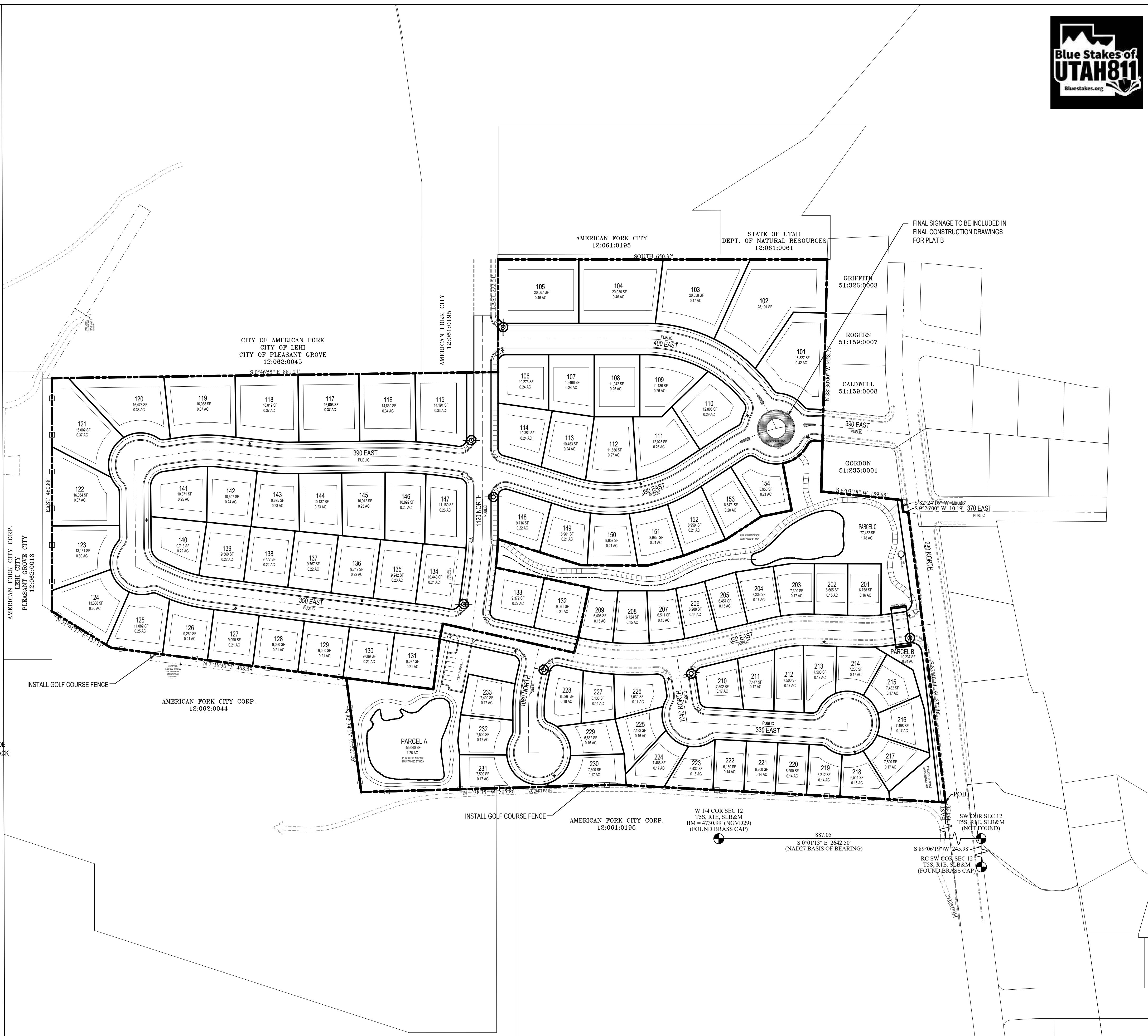
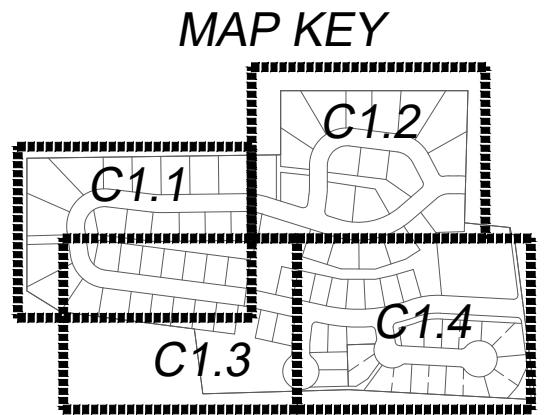
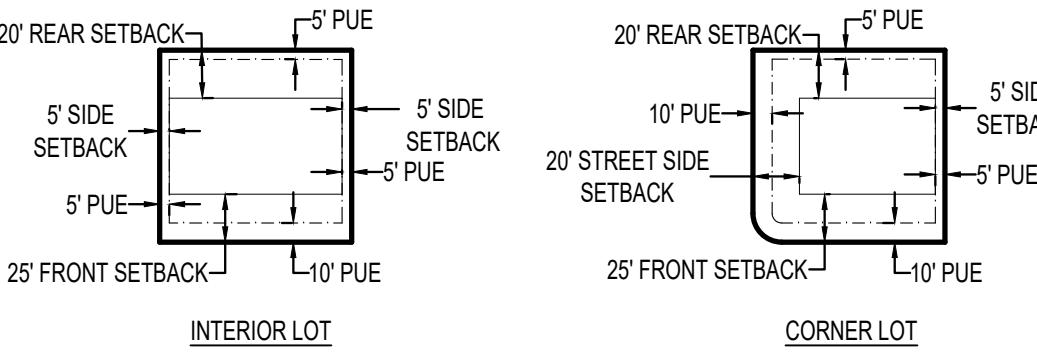
PUBLIC STREET ILLUMINATION LIGHTING SYSTEM SHOWN HEREON IS PRELIMINARY. FINAL DESIGN WILL BE COMPLETED BY AMERICAN FORK CITY LIGHTING CONSULTANT FOLLOWING FINAL APPROVAL BY THE CITY LAND USE AUTHORITY. CONTRACTOR SHALL VERIFY ALL LIGHTING AND CONDUIT SYSTEMS WITH CITY APPROVED STREET ILLUMINATION LIGHTING PLANS.

17.7.503.H.6f

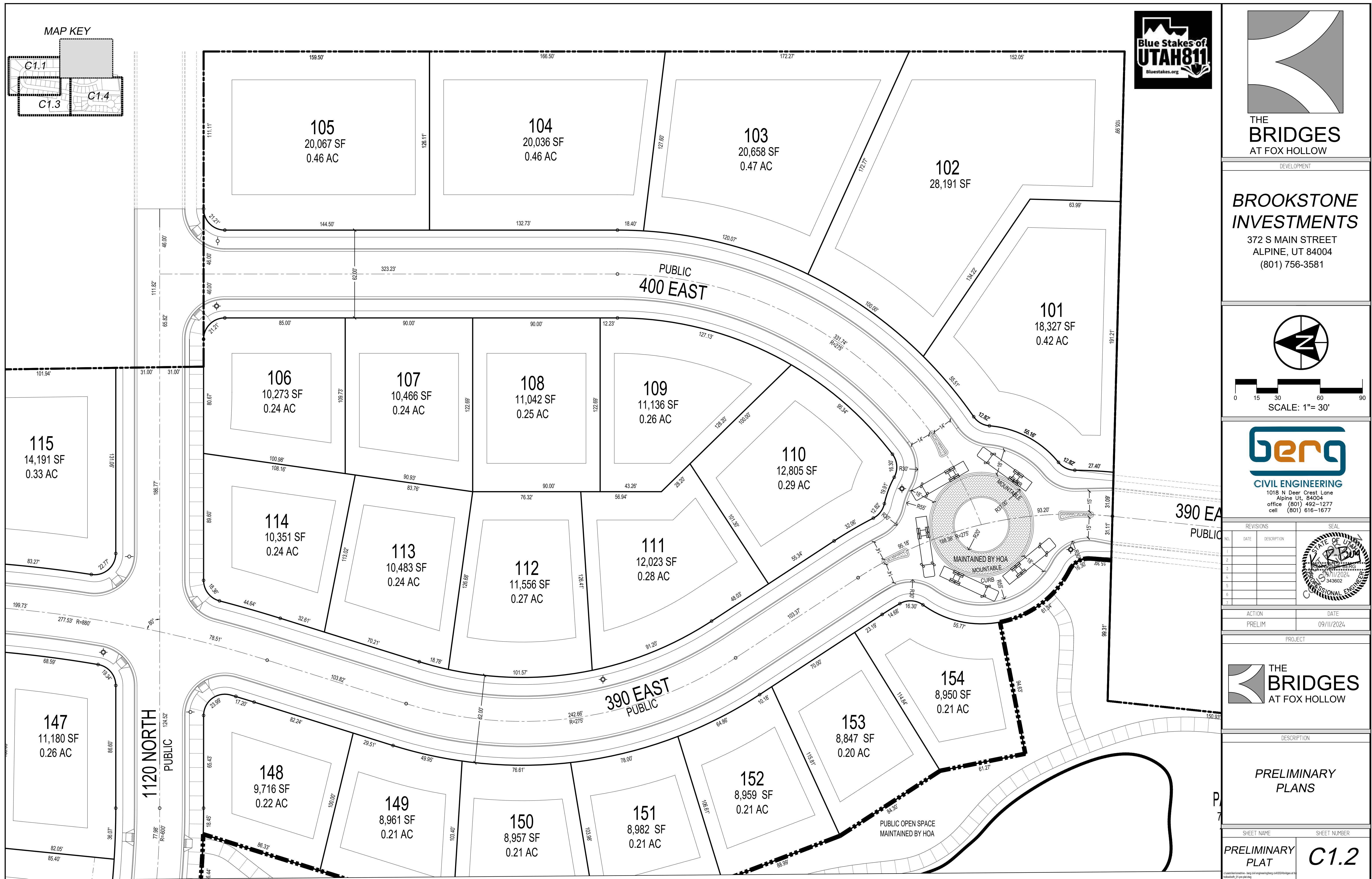
The council, subject to the prior recommendation of the planning commission, may approve a designated proposed setback envelope for one or more lots within a conservation subdivision development at variance with the city standards upon a finding that such variance is appropriate for the proper development of the lot(s) and that such reduction will not result in the establishment of a hazardous condition.

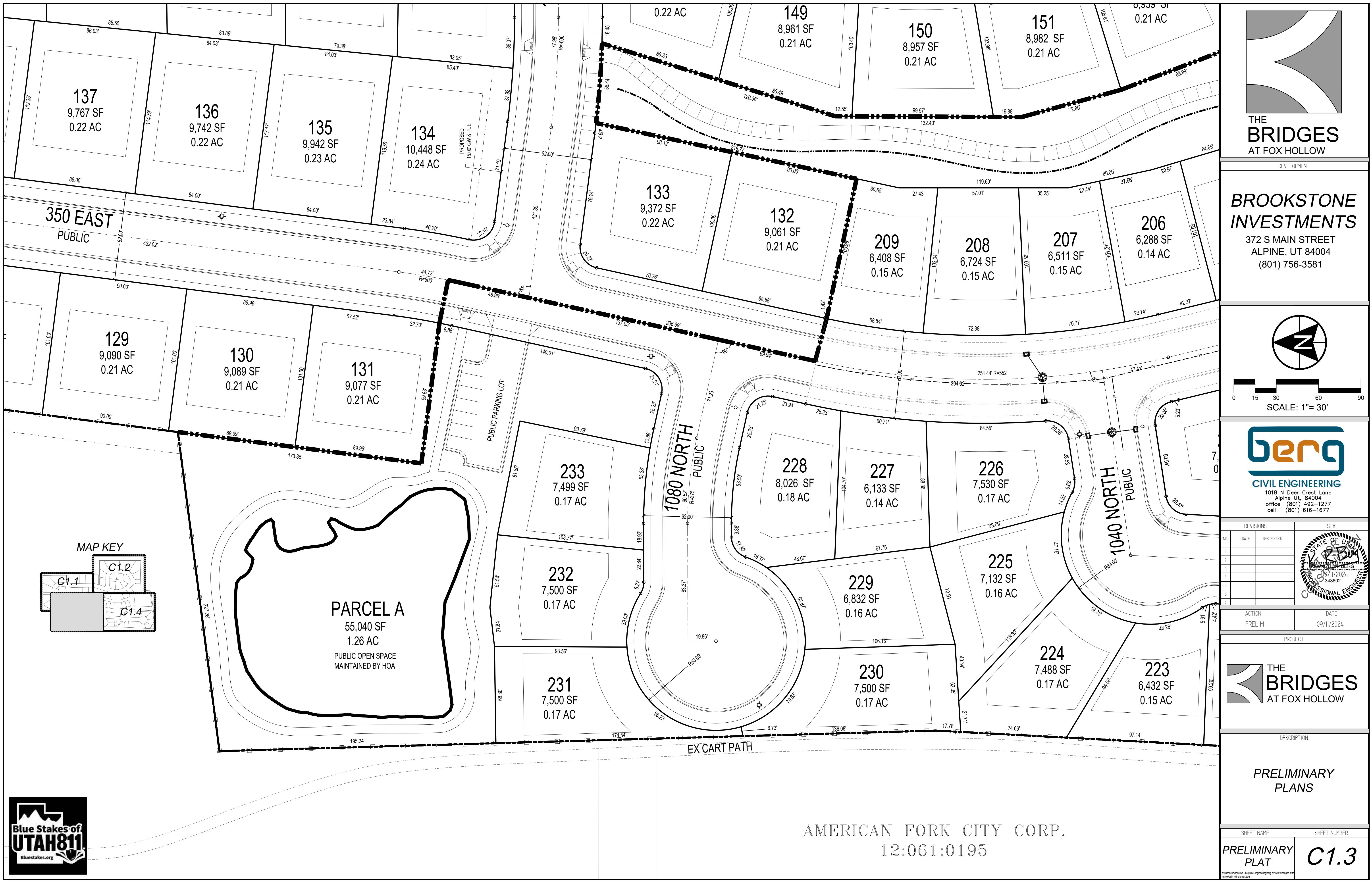
The proposed reduction of side yard setback allow for flexibility for conservation subdivision lots and does not establish a hazardous condition.

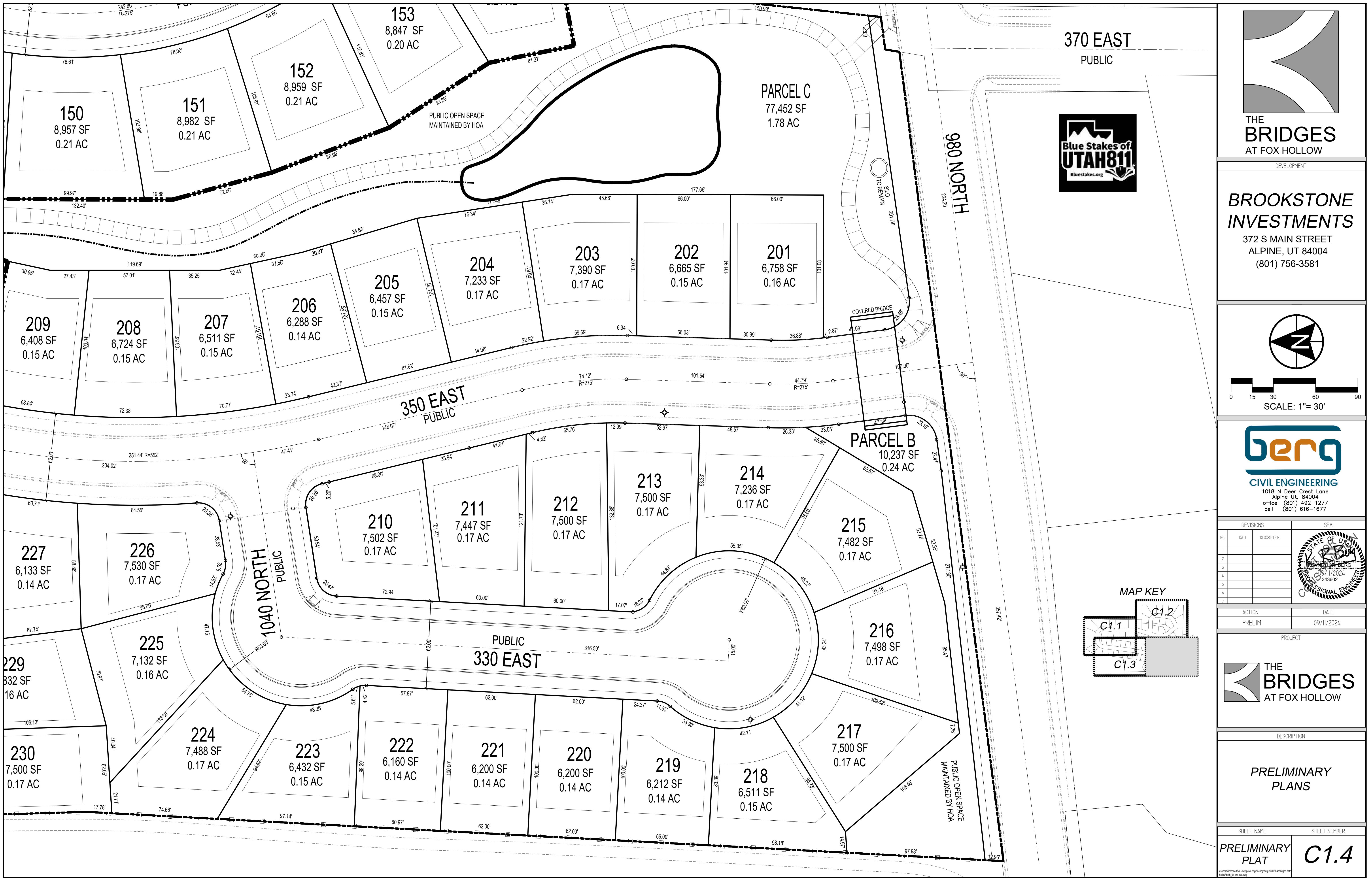
PROPOSED LOTS 201- LOTS 233 SETBACK & P.U.E. DETAILS











Agenda Topic

Review and recommendation on a proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City, UT 84003. On approximately 6.26 acres, the property will be annexed into American Fork City and be given the Planned Industrial (PI-1) zoning designation.

BACKGROUND INFORMATION		
Location:	1300 S 500 E	
Project Type:	Annexation Agreement	
Applicants:	Bart Boggess and Trent Boggess	
Existing Land Use:	Design Industrial	
Proposed Land Use:	N/A	
Surrounding Land Use:	North	Design Industrial
	South	Design Industrial
	East	Design Industrial
	West	Design Industrial
Existing Zoning:	Unincorporated Territory	
Proposed Zoning:	PI-1	
Surrounding Zoning:	North	PI-1
	South	Unincorporated Territory
	East	PI-1
	West	PI-1

Background

The applicant has applied for annexation within American Fork City. The project area looks to have the PI-1 zoning designation assigned to the land, which would be for Planned Industrial Projects. The annexation area is proposing to have an ecommerce park within American Fork City.

Section 17.20.050 of the American Fork Municipal Code outlines the following procedures for Annexation Applications

- A. The sponsor must schedule a pre-application meeting with the American Fork City Planning Staff for review of the annexation request and an opinion as to whether or not the area proposed for annexation will create an unincorporated island or peninsula. If it is in the opinion of staff that the proposed annexation does not create an unincorporated island or peninsula, the sponsor will be advised to proceed with their application as an annexation by petition. If the Planning Staff determines that, in their opinion, the proposed annexation creates an unincorporated island or peninsula, the sponsor will be so advised and informed of alternative procedures to request annexation by resolution, if applicable.
- B. A complete application for annexation shall be filed with the City Recorder
- C. The Planning Department will schedule the annexation request on the next available Technical Review agenda.
- D. City staff will review the application and prepare an annexation report for the Planning Commission and City Council. The report shall identify:
 - 1. Potential demand for City facilities and services;
 - 2. Consistency with the American Fork City General Plan, including the achievement of goals and policies of the American Fork City General Plan and identifying any revisions and amendments of the General Plan required by the annexation;
 - 3. The identification of the distance from existing city utility lines to the boundary of the annexing property;
 - 4. Zoning required or recommended;
 - 5. Distances to public schools, parks and shopping centers for traffic generated by the proposed land uses;
 - 6. Timetable for extending city provided utility lines and services to the area and how these services will be financed, if applicable
- E. The City Council may decide to either accept the annexation application for further review or deny the application. Denial of an application for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land annexed into American Fork City, the applicant will need to resubmit the proposed annexation as a new application and satisfy each of the requirements of this Chapter including the payment of all review fees.
- F. If the annexation request is accepted for further review, proper notice shall be given in accordance with the annexation requirements contained in the Utah State Code.
- G. A public hearing (10-day notice) will be scheduled with the Planning Commission for review and recommendation of the proposed zoning designation for the annexation.

- H. Following the Planning Commission's review and recommendation on zoning and after all required notice has been met, a public hearing will be scheduled with the City Council for final approval of the annexation, including zoning designation.
- I. An annexation agreement must be signed and applicable requirements met, including any water dedication requirements, prior to annexation plat recording and ordinance publication.
- J. In order to provide accurate and current address information for EMS, fire, law enforcement, and utility services, any existing homes included in the annexation shall be assigned an American Fork City address. The new address will become effective at the time the annexation plat is recorded.

Staff Findings

As required by Section 17.20.050(D), City Staff has met with the applicant, and having reviewed the proposed annexation, has the following findings to report:

- 1. Potential demand for City facilities and services:**
 - a. The applicant requires connections to sewer, water, and pressurized irrigation. Roadway will be constructed as a local road using a 62-foot cross-section per 15.01.1520. A Central Utah Water Conservancy District aqueduct currently runs through the annexation area.
- 2. Consistency with the American Fork City General Plan, including the achievement of goals and policies of the American Fork City General Plan and identifying any revisions and amendments of the General Plan required by the annexation:**
 - a. The American Fork Land Use Plan, as identified in the General Plan, highlights the use of this parcel as a Planned Industrial designation. The Land Use designation informs the zoning that will be allocated to the property.
- 3. The identification of the distance from existing city utility lines to the boundary of the annexing property:**
 - a. The annexing property has access to public sewer and water, through the existing 8" sewer and 12" water lines, located in 500 East Street. Public sewer and water laterals do not exist. Pressurized irrigation is also present to the north, within 500 East Street.

4. Zoning required or recommended:

- a. Planned Industrial – PI-1

5. Distances to public schools, parks and shopping centers for traffic generated by the proposed land uses:

- a. Schools:
 - i. American Fork High School: ~ 2.5 Miles
 - ii. American Fork Junior High: ~ 4.7 Miles
 - iii. Greenwood Elementary: ~ 2.5 Miles
- b. Parks:
 - i. Boat Harbor: ~ 0.9 Miles
 - ii. Mountain Meadows: ~ 1.7 Miles
 - iii. Greenwood: ~ 1.6 Miles
 - iv. Rotary: ~ 1.3 Miles
- c. Planned Shopping Centers (SC-1 Zones):
 - i. Eastern SC-1 Zone: ~ 2.13 Miles
 - ii. Western SC-1 Zone: ~ 1.48 Miles

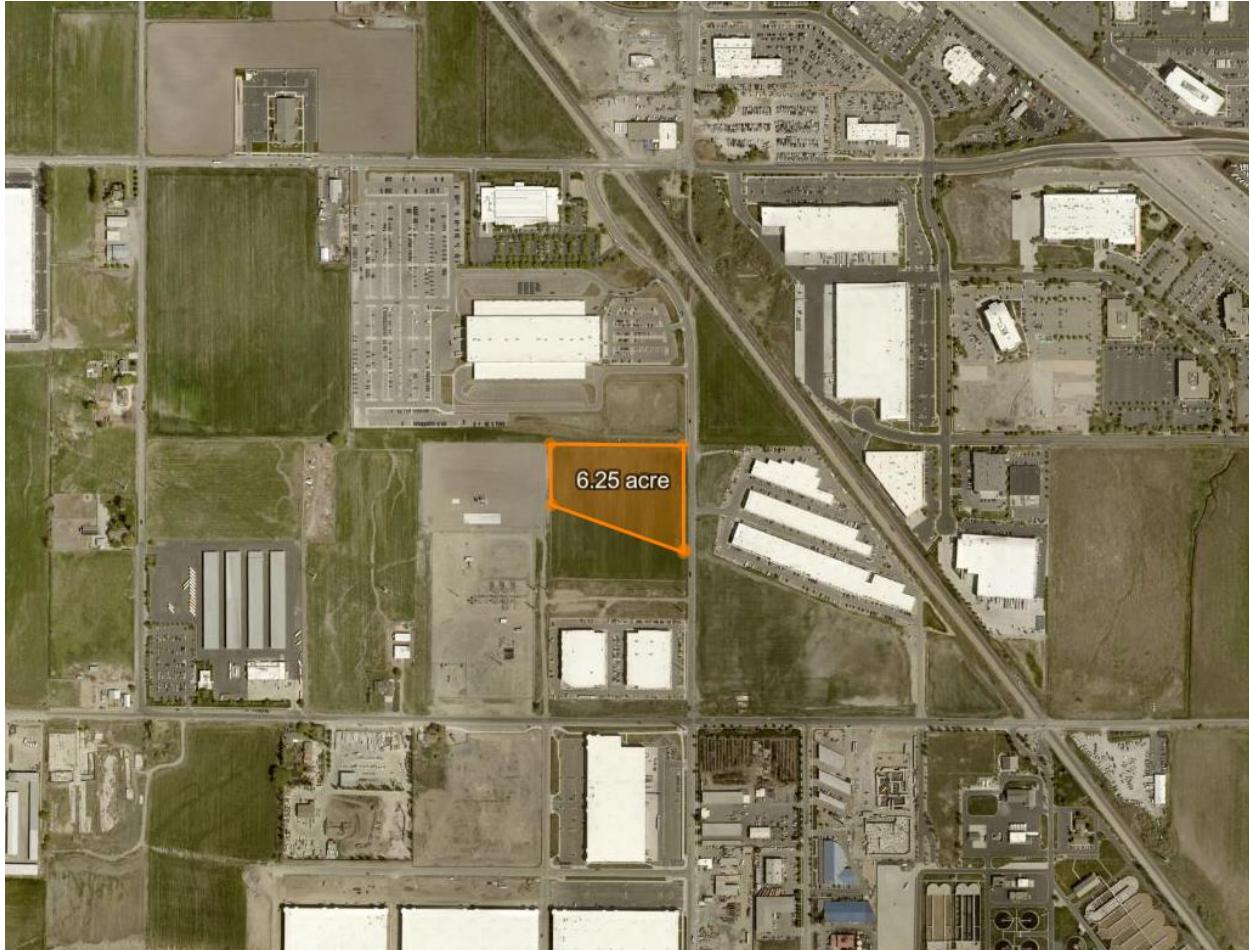
6. Timetable for extending city provided utility lines and services to the area and how these services will be financed, if applicable:

- a. Water, sewer, and pressurized irrigation exist within 500 East Street. Storm drain is located further south, but still within 500 East Street. When the parcel is developed, the necessary mainlines and utilities across the frontage will be required as a cost of the developer. Upsized utility sizes will have the upsized portion reimbursed by the city to the developer at time of development.

Findings of Fact

- 1. The Annexation Agreement MEETS the requirements of Section 17.20.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.

2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Staff Recommendation

The Annexation Agreement MEETS the requirements of Section 17.20. Staff recommends APPROVING the application.

Potential Motions

Approval

I move to recommend approval for the proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City, subject to any conditions found in the staff report.

Denial

I move to recommend denial for the proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City.

Table

I move to table action for the proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City, and instruct staff/developer to.....

ANNEXATION AGREEMENT (E-Commerce Park Annexation)

This Annexation Agreement ("Agreement"), made and entered into this ____ day of _____, 2024, by and between City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as "City") and American Fork E-Commerce Park LLC, a Utah Corporation (hereafter referred to as "Applicant"), is based on the following:

RECITALS

WHEREAS, Applicant is the owner of certain parcels of privately-owned real property constituting 100% of the E-Commerce Park Annexation Area, which annexation is located within the unincorporated territory of Utah County, contiguous to the corporate boundary of the City, and is within the City's proposed expansion area;

WHEREAS, a "Petition for Annexation" (Attachment 1 to this Agreement), together with a plat (Attachment 2 to this Agreement) have been prepared by the Applicant and show the real property proposed for annexation (hereafter referred to as "Annexation Area");

WHEREAS, in accordance with the provisions of UCA 10-2-402, the American Fork City Council has heretofore adopted Resolution No. 2024-04-12 R, accepting the Petition for Annexation;

WHEREAS, notice of hearing regarding the proposed annexation has been published and the public hearing thereon held;

WHEREAS, the City Council has determined that annexation of the Annexation Area is in the best interest of the City and has indicated an intent to: (1) enact an ordinance of annexation relating thereto, subject to the prior execution of this Agreement, and (2) authorize the recording of the annexation plat at the office of the Utah County Recorder, subject to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

NOW THEREFORE, based on the above recitals and in consideration of the annexation of the Annexation Area to the City, the parties covenant and agree as follows:

SECTION 1 - Applicability of Agreement and Annexation Contingency: The real property to which the terms of this Agreement apply shall be the parcels of private property within the Annexation Area, identified on Attachment 2. Attachment 2 is hereby made part of this Agreement. This Agreement will be effective if, and only if, (a) the City approves an ordinance annexing the Annexation Area into the City; and (b) all procedural requirements associated with an annexation under the law of the State of Utah have been complied with, including the issuance of a certificate of annexation by the Lieutenant Governor.

SECTION 2 - Annexation a benefit to Applicant: Applicant and City acknowledge that the City has discretion to approve or deny the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered into freely and voluntarily. Further, Applicant hereby acknowledges and agrees that the benefit received from annexation of the

property is equal to or greater than the requirements and conditions of annexation as set forth in this Agreement and the conditions of the development as set forth herein and under the terms of the City's Development Code and Impact Fee Ordinance does not constitute a constitutional taking as that term is defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

SECTION 3 - Authority of Applicant: Applicant hereby affirms that it is the current owner of the total private land area within the Annexation Area and has complete authority to enter into this Agreement and bind the property hereto.

SECTION 4 - Compatibility with Land Use Plan and Initial Zone Classification: The City's General Plan classifies the proposed uses for the Annexation Area classified as Design Industrial. Therefore, the zone classification attached to the parcel shall be PI-1. A map illustrating the zone classification for the Annexation Area has been prepared by the City and is made part of this agreement (Attachment 3 to this Agreement).

SECTION 6 - Conveyance of Water Right: American Fork City Code 17.1.400, Conveyance of Water, requires conveyance of water shares/rights at the time of annexation unless the City determines that there is good and sufficient reason to delay the time of the conveyance. City and Applicant acknowledge and agree that the parties are unable to determine the quantity of shares/rights required for the Annexation Area at the present time and therefore, the City authorizes a delay in the time of conveyance of water shares/rights until the time of development. Any subsequent conveyance of water shares/rights shall be no more than what is required for the development of the Annexation Area as provided for under applicable City standards. A Water Delay Agreement is entered into by the parties concurrently with this Agreement and the terms of such Water Delay Agreement are incorporated into this Agreement as Attachment 4.

SECTION 7 - Open Ditches to be Piped: Applicant acknowledges that it is Applicant's burden in full to pipe any and all gravity irrigation conveyances (ditches), to the standards of the City and to the standards of the applicable irrigation company or private ditch easement holders as part of any forthcoming development project within the Annexation Area.

SECTION 8 - Property Taxes and Rollback Taxes to be Paid on any Right-of-Way Dedicated to City: Applicant agrees to pay any outstanding property taxes on the Annexation Area including any and all rollback taxes if the subject area is classified as "Greenbelt" with the Utah County Tax Assessor, for any areas identified as ROW which are to be dedicated to City in connection with this Agreement. Proof of payment of these taxes shall be required prior to recording of this Agreement.

SECTION 9 - Impact Fees: No impact fees are required to be paid at this time as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that Applicant or any successor may have for the payment of any generally applicable impact fees required as a condition of development of the Annexation Area or any portion thereof. Applicant acknowledges that no development approval or building permit shall be issued until all applicable fees required by City ordinance have been paid at the amount then in effect.

SECTION 10 - Default: In the event either party seeks to enforce the terms hereof in a lawsuit or other proceeding, the prevailing party shall be entitled to an award of the costs incurred, including reasonable attorney fees.

SECTION 11 - Notice: Any notice to be given hereunder shall be given by certified mail, return receipt requested, addressed as follows:

- a. If to the City, to the City of American Fork, 51 East Main Street, American Fork Utah, 84003.
- b. If to Applicant, to American Fork E-Commerce Park LLC c/o Bart Boggess, 44 Red Pine Drive, Alpine, Utah, 84004.

SECTION 12 - Entire Agreement: This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and may be changed only in writing signed by all parties.

SECTION 13 — Severability: The provisions of this Agreement shall be deemed to be severable, and if any provision of this Agreement is determined to be invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect or limit the validity or enforceability of the remaining provisions hereof.

SECTION 14 - Binding Effect: This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

IN WITNESS WHEREOF, the parties have signed this agreement on the date first mentioned above.

AMERICAN FORK CITY

American Fork E-Commerce Park LLC

Bradley J. Frost, Mayor

ATTEST:

City Recorder



ATTACHMENT #1

American Fork City
Recorder's Office
51 E. Main Street
American Fork, UT 84003
801-763-3000

Petition for Annexation

Petition Title: E-COMMERCE PARK ANNEXATION

Property Location: 500 E 1250 S **Acreage:** 6.21 ac

Property Owner Names:

American Fork E-Commerce

Park LLC, a Utah

limited liability company

Property Address:

500 E 1250 S

Parcel ID#:

13:060:0074

(Attach Additional Sheets if needed)

Sponsor Name: Bart Boggess

Phone: (801) 916-9900

Address: 44 Red Pine Dr. Alpine, UT 84004

Email Address: bart@unionfort.com

Include with Petition:

- Petition for Annexation and signature page
- Accurate and recordable mylar map
 - Electronic copy of map emailed to tlurker@americanfork.gov and mwhite@americanfork.gov
 - One 24" x 36" map stamped by a licensed surveyor
- Copy of the Notice of Intent to File an Annexation Petition sent to affected entities, including the date notices were sent and a list of the affected entities notices were sent.
- On the date of filing with the city recorder, deliver copy of petition to Utah County Clerk

RECEIVED

Date: 8.21.24

American Fork City
Recorder's Office



American Fork City
Recorder's Office
51 E. Main Street
American Fork, UT 84003
801-763-3000

Petition for Annexation Signature Page

Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder of American Fork City. If you choose to withdraw your signature, you shall do so no later than 30 days after American Fork City receives notice that the petition has been certified.

We, the undersigned owners of private real property, hereby petition the area shown on the attached accurate and recordable map prepared by a licensed surveyor to be annexed into American Fork City. Each of the undersigned affirms that (a) each has personally signed this petition, (b) each is an owner of real property that is located within the area, and (c) each desire to be annexed into American Fork City. The petitioners hereby request this petition be considered by the American Fork City Council and that a resolution be adopted as required by law accepting this petition for further consideration.

AMERICAN FORK E-COMMERCE PARTNERS LLC

Bart Boegges

Signature

BART BOEGGES, MANAGER

Printed Name

Parcel ID

500 E 1250 S

1

Address

801. 916. 9900

bart@unionfork.com

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

Signature

Printed Name

Parcel ID

Address

Telephone Number

Email Address

(Attach additional Sheets as needed)

ATTACHMENT #2

VICINITY MAP
SCALE 1" = 1000'

1100 SOUTH STREET
500 EAST STREET
1500 SOUTH STREET
INTERSTATE 15
SITE

MAPS I222 SOUTH 500 EAST UT LLC
35:750:0002

BEEHIVE MILLS ANNEXATION
#86445-2001
MAP 9213

EXISTING AMERICAN FORK CITY BOUNDARY

AMERICAN FORK E-COMMERCE PARK LLC
I3:060:0074
6.21 ACRES

ANNEXATION AREA
6.26 ACRES

ALPINE SCHOOL DISTRICT ANNEXATION
#45995-2005
MAP 11413

IVONA ROBINSON ANNEXATION
#48513-2003
MAP 10025

SHARP BYBEE ANNEXATION
#36163-2018
MAP 15997

SW COR SEC 25
T55, R16, SLB&M
FOUND BRASS CAP

POB
N 67°07'59" W 2549
5 500'10" W 15.25
N 67°07'59" W 2549
N 500'10" W 15.25
N 70°47'33" W 668.00
RADIUS = 605.00
LENGTH = 605.00
CHORD = N 70°47'33" W 668.00

UDOT
I3:060:0061

UDOT
I3:060:0061

UDOT
I3:060:0056

UDOT
I3:060:0050

UDOT
I3:060:0050

500 EAST STREET

5 1/4 SEC 25
T55, R16, SLB&M
FOUND BRASS CAP
ELEV = 4504.07
BASIS OF BEARING
(NAD83)

60 30 0 60 120 180

Scale 1" = 60'

SURVEYOR'S CERTIFICATE

I, AARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6418780 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF AMERICAN FORK CITY, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

DATE

SURVEYOR'S NAME (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED ON THE WESTERLY BOUNDARY OF THE IVONA ROBINSON ANNEXATION, SAID POINT BEING LOCATED NORTH 89°30'4" WEST ALONG SECTION LINE 930.14 FEET AND NORTH 730.25 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 50°00'10" WEST 15.25 FEET; THENCE NORTH 67°07'59" WEST 25.49 FEET; THENCE ALONG THE ARC OF A 606.00 FOOT RADIUS CURVE TO THE LEFT 668.34 FEET THROUGH A CENTRAL ANGLE OF 06°19'08" (CHORD BEARS NORTH 70°17'33" WEST 668.00 FEET) TO A POINT ON THE EASTERLY BOUNDARY OF THE ALPINE SCHOOL DISTRICT AMERICAN FORK ANNEXATION; THENCE ALONG THE EXISTING AMERICAN FORK CITY BOUNDARY THE FOLLOWING THREE COURSES AND DISTANCES: 1) NORTH 0°00'43" EAST 303.83 FEET, 2) SOUTH 89°11'22" EAST 661.89 FEET, AND 3) SOUTH 0°14'17" EAST 519.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.26 ACRES, MORE OR LESS.

BASIS OF BEARING: UTAH STATE PLANE COORDINATE SYSTEM NAD83, CENTRAL ZONE.

ACCEPTANCE BY LEGISLATIVE BODY

We, the duly elected Council of the City of American Fork, Utah, have received a request to initiate procedures for the annexation of the tract of land shown hereon, which tract constitutes a portion of existing island or peninsula within or contiguous to the City, and do hereby certify: (1) the council has adopted a resolution setting forth its intent to annex the tract, provided notice and conducted hearings on the matter, and adopted an ordinance providing for the annexation of the tract to the City; all in accordance with the provisions of Section 10-2-418 Utah Code Annotated, as amended, and (2) that the Council does hereby approve and accept the annexation of the tract of land shown hereon as a part of American Fork City, to be known hereafter as the **E-COMMERCE PARK ANNEXATION**.

DATED THIS ____ DAY OF _____, A.D. 2024.

MAYOR _____ CITY COUNCIL MEMBER _____

CITY COUNCIL MEMBER _____ CITY COUNCIL MEMBER _____

CITY COUNCIL MEMBER _____ CITY COUNCIL MEMBER _____

ATTEST _____

FINAL LOCAL ENTITY PLAT
E-COMMERCE PARK ANNEXATION
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25,
TOWNSHIP 5 SOUTH, RANGE 1 EAST, SL&M
AMERICAN FORK, UTAH COUNTY, UTAH
SCALE: 1" = 60 FEET

LAND SURVEYOR:
AZTEC
ENGINEERING
732 N. 780 W. AMERICAN FORK, UT. 84003
aztecengineering@gmail.com

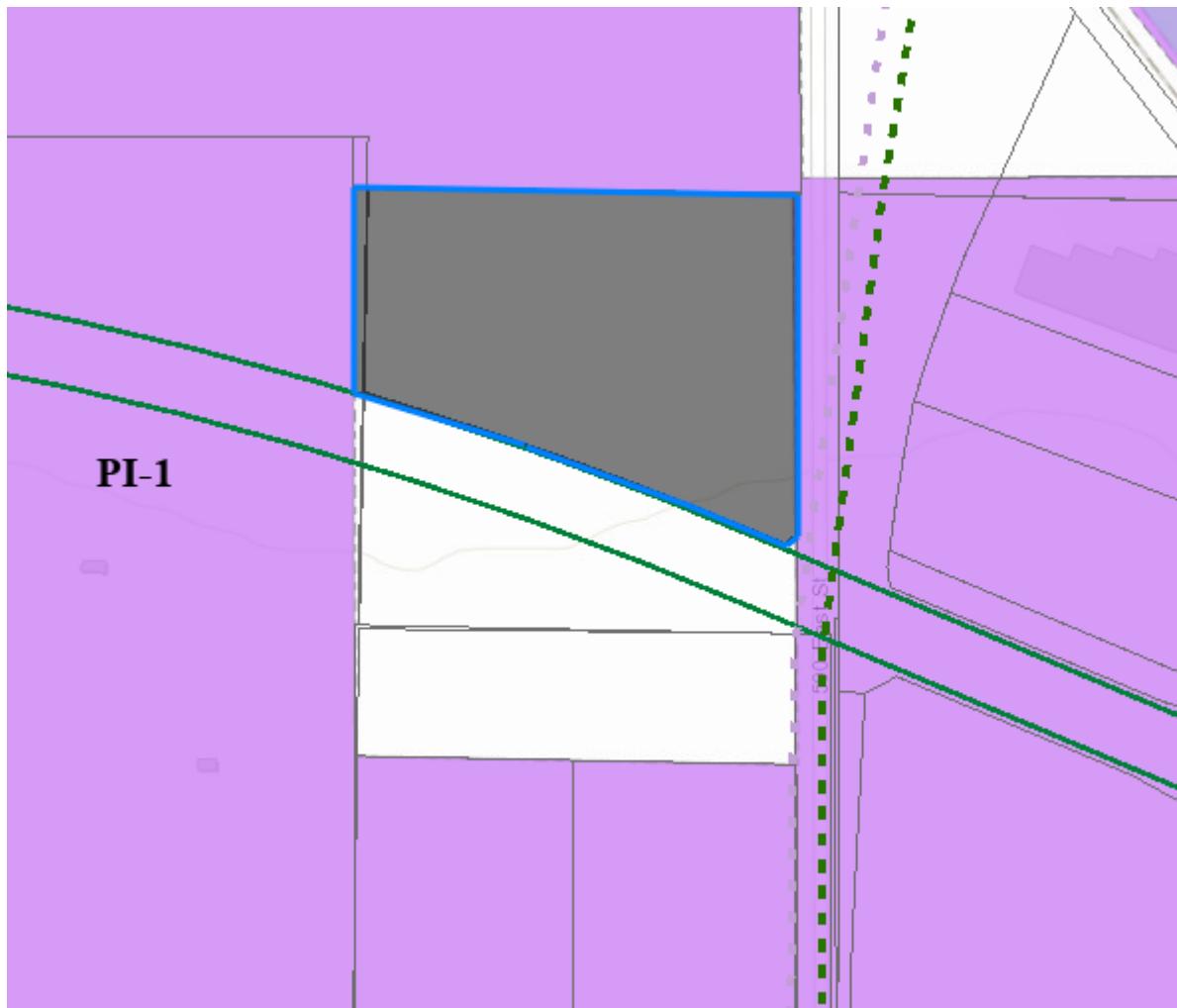
COUNTY SURVEYOR'S CERTIFICATE
THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANN. § 17-23-20 AS AMENDED.

SURVEYOR'S SEAL
PROFESSIONAL LAND SURVEYOR
No. 6418780
AARON D. THOMAS
STATE OF UTAH

CLERK-RECORDER SEAL

UTAH COUNTY RECORDER

ATTACHMENT #3



ATTACHMENT #4

WATER DELAY AGREEMENT FOR ANNEXATION

This Water Delay Agreement for Annexation ("Agreement") is entered into as of the day of _____, 20____ ("Effective Date"), by and between American Fork E-commerce Park LLC ("Owner"), and AMERICAN FORK CITY, a municipal corporation and political subdivision of the State of Utah ("City").

RECITALS

WHEREAS Owner is the owner of Parcel Nos. 13:060:0074 ("Property"), which are located outside of the City's current municipal boundaries; and

WHEREAS Owner has filed with the City a request to have the Property annexed into the City ("Annexation Request"); and

WHEREAS Section 17.1.400(C) of the City Code requires the conveyance of title to water rights concurrently with final action by the City Council on an annexation, except under pursuant to certain findings, terms, and conditions; and

WHEREAS City and Owner desire to enter into this Agreement as part of the findings, terms, and conditions required under Section 17.1.400(C) of the City Code.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants hereafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and City, incorporating the recitals set forth above, agree as follows:

AGREEMENT

1. Determination of City Council. The City Council, with the recommendation of the City Planning Commission, has determined that there is good and sufficient reason to delay the time of conveyance of water rights and/or water shares beyond the time of the City Council's final action on the Annexation Request. This determination was made in the City Council meeting held on _____, 20____. The basis and reasoning for the City Council's determination are included within the recording, minutes, and other documentation from said City Council meeting.

2. Water Rights/Shares. The specific water rights and/or water shares that may be conveyed to the City, and that pursuant to the terms and conditions of this Agreement are hereby committed to the City, which commitment is irrevocable by Owner and may be released by the City only as provided in this Agreement ("Committed Water"), are identified in Exhibit A of this Agreement.

3. Conveyance of Committed Water. Prior to the City's approval of any development on the Property that will require the delivery of water, the City will determine the amount of water rights/shares required for dedication and conveyance to the City in order to meet the water requirements of the development. Owner will convey clear title to the required amount of the Committed Water to the City. If the amount of water necessary for the development is less than the

total amount of the Committed Water, the City will release the commitment (provided in paragraph 2 above) as to the unnecessary portion of the Committed Water. If the amount of water necessary for the development is more than the total amount of the Committed Water, Owner shall convey additional acceptable water rights/shares to the City to meet the dedication requirements. If the Committed Water consists of any water rights, the conveyance shall be by Warranty Deed and an accompanying Water Rights Deed Addendum. If the Committed Water consists of any water shares, the conveyance shall be by assignment, endorsement, and delivery of the appropriate share certificates. Owner acknowledges that under the Article XI, Section 6 of the Utah Constitution, City is prohibited from returning to Owner any portion of the Committed Water once it has been conveyed to the City.

4. **Change Application.** If any of the Committed Water consists of water rights, an express prerequisite for conveyance shall be the filing and approval of an Application for Permanent Change of Water (“**Change Application**”) with the Utah Division of Water Rights (“**Division**”) to convert the water rights to municipal use to be diverted from the City’s wells. Prior to the filing of the Change Application, the water rights shall be reviewed by the City’s water attorneys to ensure that the water rights are suitable for dedication. The City’s water attorneys shall also prepare and prosecute the Change Application, with the full assistance and support of Owner. The water rights will be deemed acceptable for conveyance to the City under this paragraph upon the issuance of an Order approving the Change Application that is acceptable to the City and upon expiration of all applicable deadlines for requests for reconsideration and/or appeal of the Order. Owner shall be responsible for all costs associated with the Change Application, including but not limited to the City’s attorney fees, application filing fees, and document fees.

5. **Title to Committed Water.** Owner shall convey unencumbered title to the Committed Water to the City. If the Committed Water consists of water rights, the City will obtain a water rights title insurance policy for the water rights. Owner shall be responsible for all costs associated with the water rights title insurance, including but not limited to the policy premium and recording fees. Owner shall be responsible for satisfying the requirements and conditions of the Title Commitment in order for the title company to issue a title insurance policy that is acceptable to the City. A water rights title insurance policy that is agreeable to the City is an express condition to the acceptability of the water rights for dedication and conveyance to the City. If the Committed Water consists of water shares, the City will obtain written confirmation of share ownership and current payment of all assessments from the respective water company/companies. Owner shall be responsible for all costs associated with obtaining the written confirmation. From the date of this Agreement until the Committed Water is conveyed to the City, Owner shall not sell or otherwise dispose of the Committed Water, nor shall Owner allow any liens or encumbrances upon the Committed Water that would prevent Owner from conveying unencumbered title to the Committed Water to the City.

6. **Cessation of Owner’s Use.** Upon conveyance of the Committed Water to the City, Owner shall immediately cease any and all use of the Committed Water.

7. **Successors and Assigns.** Pursuant to the terms of this Agreement, Owner shall have the right to assign its rights, duties, and obligations. The parties acknowledge that the rights, duties, and obligations of Owner will also apply to any successor or assign of Owner, and that the use of the term “Owner” in this contract includes Owner’s successors or assigns.

8. Ownership of Water Facilities. Nothing in this Agreement shall alter the ownership of any wells or other water facilities of Owner or City..

9. Entire Agreement. This Agreement represents the entire agreement between the parties and supersedes all prior agreements and understandings concerning the commitment and conveyance of water rights for the Property. This Agreement shall not be amended, modified, or terminated except by written instrument signed by all parties.

10. Construction and Enforcement. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah. This Agreement may be specifically enforced.

11. Third Party Beneficiaries. This Agreement is not intended to and shall not create any rights in any person or entity not a party to this Agreement.

12. Attorney Fees. In any action arising out of this Agreement, the prevailing party shall be entitled to costs and reasonable attorney fees.

13. Further Assurances. After the execution of this Agreement, the parties agree to execute and deliver such documents, and to take or cause to be taken all such other actions, as either party may reasonably deem necessary or appropriate in order to carry out the intents and purposes of this Agreement.

14. Severability. If any term, covenant, or condition of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and the remainder of the Agreement shall remain in full force and effect.

15. Authority of Parties. The persons signing this Agreement represent and warrant that they have full authority to do so and that their corporation or entity has undertaken and obtained whatever formalities and approvals are necessary to enter into this Agreement.

16. Counterparts. This Agreement may be executed in multiple counterparts, all of which taken together shall comprise one agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

AMERICAN FORK CITY

Bradley J. Frost, Mayor

Attest:

Terilyn Lurker, City Recorder

STATE OF UTAH)
:ss
COUNTY OF _____)

On the _____ day of _____, 20____, personally appeared before me Bradley J. Frost and Terilyn Lurker, known to me to be the Mayor and City Recorder, respectively, of American Fork City, who acknowledged to me that they executed the within Water Delay Agreement pursuant to the approval and authorization of the City Council at a regular meeting at which a quorum was in attendance.

NOTARY PUBLIC

[OWNER] American Fork E-commerce Park LLC

Bart Boggess
Bart Boggess, manager

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On the 9th day of August, 2024, Bart Boggess personally appeared before me and duly acknowledged that he/she executed this Water Delay Agreement for the purposes stated therein.



Tiffany Ferguson
NOTARY PUBLIC

EXHIBIT A
Description of Water Rights and/or Water Shares Committed to the City

Agenda Topic

Review and recommendation on an application for a Commercial Site Plan, known as Freeman Commercial Site Plan (Application #2), located at approximately 19 N 900 W, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 1.24 acres and will be in the Planned Commercial (GC-2) zone.

BACKGROUND INFORMATION		
Location:	19 N 900 W	
Project Type:	Commercial Site Plan	
Applicants:	Tom Freeman; Gavin West	
Existing Land Use:	Design Commercial	
Surrounding Land Use:	North	Design Commercial
	South	Major Transportation Facilities
	East	Design Commercial
	West	Design Commercial
Existing Zoning:	GC-2	
Surrounding Zoning:	North	GC-2
	South	Unincorporated Territory; PF
	East	GC-2
	West	GC-2; Unincorporated Territory
Square Footage (By Use)	~ 9451 s.f. (building for rental sales of watercraft)	
Total Number of Units	N/A	

Background

The applicant has applied for a Commercial Site Plan to develop a rental sales establishment for watercraft. The project has come back through the process to provide additional information for utility lines that wasn't in the approved site plan previously. Additionally, the project will be incorporating a golf simulator on the second story of their building. As the golf simulator is a

different use from the rental of watercraft, they have not provided additional information regarding the amount of parking they will need for the indoor golf simulator.

The new Development Review Committee (DRC) Board has recommended approval of the commercial site plan with all the following conditions attached to this staff report. The applicant has acknowledged that they will need to come back through the DRC and propose a new site plan for the project if they continue forward with golf simulators on the second floor.

Sec 17.7.201 Developer Confers With Development Review Committee

The developer(s) shall meet with the Development Review Committee to discuss the basic concept of the proposed large scale development and to obtain information pertaining to the general plan and zoning classification of the area proposed for subdivision, city requirements and standards for design and construction of streets, utilities and other requirements affecting the land proposed to be subdivided. The purpose of the conference(s) is to provide informal assistance to the developer(s) in the preparation of the plans early in the process. The Development Review Committee may suggest changes in the proposed layout so the project may be more fully consistent with the city's general plan and also with the city's development regulations and policies. The recommendations from the Development Review Committee prior to the submission of a formal application shall be purely advisory and in no way shall the conference be construed to constitute approval of the plan.

Sec 17.7.202 Developer Prepares Preliminary Plats And Supporting Materials And Submits To Staff

- A. After the pre-submittal conference the developer shall prepare and submit to the Development Services Department a preliminary plat submittal packet containing the following:
 - B. An application for approval of the large scale development project, together with copies of plats and materials showing the layout of the proposed project, including the location, size and dimensions of all lots; the placement and cross-section of all proposed streets; the location of all public utility easements; the intended treatment of drainage; and the intended treatment of any other essential features of the proposed project
 - C. A geotechnical report for the project area
 - D. Evidence of payment of the required review fee.
 - E. Evidence of water right proposed to be conveyed to the city.
 - F. Evidence of review of the proposed project by required public utility agencies.
 - G. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project. The scale of the plans, content of the materials, number of copies, time

of submittal and other particulars regarding the materials provided in support of an application for approval shall be as established, from time to time, by action of the planning commission.

Sec 17.7.203 DRC Reviews Preliminary Plats, Documents, And Statements

Upon receipt of the preliminary plat submittal packet from the developer the Development Services Director or assignee shall review the plans, documents, and materials for completeness and for conformance with city requirements, standards and general plan, and submit said plans, documents, and statements or portions thereof to the Development Review Committee for their review and recommendation.

Sec 17.7.204 Development Review Committee Reports Results Of Review Of Preliminary Plats, Documents, And Statements To Developer

- A. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the developer.
- B. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the developer.
- C. The Development Review Committee may suggest changes in order for the preliminary plat materials to be more consistent with the objectives of the general plan and development regulations and policies.

Sec 17.7.206 Development Review Committee Takes Final Action On Preliminary Plat And Supporting Materials

- A. After considering the recommendation of all DRC members, the DRC may table the matter, approve, or grant approval, including granting approval upon conditions stated.
- B. Approval by of the Preliminary Plat shall not constitute final approval of the project, but shall be deemed as approval to proceed with preparation of a final plat, detailed engineering and supporting materials.

Sec 17.7.207 Developer Prepares And Submits Final Plats, Detailed Engineering Plans And Supporting Material And Submits To Staff

- A. After receiving authorization to proceed, the developer shall prepare and submit to the Development Services Director a final plat submittal packet containing the following:
- B. Application for final plan/plat approval.
- C. A reproducible drawing of the proposed final plat prepared in a format approved for recording at the office of the Utah County Recorder.

- D. Copies of the detailed engineering documents and other supporting materials.
- E. An itemized engineers estimate of the cost of constructing the required improvements.
- F. Copy of project documentation.
- G. Evidence of payment of review and recording fee.
- H. Documents conveying water rights to city.
- I. Evidence that any boundary conflicts with adjacent properties are fully resolved.
- J. Other materials deemed by city staff to be essential for an adequate understanding of the proposed project.

The scale of the final plan/plat, content of the materials, number of copies, time of submittal and other particulars regarding the materials provided in support of an application for final plan/plat approval shall be as established, from time to time, by action the Development Services Director.

Sec 17.7.208 DRC Reviews Final Plans/Plats, Detailed Engineering And Supporting Materials

Upon receipt of the submission from the developer the Development Services Director or assignee shall review the plans/plats and supporting materials for accuracy and completeness. Upon determination of a complete application, the plans, documents and statements, or portions thereof, shall then be provided to the Development Review Committee and applicable public agencies for review of compliance with Federal, State and local laws and regulations, city requirements and standards, and the general plan.

Sec 17.7.209 Development Review Conference - DRC Reports - Results Of Review Of Final Plans/plat, Detailed Engineering Plans And Supporting Materials To Developer

- A. The Development Review Committee shall conduct a Development Review Conference to review and discuss the materials submitted by the developer.
- B. Upon completion of review, the Development Review Committee shall provide the results of the review and comments to the Development Services Director or assignee. The results and comments shall be compiled and provided to the developer.
- C. The Development Review Committee may suggest changes to the submittal materials so that the final plat will conform with the development regulations and policies of the city and the terms of preliminary plat approval.

Sec 17.7.211 Development Review Committee Acts On Final Plan(s)/Plat(s) And Supporting Materials

- A. When the final plan(s)/plat(s) and supporting materials required for approval have been completed in final form, the Development Review Committee shall act on the final plat(s)

and supporting materials. After considering the recommendation of all DRC members, the DRC may table the matter, approve, or grant approval, including granting approval upon conditions stated. Approval of the final plat(s) shall be made only upon a finding that:

1. The final plan(s)/plat(s) and supporting materials conform with terms of the preliminary approval.
2. The final plan(s)/plat(s) complies with all city requirements and standards relating to large scale developments.
3. The detailed engineering plans and materials comply with the city standards and policies.
4. The estimates of cost of constructing the required improvements are commensurate to market costs, as verified by the City Engineer.
5. The water rights conveyance documents have been provided.

B. If approved, the City Administrator, Community Development Services Director, and City Engineer shall sign the Final Plat(s) upon completion of all conditions. If any conditions are attached, the Final Plat(s) or construction drawings shall be amended to reflect such changes and an accurate Final Plat(s) shall be submitted to the City, prior to signing.

Project Conditions of Approval

1. Address all comments made by the DRC staff on the plan set.
2. If the project continues forward with the golf simulator, they will need to come back through the site plan process to provide the necessary parking for the new use.

Findings of Fact

1. The Commercial Site Plan MEETS the requirements of Section 17.7.200.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.

2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Staff Recommendation

The Commercial Site Plan MEETS the requirements of Section 17.7.200. Staff recommends APPROVING the application WITH CONDITIONS.



Planning Commission Staff Report
Meeting Date: October 16, 2024

Potential Motions – Commercial Site Plan

Approval

I move to recommend approval for the proposed Commercial Site Plan, located at 19 N 900 W, American Fork City, in the Planned Commercial (GC-2) Zone, subject to any conditions found in the staff report.

Denial

I move to deny the proposed Commercial Site Plan, located at 19 N 900 W, American Fork City, in the Planned Commercial (GC-2) Zone.

Table

I move to table action for the proposed Commercial Site Plan, located at 19 N 900 W, American Fork City, in the Planned Commercial (GC-2) Zone and instruct staff/developer to.....

<p>American Fork City Development Review Committee</p> <p>AMERICAN FORK</p>	
	Planning and Zoning Reviewed tvanekeleburg 09/25/2024
Communications Reviewed MHunsaker 10/02/2024	Fire Department Reviewed M. Sacco 09/30/2024
EC/LID Reviewed Tmezenen 10/02/2024	Engineering Division Reviewed rburkhill 09/30/2024
Streets Division Reviewed ehyde 10/02/2024	Water/PI Division Reviewed jbrem 10/01/2024

FREEMAN SITE PLAN

19 NORTH 900 WEST

A COMMERCIAL SITE PLAN

AMERICAN FORK, UTAH

FINAL PLAN SET

SEPTEMBER 2024

No Comments

Re-Submittal Acknowledgment Statement
The Applicant is responsible for reviewing all documents
to ensure all comments have been addressed.

[Applicant Initial] I understand that a Review Cycle is not
complete unless and until the applicant replies to all of the required
modifications and requests for additional information noted on the
previous submittal.

[Applicant Initial] I hereby acknowledge that this re-submittal
addresses all required modifications and requests for additional
information noted on the previous submittal.

[Applicant Initial] This is the _____ [Ex: 1st] complete
re-submittal of the subdivision constituting the start of the _____
[Same Number] Review Cycle.

AMERICAN FORK CITY CONTACTS:

CULINARY WATER/P.I. – JAY BREMS (801)763-3060
SEWER/STORM DRAIN – ASHTON HARDY (801)763-3060
CITY INSPECTOR – DEE HOWARD (801)763-3060
SWPPP INSPECTOR – HARLAN NIELSON (801)763-3060
AF FIBER – WILL DAVIS (801)897-9826
AF FIRE MARSHALL – MAT SACCO (801)763-3045
AF IRRIGATION COMPANY – ERNIE JOHN (801)471-6576
BLUE STAKE UT 811 – (800)662-4111
COMCAST – ELYSIA VALDEZ (801)401-3017
CENTURY LINK – BILL WESTFALL (435)623-4252
DOMINION ENERGY – TRENT JOHNSON (801)853-6548
T.S.S.D. – DAVID BARLOW (801)756-5231
MITCHELL HOLLOW IRRIGATION CO. – DALE JONES (801)768-8150
ROCKY MOUNTAIN POWER – TERIA WALKER (801)756-1310

Next Step

Approved with Conditions
Proceed to the Development
Review Committee
10.07.2024

SHEET

1
2
3
4
5
6
7
8
9
10
11
12
13

SHEET NAME

COVER/GENERAL NOTES
OVERALL LAYOUT
UTILITY PLAN
GRADING PLAN
EXISTING TOPOGRAPHY
TBC PLAN
EROSION/CONTROL PLAN
FIRE ACCESS PLAN
CLEAR SIGHT TRIANGLE
DETAIL SHEET
DETAIL SHEET
DETAIL SHEET
ALTA SURVEY



LEGEND

(APPLIES TO ALL SHEETS)

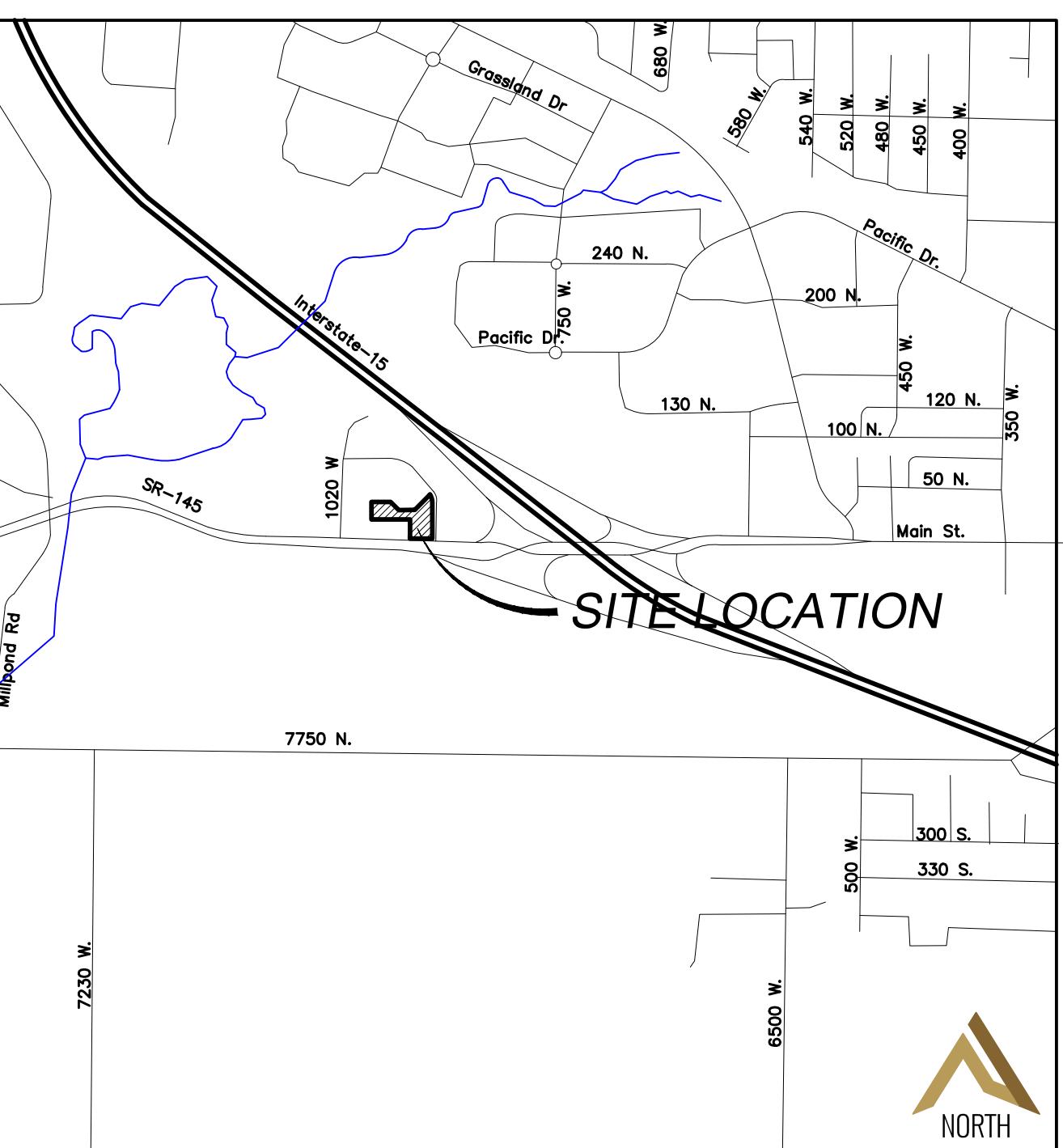
◆	EXISTING POWER POLE
★	PROPOSED STREET LIGHT
○	EXISTING FIRE HYDRANT
✖	EXISTING WATER VALVE
✖	EXISTING STREET LIGHT
●	EXISTING SIGN
▲	PROPOSED FIRE HYDRANT
▼	PROPOSED WATER VALVE
—	PROPERTY BOUNDARY
—	CENTERLINE
—	RIGHT-OF-WAY LINE
—	LOT LINE
—	SECTION LINE
—	EASEMENT
—	EXISTING DEED LINE
—	EDGE OF PAVEMENT
—	EXISTING OVER HEAD POWER
—	EXISTING FENCE LINE
—	EXISTING SANITARY SEWER W/MANHOLE
—	EXISTING STORM DRAIN W/MH
—	EXISTING WATER
—	EXISTING PRESSURIZED IRRIGATION
—	PROPOSED SEWER
—	PROPOSED STORM DRAIN
—	PROPOSED CULINARY WATER
—	PROPOSED PRESSURIZED IRRIGATION (PURPLE PVC)

DATA TABLE:

TOTAL ACREAGE: 53,799 SF / 1.24 ACRES
IMPERVIOUS AREA: 26,576 SF / 0.61 ACRES / 49.40%
PERVIOUS AREA: 27,223 SF / 0.62 ACRES / 50.60%
BUILDING AREA: 10,050 SF / 0.23 ACRES
CURRENT ZONE: GC-2
VERTICAL DATUM: NAVD 88

THIS PROPERTY IS IN FLOOD ZONE X (AREA OF
MINIMAL FLOOD HAZARD) AS MAPPED ON FEMA FIRM
49049C0164F EFFECTIVE JUNE 19, 2020.

FEMA 100-YR FLOODPLAIN ELEVATION: 513 FT
INFILTRATION RATE: 110 MINUTES/INCH



VICINITY MAP
—NTS—

CONTRACTOR NOTE:
THE SIZES, ELEVATIONS, & LOCATIONS OF EXISTING IMPROVEMENTS AND UTILITIES SHOWN HEREON ARE ASSUMED AND APPROXIMATELY SHOWN BASED UPON THE FIELD DATA FROM THE SURVEY. ALL SIZES, LOCATIONS & ELEVATIONS ARE TO BE VERIFIED. IF THERE ARE DIFFERENCES OR DISCREPANCIES, ATLAS ENGINEERING, LLC NEEDS TO BE NOTIFIED BEFORE CONSTRUCTION. ATLAS ENGINEERING, LLC WILL NOT BE LIABLE OR RESPONSIBLE FOR REMOVAL, CONSTRUCTION, OR INSTALLATION OF IMPROVEMENTS THAT ARE NOT IN ACCORDANCE WITH THESE PLANS. ANY AND ALL CHANGES OR VARIATIONS IN THE REMOVAL, CONSTRUCTION OR INSTALLATION OF THE IMPROVEMENTS MADE WITHOUT THE APPROVAL OF THE DESIGNER WILL RESULT IN SOLE LIABILITY TO THE CONTRACTOR. IN ADDITION, ATLAS ENGINEERING, LLC ASSUMES NO RESPONSIBILITY FOR ANY AND ALL EXISTING UTILITIES NOT SHOWN ON THIS PLAN AND ASSUMES NO LIABILITY FOR FAILURE TO EXACTLY LOCATE ALL EXISTING UTILITIES, SHOULD THERE BE INCIDENT.

ENGINEER/SURVEYOR CONTACT INFO:
ATLAS ENGINEERING LLC
(801) 655-0566
946 E. 800 N. SUITE A
SPANISH FORK, UT 84660

OWNER
TOM FREEMAN
(801) 875-3898
frmtm@yahoo.com

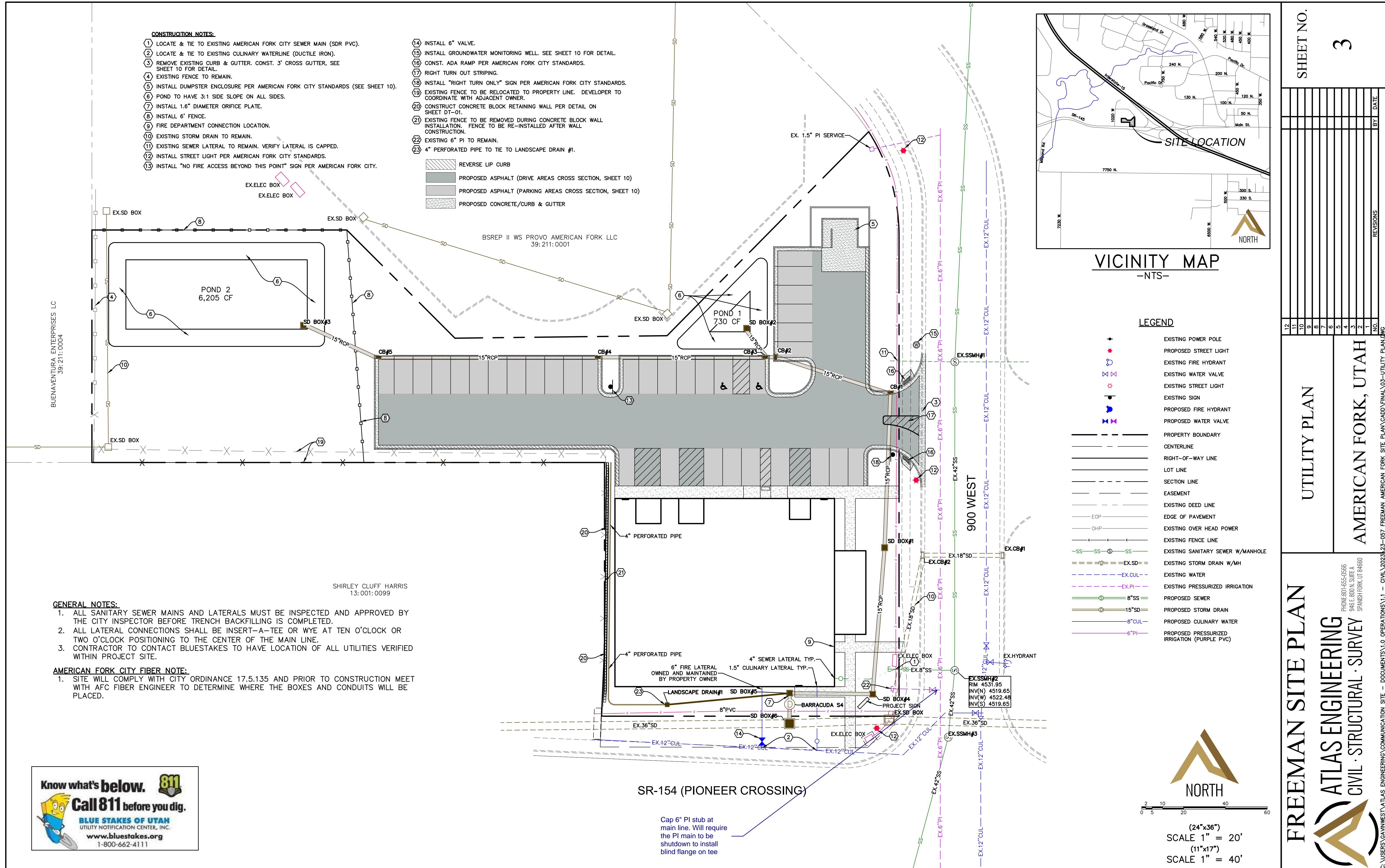
DEVELOPER
HOME SWEET HOME BY MITCH
223 W 520 N Orem, UT 84057
(801) 607-1086
mitch@homesweethomebymitch.com

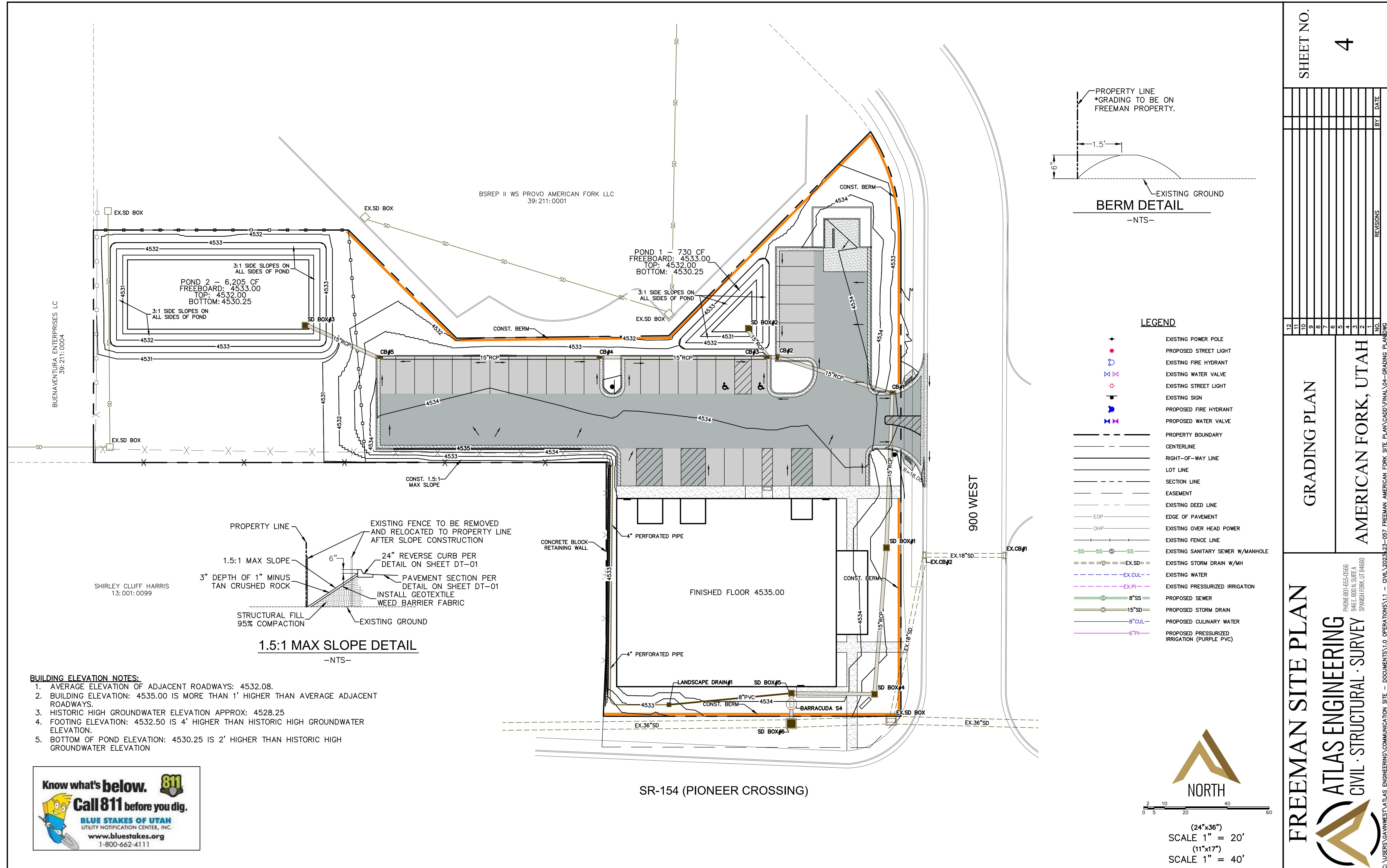
FREEMAN SITE PLAN
ATLAS ENGINEERING
CIVIL · STRUCTURAL · SURVEY
PHONE: 801-655-0566
946 E. 800 N. SUITE A
SPANISH FORK, UT 84660

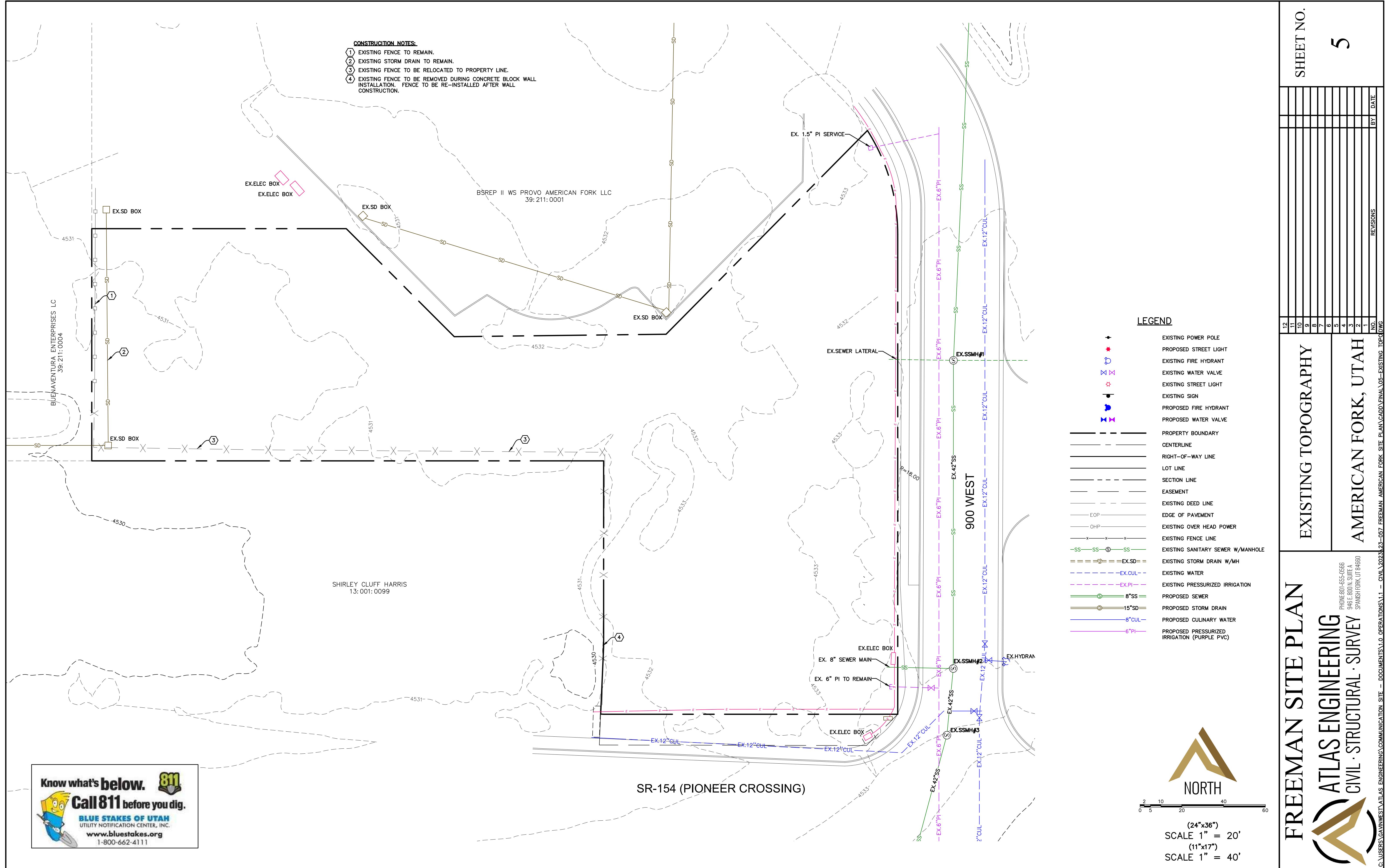
GENERAL NOTES:

1. CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
2. ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.
4. ALL CONSTRUCTION WILL CONFORM TO AMERICAN FORK CITY CONSTRUCTION STANDARDS.
5. FOLLOW RECOMMENDATIONS OF GEOTECHNICAL STUDY PROJECT NO. 20054 PERFORMED BY CMT TECHNICAL SERVICES DATED MAY 17, 2023.
6. SITE HAS HIGH LIQUEFACTION POTENTIAL. BUILDING PROPOSED FOR CONSTRUCTION ON LAND HAVING A HIGH LIQUEFACTION POTENTIAL SHALL BE REQUIRED TO HAVE A FOOTING AND FOUNDATION DESIGN CONFORMING TO LIQUEFACTION HAZARD AS CERTIFIED BY A GEOTECHNICAL AND STRUCTURAL ENGINEER TO MEET OR EXCEED THE PROBABLE FORCES.
7. CONTRACTOR TO NOTIFY AMERICAN FORK CITY ENGINEER IF RUTTING/PUMPING OCCURS DURING CONSTRUCTION ACTIVITIES.
8. CONTRACTOR TO CONTACT BLUESTAKES TO HAVE LOCATION OF ALL UTILITIES VERIFIED WITHIN PROJECT SITE.
9. PER THE DEPARTMENT OF WATER QUALITY THERE ARE NO WATER RIGHTS ASSOCIATED WITH THIS SITE.
10. CONTRACTOR TO COMPLY WITH ALL RULES AND REGULATIONS FOR CONSTRUCTION WITHIN PUBLIC ROW AS SPECIFIED WITHIN AMERICAN FORK CITY CONSTRUCTION STANDARDS AND SPECIFICATIONS, UDOT 2023 STANDARD DRAWINGS AND SPECIFICATIONS AND APWA 2017 STANDARDS AND SPECIFICATIONS.
11. CONTRACTOR TO COMPLETE ALL EARTHWORK, GRADING, DRAINAGE AND EROSION CONTROL IN ACCORDANCE WITH AMERICAN FORK CITY CONSTRUCTION STANDARDS AND SPECIFICATIONS AND APPROVED PROJECT SWPPP DOCUMENT.
12. A UPDES (UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM) PERMIT IS REQUIRED FOR ALL CONSTRUCTION ACTIVITIES OF 1 ACRE OR MORE.
13. ALL ROADWAY STRIPING MUST BE INSTALLED ACCORDING TO AMERICAN FORK CITY STANDARDS, UDOT 2023 STANDARDS AND SPECIFICATIONS, AND THE 2009 MUTCD (MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES) WITH REVISIONS.
14. TRAFFIC CONTROL TO BE PROVIDED ACCORDING TO AMERICAN FORK CITY STANDARDS AND THE 2009 MUTCD (MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES) WITH REVISIONS.
15. ALL CITY UTILITIES (CULINARY WATER, PRESSURIZED IRRIGATION, SANITARY SEWER, STORM DRAIN, ETC.) ARE TO BE CONSTRUCTED ACCORDING TO AMERICAN FORK CITY STANDARDS AND APWA 2017 STANDARDS AND SPECIFICATIONS.
16. CONTRACTOR TO COORDINATE INSTALLATION OF NEW PUBLIC UTILITIES WITH THE APPROVED UTILITY COMPANY. CONTACT INFORMATION PROVIDED ON THE COVER SHEET.

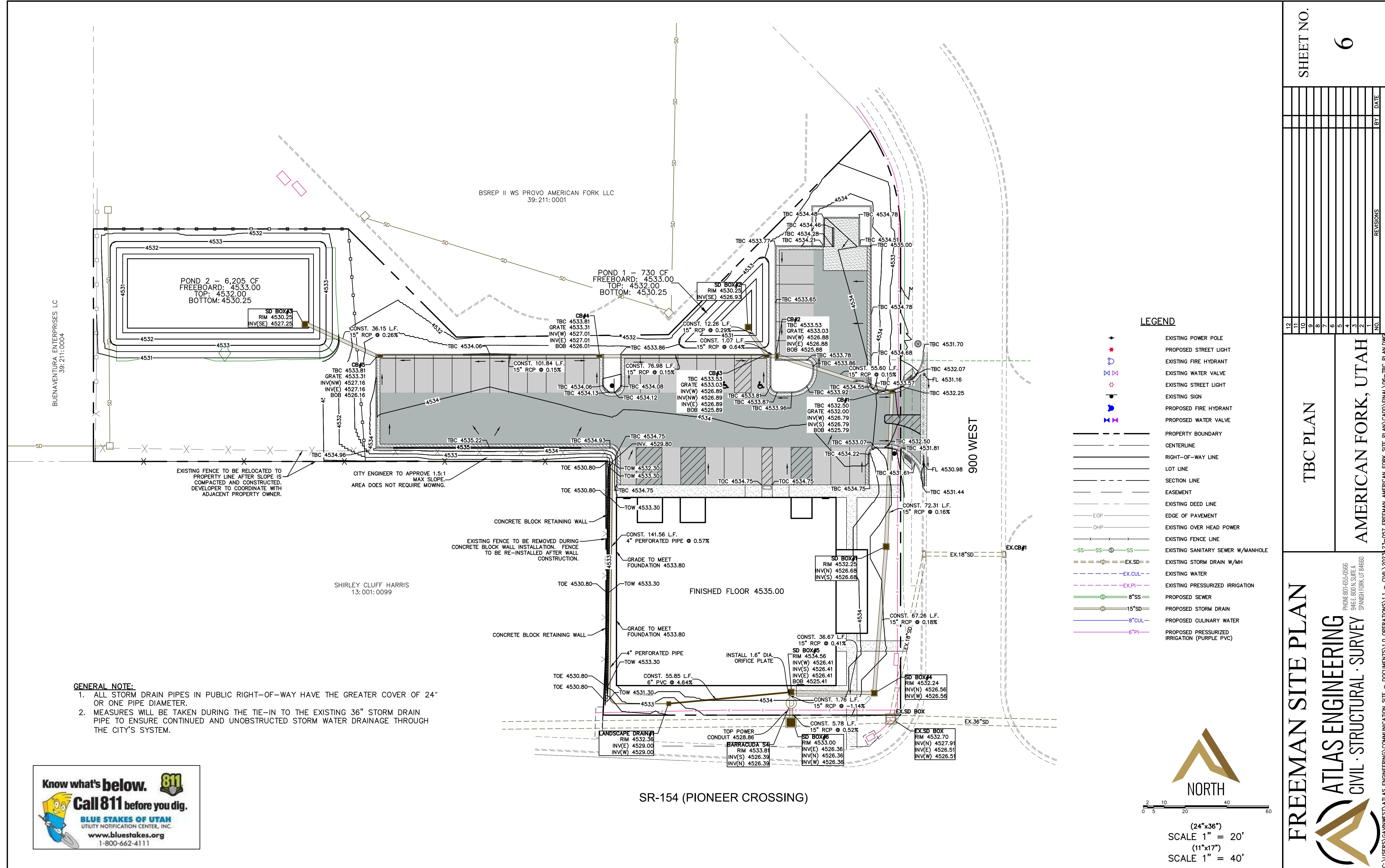
12	
11	
10	
9	
8	
7	
6	
5	
4	
3	
2	
1	
NO.	REVISIONS

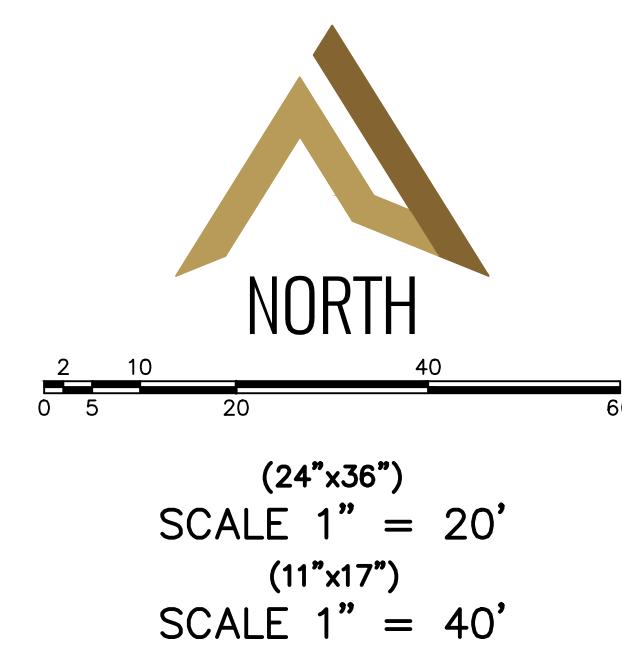
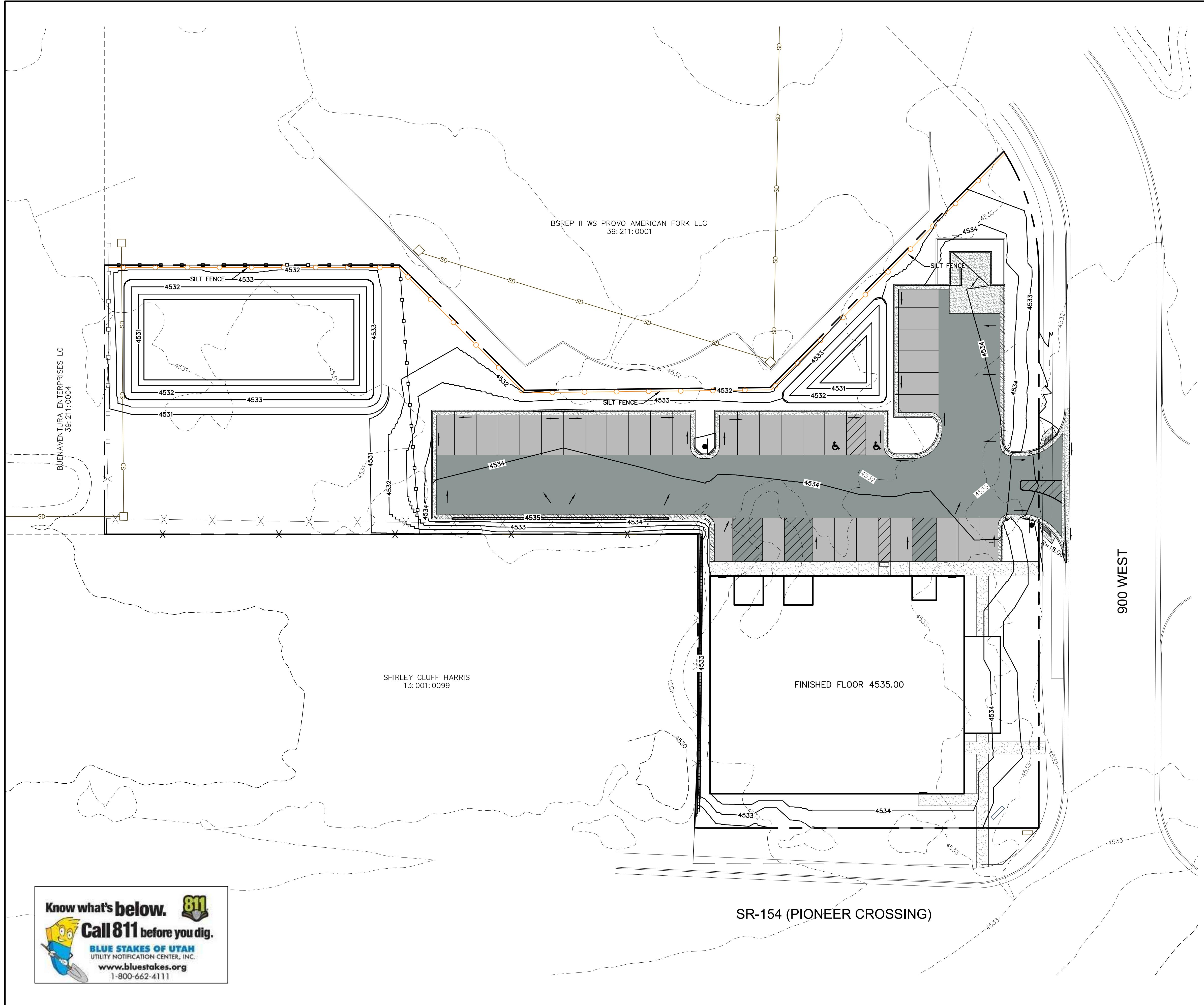


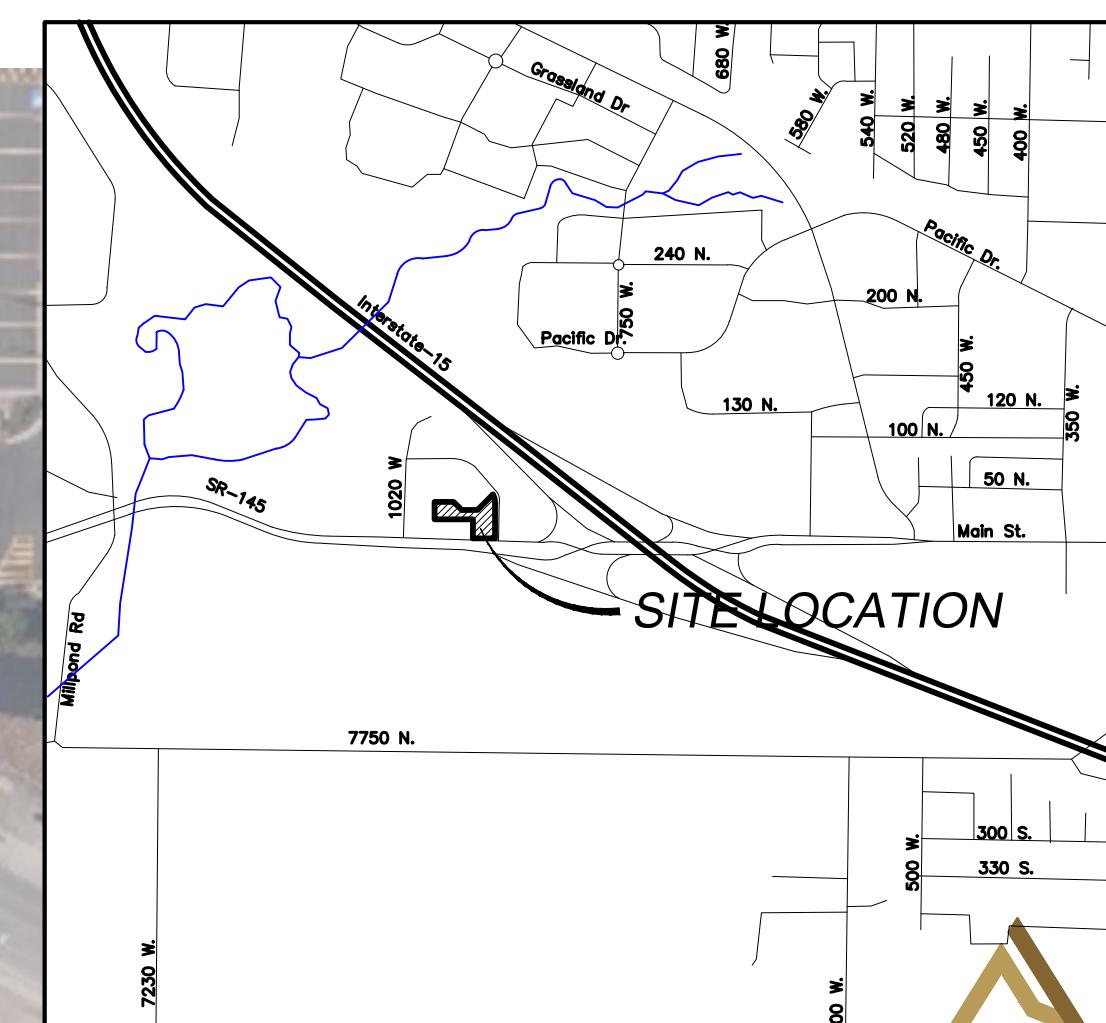
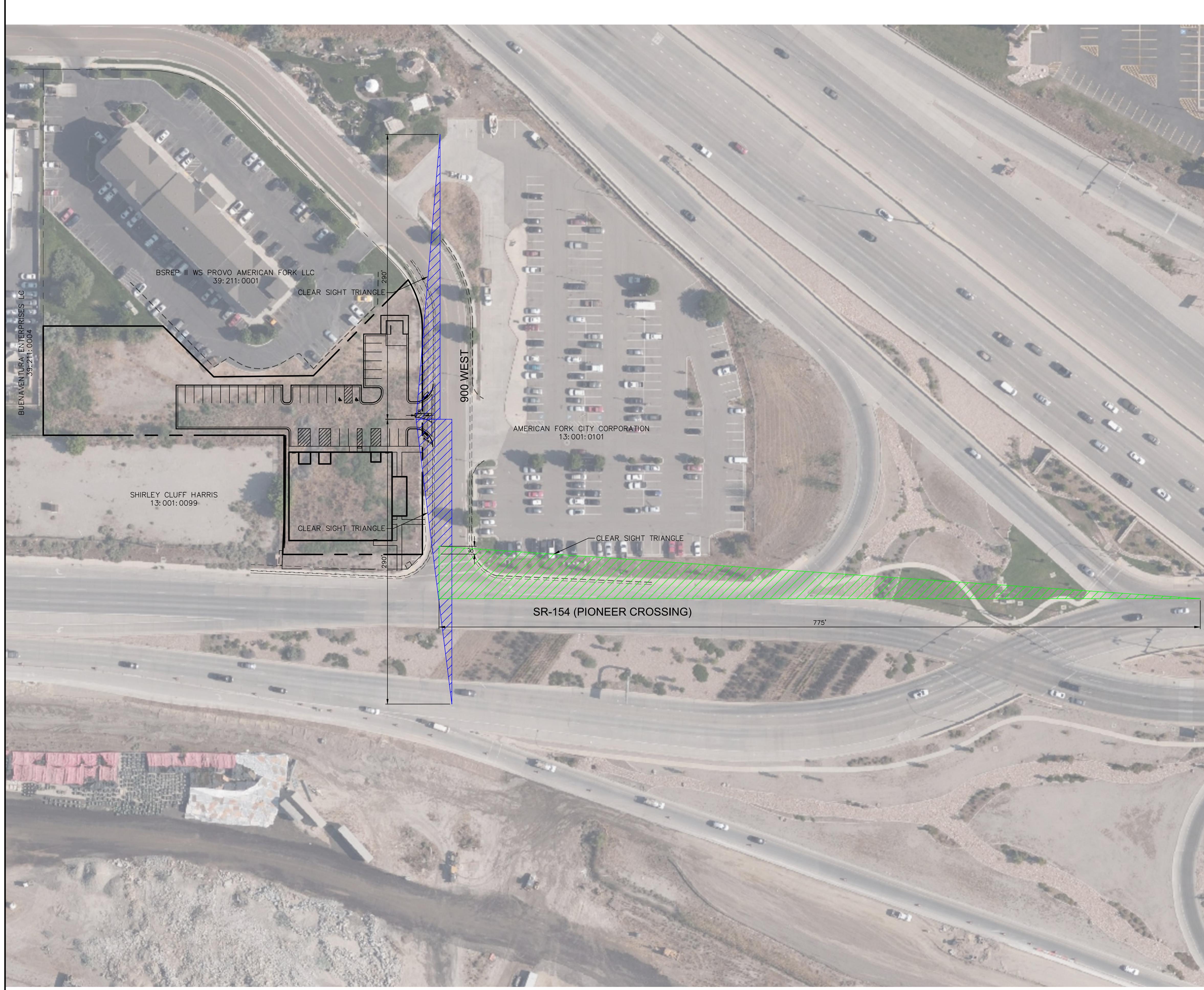




A cartoon pencil character with a face, arms, and a yellow eraser at the top. The pencil is holding a shovel and standing next to the text 'Call 811 before you dig.' and the '811' logo.



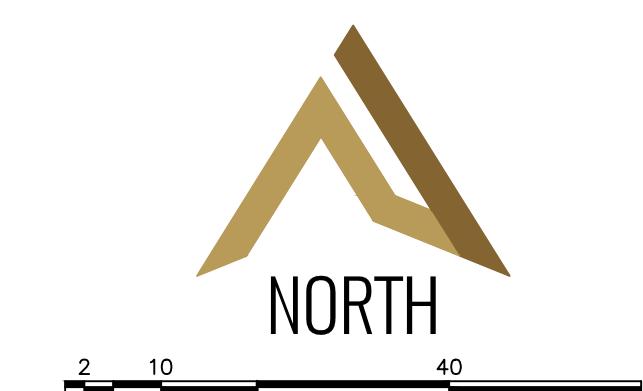




VICINITY MAP
—NTS—

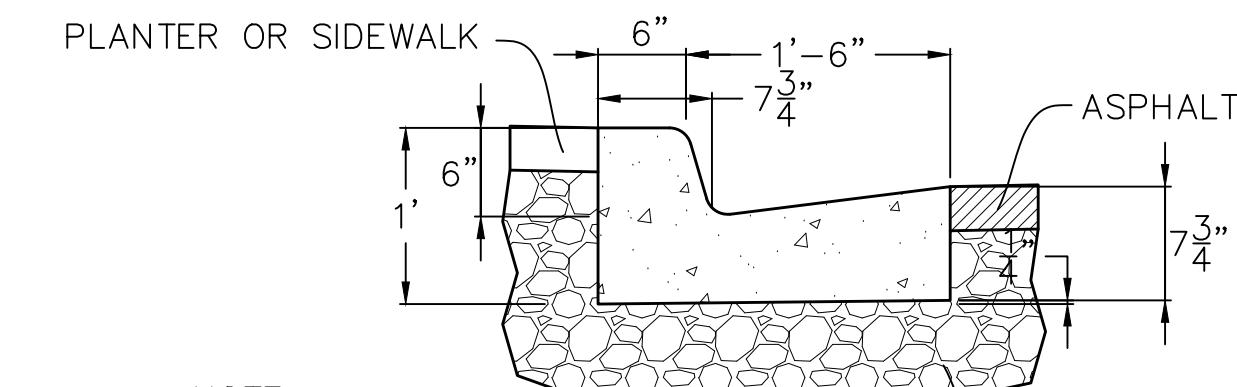
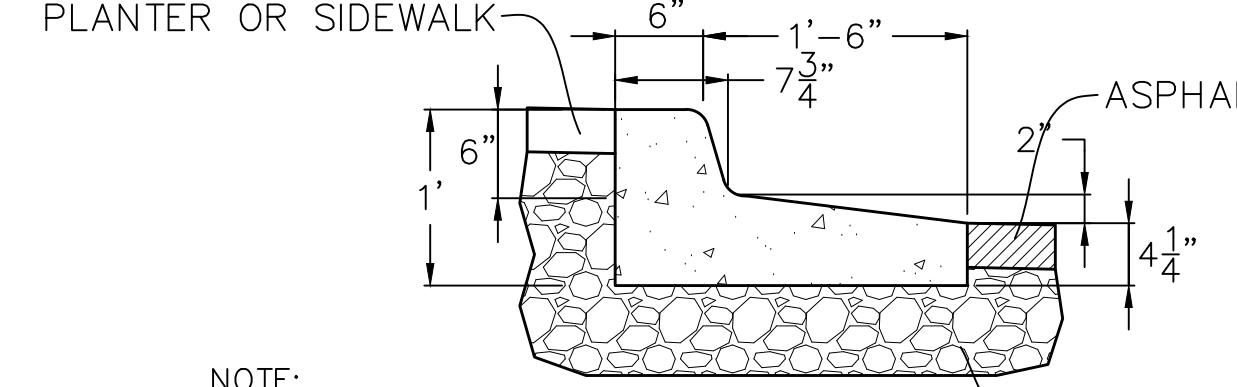
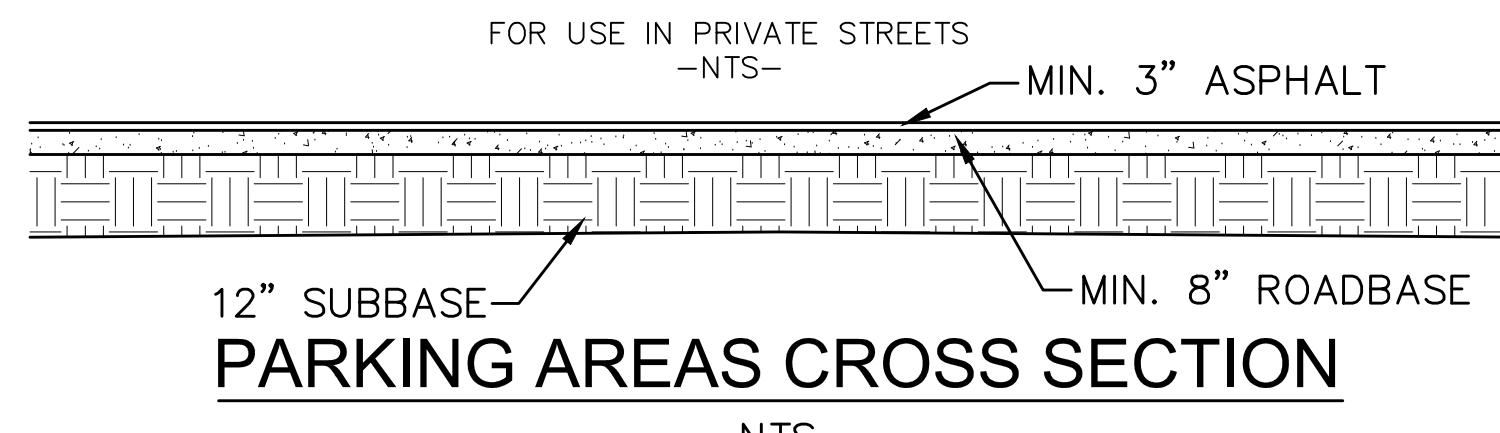
LEGEND

♦	EXISTING POWER POLE
★	PROPOSED STREET LIGHT
◆	EXISTING FIRE HYDRANT
○	EXISTING WATER VALVE
△	EXISTING STREET LIGHT
■	EXISTING SIGN
▲	PROPOSED FIRE HYDRANT
■	PROPOSED WATER VALVE
—	PROPERTY BOUNDARY
—	CENTERLINE
—	RIGHT-OF-WAY LINE
—	LOT LINE
—	SECTION LINE
—	EASEMENT
—	EXISTING DEED LINE
—	EDGE OF PAVEMENT
—	EXISTING OVER HEAD POWER
—	EXISTING FENCE LINE
—	EXISTING SANITARY SEWER W/MANHOLE
—	EXISTING STORM DRAIN W/MH
—	EXISTING WATER
—	EXISTING PRESSURIZED IRRIGATION
—	PROPOSED SEWER
—	PROPOSED STORM DRAIN
—	PROPOSED CULINARY WATER
—	PROPOSED PRESSURIZED IRRIGATION (PURPLE PVC)

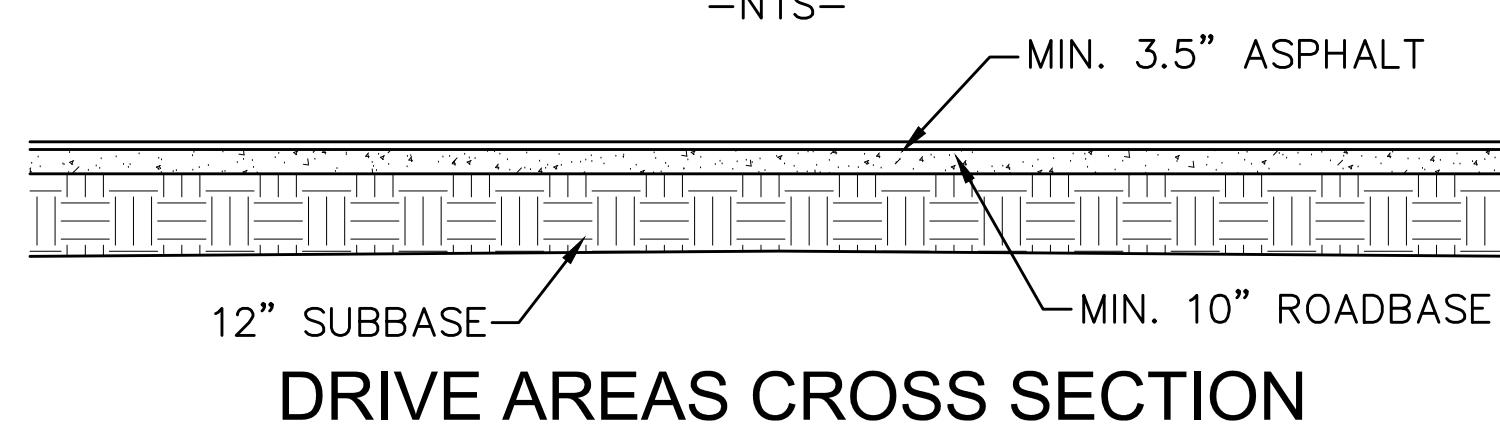


(24" x 36")
SCALE 1" = 20'
(11" x 17")
SCALE 1" = 40'

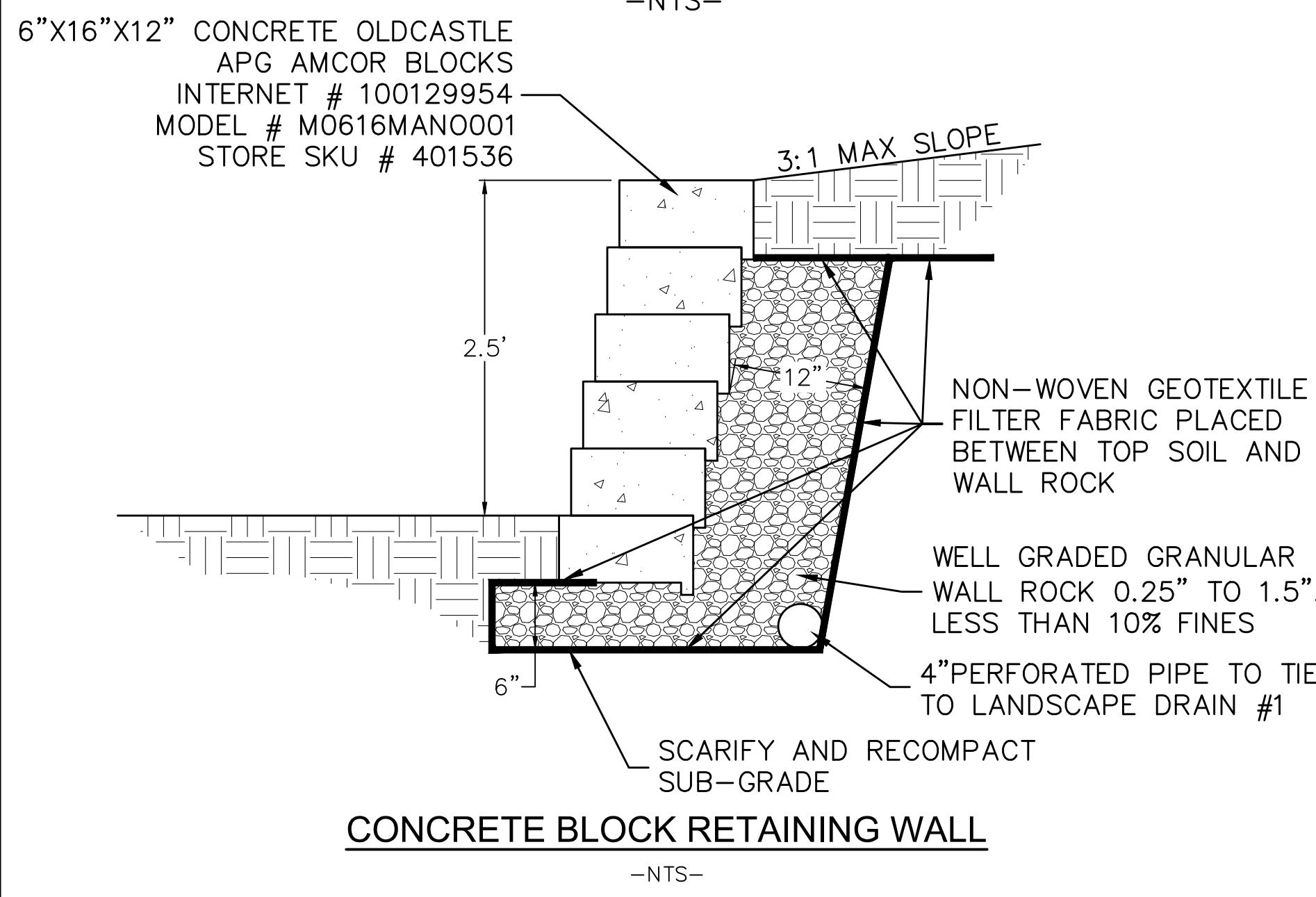


**24" STANDARD CURB & GUTTER**FOR USE IN PRIVATE STREETS
-NTS-**24" REVERSE LIP CURB & GUTTER**FOR USE IN PRIVATE STREETS
-NTS-**PARKING AREAS CROSS SECTION**

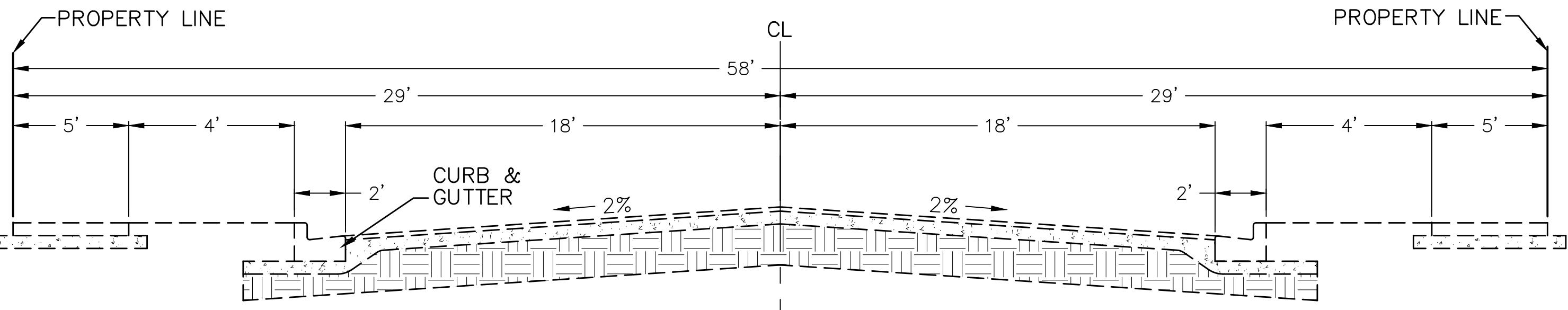
-NTS-

**DRIVE AREAS CROSS SECTION**

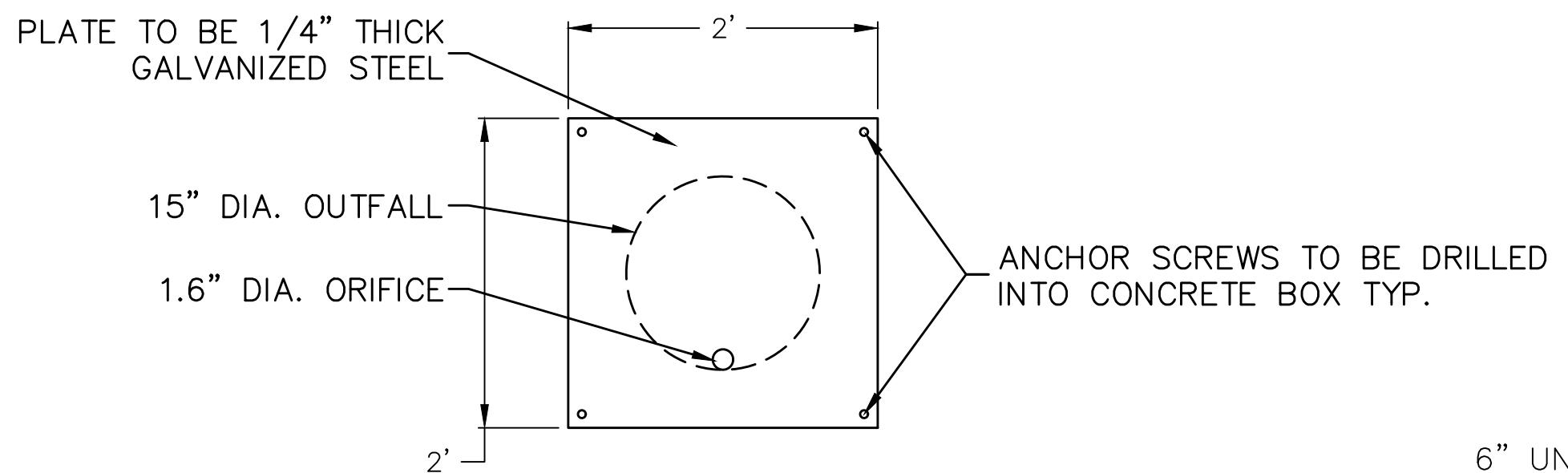
-NTS-

**CONCRETE BLOCK RETAINING WALL**

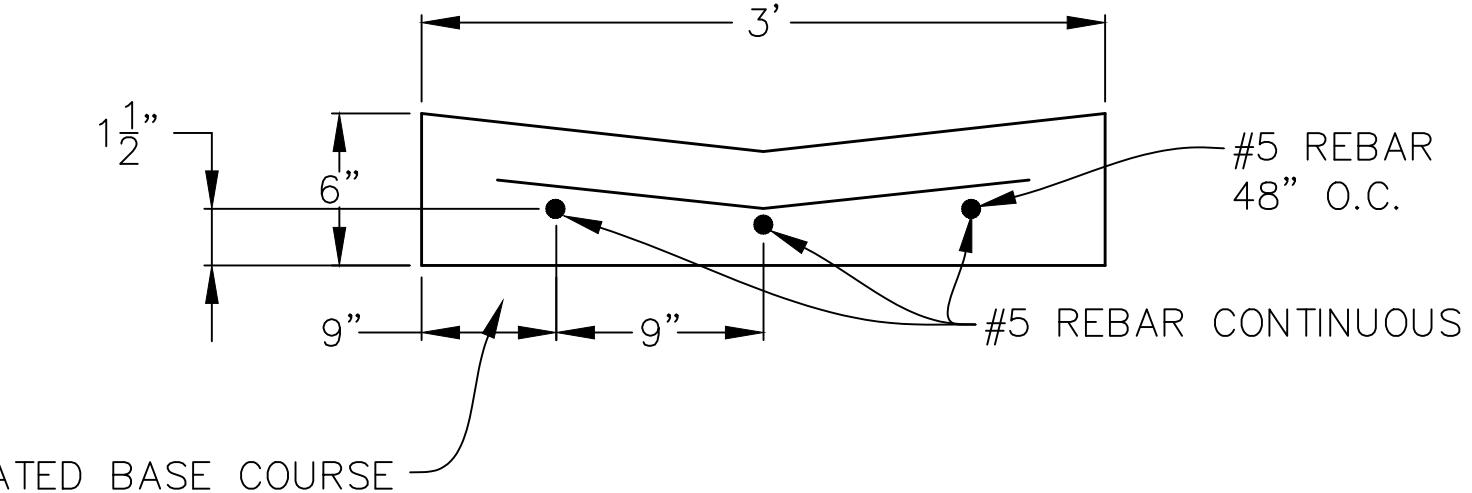
-NTS-

**58' ROW-TYPICAL**900 WEST-EXISTING ROAD
-NTS-

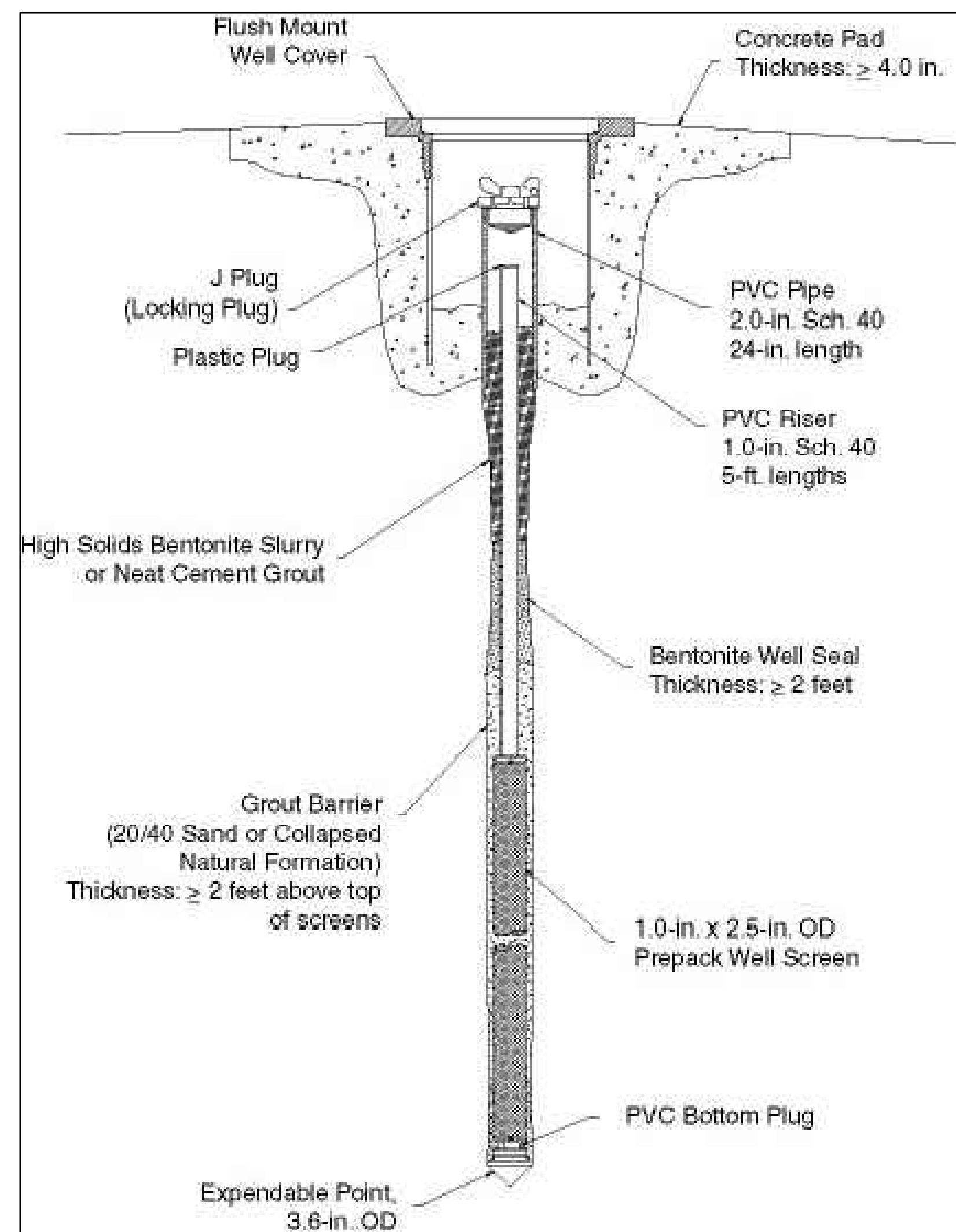
NOTE:
900 WEST IS AN EXISTING
ROADWAY. VARIANCE IS
REQUESTED PER 15.01.100D OF THE
AMERICAN FORK MUNICIPAL CODE.

**ORIFICE PLATE DETAIL**

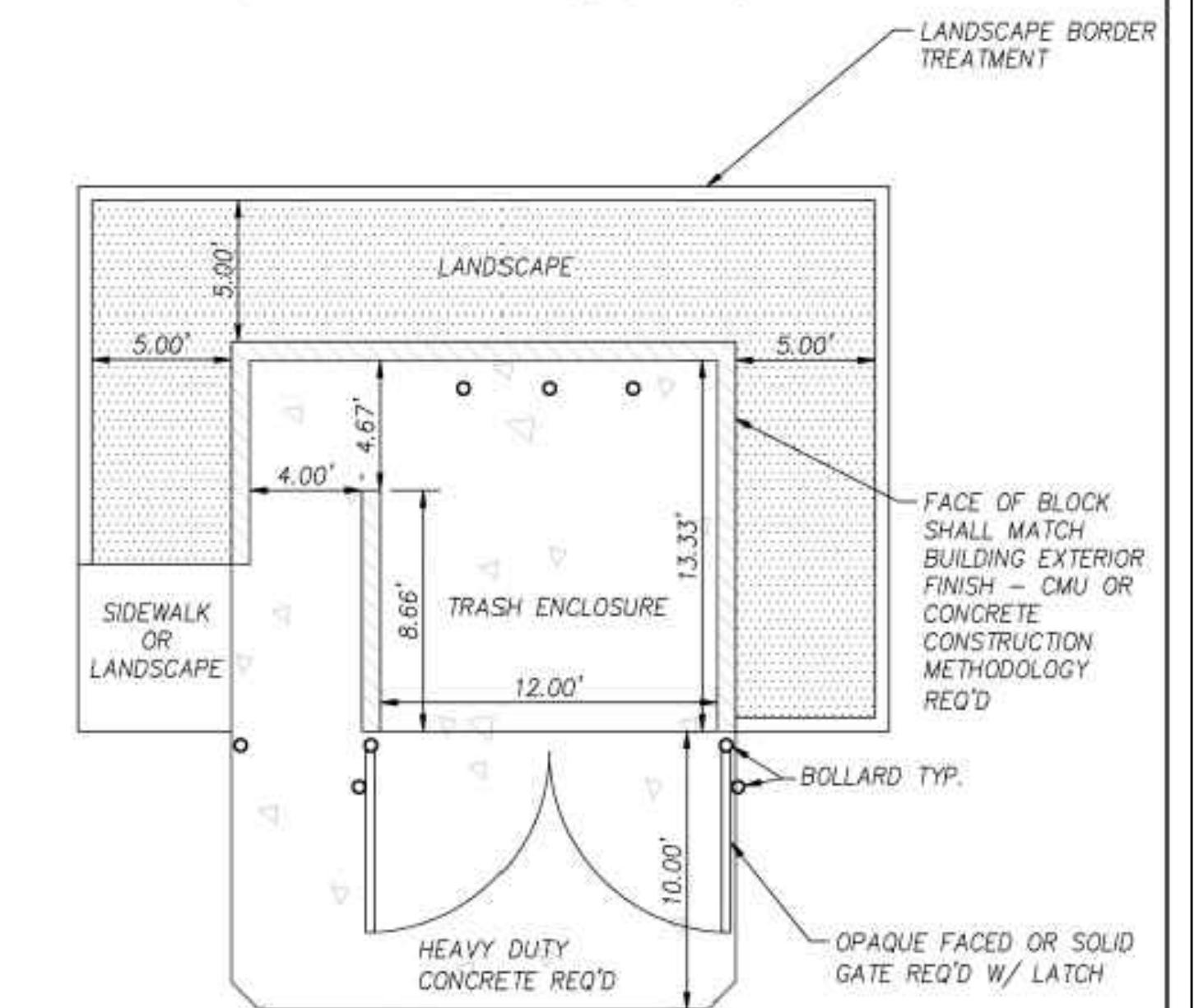
-NTS-

**DETAIL - 3' CROSS GUTTER**

-NTS-

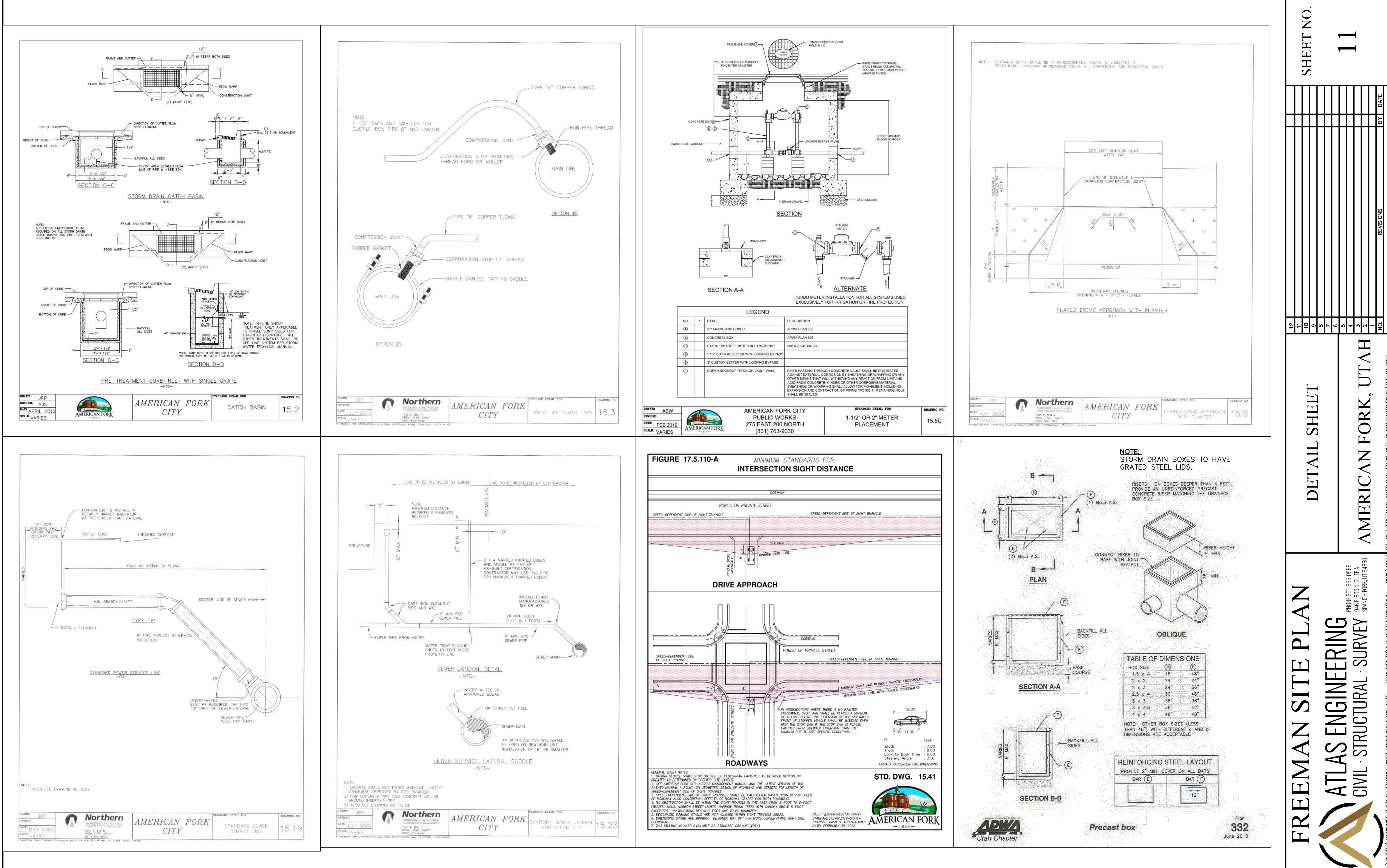
**GROUNDWATER MONITORING WELL DETAIL**

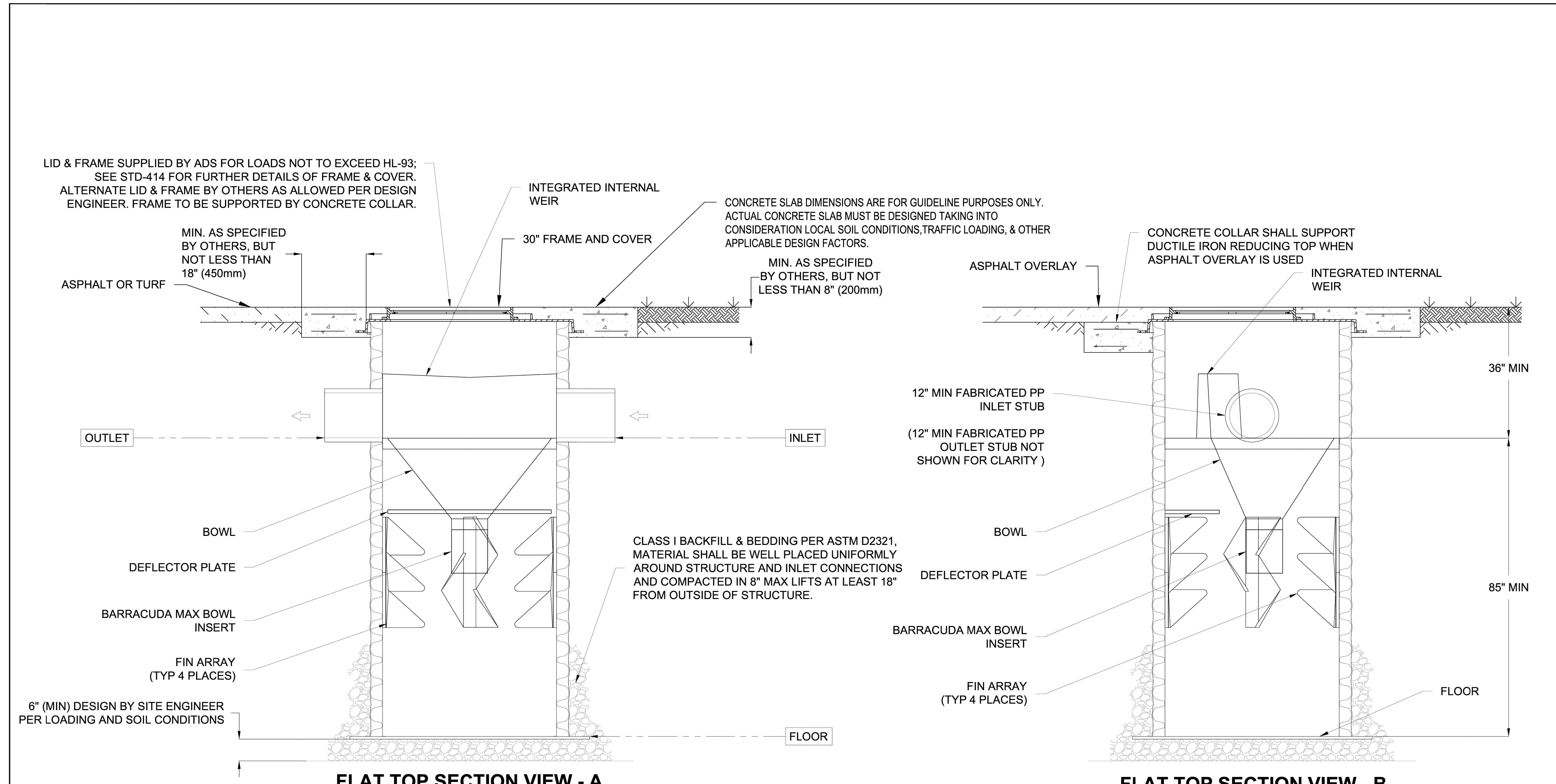
-NTS-

CITY STANDARD - DUMPSTER/ TRASH ENCLOSURE STANDARD 17.5.121.B

NOTES:
1. LANDSCAPE SHALL INCLUDE COMBINATION OF TREES AND SHRUBBERY TO CREATE A LANDSCAPE SCREEN FOR THE ENCLOSURE.
2. ENCLOSURE SHALL BE 6' TALL MIN.
3. ENCLOSURE EXTERIOR FINISH SHALL MATCH THE EXTERIOR OF THE BUILDING FOR WHICH IT SUPPORTS.
4. ENCLOSURE DIMENSIONS SHOWN ARE MINIMUMS.
5. ENCLOSURE DIMENSIONS MAY VARY DEPENDING UPON INTENDED USE, AS SUCH, CITY ENGINEER/CITY PLANNER SHALL HAVE THE ABILITY TO REVIEW AND RECOMMEND APPROPRIATE SIZE OF A GIVEN ENCLOSURE FOR A SPECIFIC USE.
5. A VARIANCE FROM THE REQUIREMENT OF AN ENCLOSURE CAN BE GRANTED BY THE LAND USE AUTHORITY FOR A GIVEN ZONE IF IT CAN BE DEMONSTRATED THAT THE USE FOR THE SITE DOES NOT REQUIRE MORE THAN A TRADITIONAL CURB SIDE PICK UP CONTAINER. CURB SIDE CONTAINER MUST BE AVAILABLE IN THAT AREA TO QUALIFY FOR THIS EXCEPTION.

7-10-PROJECT-NF-CITY-STANDARDS-DUMPSTER.DWG
DATE: NOV. 18, 2010





ADVANCED DRAINAGE SYSTEMS, INC. ("ADS") HAS PREPARED THIS DETAIL BASED ON INFORMATION PROVIDED TO ADS. THIS DRAWING IS INTENDED TO DEPICT THE COMPONENTS AS REQUESTED. ADS HAS NOT PERFORMED ANY ENGINEERING OR DESIGN SERVICES FOR THIS PROJECT, NOR HAS ADS INDEPENDENTLY VERIFIED THE INFORMATION SUPPLIED. THE INSTALLATION DETAILS PROVIDED HEREIN ARE GENERAL RECOMMENDATIONS AND ARE NOT SPECIFIC FOR THIS PROJECT. THE DESIGN ENGINEER SHALL REVIEW THESE DETAILS PRIOR TO CONSTRUCTION. IT IS THE DESIGN ENGINEERS RESPONSIBILITY TO ENSURE THE DETAILS PROVIDED HEREIN MEETS OR EXCEEDS THE APPLICABLE NATIONAL, STATE, OR LOCAL REQUIREMENTS AND TO ENSURE THAT THE DETAILS PROVIDED HEREIN ARE ACCEPTABLE FOR THIS PROJECT.

STANDARD DETAIL
BARRACUDA MAX
FLAT TOP INSTALLATION

DRAWING NUMBER STD-520



4640 TRUEMAN BLVD
HILLIARD, OH 43026

DRAWN BY:	NMH
DATE:	9/13/22
OK'S BY:	
SCALE:	NTS
SHEET:	1 OF 1

REVISIONS	BY DATE
12	
11	
10	
9	
8	
7	
6	
5	
4	
3	
2	
1	

