

APPROVED MINUTES

11.06.2024

AMERICAN FORK CITY PLANNING COMMISSION REGULAR SESSION

November 6th, 2024

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

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

Commissioners Absent:

Staff Present:

Travis Van Ekelburg	Senior Planner
Cody Opperman	Planner II
Ben Hunter	City Engineer
Melissa White	Development Project Coordinator

Others Present: Ben Wheat, Mike Roderick

REGULAR SESSION

Christine Anderson led the “Pledge of Allegiance”

Roll Call

Chairwoman Anderson thanked all Veterans for their service.

COMMON CONSENT AGENDA

Minutes of the October 16th, 2024, Planning Commission Regular Session.

Bruce Frandsen motioned to approve the Common Consent agenda

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Rodney Martin seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	Abstain
Rodney Martin	Abstain
David Bird	Abstain
Geoff Dupaix	AYE
Bruce Frandsen	AYE

The motion passed

ACTION ITEMS

- a. 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.**

Travis Van Ekelburg reviewed the background information for action item letter a: The applicant has applied for a proposed Land Use Map Amendment. The applicant seeks 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 is a zone change for this Land Use Map Amendment.

At the previous Planning Commission meeting there were statements made that our third-party consultant, who is doing our General Plan, was looking into this property for a potential area for marina and recreational space for the future of the boat harbor area. Since the last discussion, the Development Services Director has coordinated with the consultant team and has taken this property out of the vision and marina area for future consideration in the activation of the marina area.

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The applicant Ben Wheat told the commission that he had one comment, and he wanted to point out that the condition recommended by staff in the packet for this meeting, was not required in the last meeting packet when the items were tabled. He added that the only concern he has with the agenda is the project conditions of approval, and he has two things he would like to discuss. Mr. Wheat read the condition, “Wetland delineation shall be provided by the applicant, to identify wetland locations on site, all areas identified as wetlands, shall be preserved as Marina M-1 zone”, he noted that the property next to his, the Winkle property, came through the process with the same application, but did not have this condition of approval. Mr. Wheat also noted that the property to the east of that, Phelon Lakeland, was changed to the Industrial zone in 2021 without this condition of approval. Mr. Wheat stated that he just wanted a fair shake like everyone else, and creating pockets of his property that will be required to stay in the M-1 zone will hinder development and create spot zoning. The applicant reminded the commissioners of their plan to complete 9 buildings on the project they currently have under construction, and the amount of tax revenue he believes the tenants who currently occupy the four completed buildings will bring to the city. Mr. Wheat also reminded the commissioners of his presentation from the last meeting, and the reason for purchasing this property, which was to protect their two-hundred-million-dollar investment and the land around it.

Christine Anderson asked the City Engineer, Ben Hunter, if he could clarify the wetland condition. Mr. Hunter informed that any wetlands that are affected by development must go through Army Corp approvals. He also added that since the other zone change approvals that the applicant referenced, in November 2023, the city adopted a sensitive land hazards map that has helped identify some of the wetlands in different areas of the city, to aide in identifying some of those shoreline protection and natural habitat areas. Mr. Hunter noted that as far as spot zoning is concerned, he is not able to speak on that until he has seen the wetland delineation. Chairwomen Anderson asked staff if there is a way to word the condition of approval in a way that if there are areas identified as wetlands, that they need to mitigate a way that is acceptable to the Army Corp of Engineers, or if it needs to say those areas must stay as part of the shoreline protection designation. Ben Hunter clarified that part of the Army Corp approval process depends on what is being developed, in order to determine what that mitigation amount would be.

Mr. Wheat wanted to point out that his property is not butted right up to the lake, and he would like to make the differentiation that they are not on the shoreline.

Bruce Frandsen commented that he has walked this property and knows it very well, and while there are a few areas that are considered wetlands throughout the parcel, the possibility of filling those areas with dirt and adding the wetlands area to the southeast corner of the property does exist, but that would require a change to the verbiage in the condition of approval. Harold Dudley noted that he agrees with Mr. Frandsen.

Ben Hunter reminded the commissioners that a change in the verbiage could open the possibility of being able to mitigate everything, and then there is no shoreline protection, so the question is

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what is in the best interest of the city. Mr. Frandsen stated that while he agrees, the city has allowed a lot of homes to be built in the shoreline protection zone west of the boat harbor, and he is confident that ground looks exactly like this parcel, and he is unaware of any wetland delineation being done in that area. Mr. Hunter responded that he believes AF Crossings is the area Mr. Frandsen is referring to, and they did have a wetland delineation plan and the development that they have is outside of the wetlands. He added that the only item he can recall is the TSSD sewer line being out in the middle of the wetlands, and because the Army Corp of Engineers does not require mitigation on underground utilities, the only mitigation required was when the road was going in and they were tying into that sewer line, everything else was outside of the wetland delineation that the developer provided.

Ben Wheat responded that he does not see the reasoning for a wetland delineation requirement on a zone change, but he would be more than happy to do that once he is ready to develop the property and added, again, that this was not a requirement at the last planning commission meeting when this item was tabled. Chairwomen Anderson asked staff to clarify if a wetland delineation is required on the other applications such as a site plan, and Mr. Frandsen asked how long a wetland delineation is valid. Mr. Hunter clarified that it is required for development, and he has heard they are valid for 2 years. Mr. Frandsen added that he thinks his wetland delineation from the Army Corp of Engineers is valid for 3 years, so he does not see why it would be required at this stage, as they may not develop for years at which time they will be required to have it done again. The applicant added that he is only asking for a zone change as he does not know what he will be developing.

Chris Christiansen voiced his concern with there being a condition added to this packet that was not previously a requirement. Christine Anderson informed the commissioners that were not at the last meeting that the city was working with a 3rd party on the general plan, and they were looking at the options for the Marina use, which is the current zone of this parcel. Now they have decided this is not an area they will need for the general plan, so that change could require different conditions to approve the zone change.

Rodney Martin stated that he was ready with a motion, but Chairwomen Anderson asked if staff could explain the benefit of having the wetland delineation required at this stage. Ben Hunter explained that the condition is a way to preserve the wetlands if the city's intent is to have those protected areas, otherwise it opens up the possibility to mitigate everything. He added that if the zone is changed to an industrial zone, he is not sure what would be required once the parcel is ready for development as it may not be shoreline protected as the Marina zone is. Travis Van Ekelenburg noted that he believes the Army Corp requirements would still exist regardless of the zone.

Christine Anderson asked if it would be possible to change the wording to require the specific areas to be treated as Shoreline Protected if they are considered wetlands. Ben Hunter indicated that he is unsure as to how the city code would treat that. Bruce Frandsen asked for clarification

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as to why everyone keeps saying shoreline protection when this is clearly shown on the map as Marina (M-1) zone. Cody Opperman explained that the applicant is here requesting a Land Use Map amendment, as well as a Zone Change, and they are two different maps. He noted that there is an error as it should not say “Resort” rather Shoreline Protection. Chris Christiansen asked to confirm that the reason this condition was added was because the city decided not to require this area be preserved for a possible future Shoreline protection area development. Ben Hunter corrected Mr. Christiansen that it was not Shoreline protection development, but rather Marina development. David Bird clarified that at this time we do not know what areas of this parcel are considered wetlands, so until the wetland delineation is done, we do not know what we are preserving or what we are condemning. Mr. Hunter told him that is correct. Christine Anderson asked if the Army Corp is only there to decide what can be mitigated, not what should be protected. Ben Hunter confirmed that the protection is part of the city code, and he added that the Army Corp mitigation is determined on a case-by-case basis. Mr. Hunter explained the shoreline protection zone’s purpose is based on five items;

‘Protecting the shoreline of Utah Lake, Protecting Natural and cultural resources and features adjacent to the lake, providing for and protecting public ownership and access to the lake, providing a corridor for a non-motorized trail around Utah Lake, and improving the use and water quality of Utah Lake.’

Mr. Hunter added that some of the uses that are allowed per city code in the current zone are things like golf courses and campgrounds, and once the zone is changed, those uses that are designed to protect the area surrounding the lake are no longer in place. He added that The Army Corp would then come in and mitigate how to deal with area’s that are considered wetlands, based on what the current zone would allow for development.

Jeff Dupaix stated that it seems the decision to be made is whether the wetland delineation should be required with the land use change, or at the site plan stage of development. Mr. Dupaix asked the City Engineer if he understood correctly that if the Land Use changed before the wetland delineation was required, the wetland areas are no longer protected under city code, and an industrial building could be built. Mr. Hunter told him he was correct, as what can be done with this land is no longer bound by shoreline protection requirements. Mr. Dupaix clarified with Ben Wheat that from his perspective, those properties to the east, like the rock crushing business, are more invasive to the shoreline protection than what he would be doing with his parcel. Mr. Wheat responded that he hopes their 10-year track record as a company within the city would speak for itself. Mr. Wheat also added that as a hypothetical, if he were to build a 5000 square foot building and a yard with some parking and dedicated 3 acres to the wetlands, he would still be coming back through the process for approval, and the Army Corp would still be involved. Christine Anderson thanked the applicant for his comments.

Rodney Martin moved to recommend approval for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the

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Shoreline designation to the Design Industrial designation, and remove any conditions of approval from the staff report.

Harold Dudley seconded the motion.

Voting was as follows:

Christine Anderson	NAY
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Harold Dudley	AYE

The motion passed

- b. 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.**

Travis Van Ekelenburg reviewed the background information for action item letter b: The applicant has applied for a proposed Zone Change. The applicant is seeking 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. Staff recommends that if this zone change request were to be approved, that the TSSD eastern property line be identified as the defining line that delineates the hard boundary between any future land use and zone changes related to industrial uses, and that the TSSD property be the beginning point for the M-1 zone, to accommodate the future plans for marina and harbor improvements and uses to better active that area of the city, and to develop a useable area along the lakefront with water access and amenities.

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At the previous Planning Commission meeting there were statements made that our third-party consultant, who is doing our General Plan, was looking into this property for a potential area for marina and recreational space for the future of the boat harbor area. Since the last discussion, the Development Services Director has coordinated with the consultant team, and has taken this property out of the vision and marina area for future consideration in the activation of the marina area.

Bruce Frandsen moved 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.

David Bird seconded the motion.

Voting was as follows:

Christine Anderson	NAY
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE
Geoff Dupaix	NAY
Bruce Frandsen	AYE
Harold Dudley	AYE

The motion passed

The applicant Ben Wheat interrupted the voting process and asked Mr. Frandsen if it was his intent to include in the motion that the project conditions of approval be removed for the Zone Change as was done in the motion for the Land Use Map Amendment. Mr. Frandsen agreed that was his intent. Mr. Wheat then asked David Bird if it was his understanding that the condition was removed. (Inaudible as too many people were talking over each other)

Christine Anderson asked staff if it was okay at this point to modify the motion. Cody Opperman informed her that the voting took place after the motion was read and had a second, so the motion has passed as is.

Mr. Wheat wanted to ask a few more questions for the record and the minutes.

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Travis Van Ekelenburg stated the request is not the way it is supposed to be done, but the decision could be made by the Chairwomen. Christine Anderson noted that she thinks it is assumed that was the intention of the motion. Harold Dudley responded that he is comfortable with Bruce's answer. Christine Anderson added that this has to move forward as is, but she thinks the assumption is noted.

Ben Wheat stated that he does not like assumptions in his world, so Christine Anderson and Geoff Dupaix tried to explain that once the vote has taken place the motion is done. Travis Van Ekelenburg pointed out that at the end of the motion, nothing was stated about the staff conditions, so it was not included or excluded in the motion. Christine Anderson added that because Bruce did not include the conditions of the staff report in his motion, they are left out, which is what she believes Bruce's intention was.

Ben Wheat asked if he could ask a question for clarification, and Chairwomen Anderson reminded him that the vote has already been taken. Mr. Wheat continued to inquire about what will happen when staff puts together the report for City Council, and if the condition for the zone change is going to be included. Mr. Van Ekelenburg informed Mr. Wheat that it would be included as that condition is the recommendation of staff and will be part of the record. Ben Hunter added that the City Council will then see that the Planning Commission's recommendation would be without the condition, but the City Council can vote to agree with Planning Commission, or they can vote to put the condition back in as a requirement or even make other changes.

- c. 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.**

Cody Opperman reviewed the background information for action item letter c: The applicant has applied for annexation within American Fork City. The project area looks to have the PI-1 zoning designation and GC-2 zoning designation assigned to the land, which would be for Planned Industrial Projects and Planned Commercial Development Projects. This annexation has been initiated by American Fork City to complete an infrastructure project relating to Automall Drive. The property south of 620 South is owned by American Fork City and it will have a continuation of Automall Drive going through the property. The American Fork City property will be coming into the City as the PI-1 zoning designation. The property to the north of 620

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South will come into the City as the GC-2 zoning designation. Both properties will be aligned with the current Land Use Designations.

Bruce Frandsen asked if the owner of the north property has requested to be part of this annexation. Ben Hunter replied that the owner is listed on and did sign the application under Strata LLC, as one of the applicants. Mr. Hunter added that some of that landowners' main concerns have been incorporated into the annexation agreement, so he is kept aware, and he is not feeling forced into the annexation.

Geoff Dupaix moved to recommend approval for the proposed zoning for the Auto Mall Drive Extension Annexation Agreement, located approximately at 5719 W 7300 N, American Fork City, subject to any conditions found in the staff report.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Harold Dudley	AYE

The motion passed

- d. Review and recommendation on a proposed zone for an annexation, known as Jes and Claire Scott Annexation, located at approximately 305 East 620 South, American Fork City. On approximately 1.52 acres, the property will be annexed into American Fork City and be given the Planned Commercial (GC-2) zoning designation.**

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This Item has been pulled from the agenda.

Other Business

Christine Anderson informed the commissioners that there may not be a second meeting this month depending on if there are applications coming in. Cody Opperman mentioned that April of 2025 is the estimated time of the General plan completion.

Adjournment

Geoff Dupaix motioned to adjourn the meeting.

Rodney Martin seconded the motion.

Meeting adjourned at 7:09 PM

Melissa White

Development Project Coordinator

Transcribed by Angela McKee

A handwritten signature in black ink, appearing to read 'Angela', with a stylized flourish at the end.

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