

## APPROVED MINUTES

01.22.2025

### **AMERICAN FORK CITY PLANNING COMMISSION REGULAR SESSION**

**January 22nd, 2025**

The American Fork City Planning Commission met in a regular session on January 22nd, 2025 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

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

Commissioners Absent: Geoff Dupaix,

#### Staff Present:

|                  |                               |
|------------------|-------------------------------|
| Patrick O' Brien | Development Services Director |
| Cody Opperman    | Planner II                    |
| JJ Hsu           | Project Engineer              |
| Angie McKee      | Administrative Assistant I    |

Others Present: Freddy Zahn, Rachel Derricott

#### **REGULAR SESSION**

**Chistine Anderson led the “Pledge of Allegiance”**

#### **Roll Call**

Chairwomen Anderson explained the sections of the agenda, and the order in which staff, applicants, and the commissioners would speak throughout the meeting in order to keep the meetings professional and organized. She added that the planning commission is a voluntary citizen board, and the commissioners do not have any previous discussion about any of the items before the meeting.

#### **COMMON CONSENT AGENDA**

##### **1. Minutes of the January 8th, 2025 Planning Commission Regular Session.**

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**Bruce Frandsen motioned to approve the Common Consent agenda.**

**David Bird seconded the motion.**

**Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chris Christiansen</b> | <b>AYE</b> |
| <b>Rodney Martin</b>      | <b>AYE</b> |
| <b>Christine Anderson</b> | <b>AYE</b> |
| <b>Bruce Frandsen</b>     | <b>AYE</b> |
| <b>David Bird</b>         | <b>AYE</b> |
| <b>Harold Dudley</b>      | <b>AYE</b> |

**The motion passed**

### **ACTION ITEMS**

- a. Review and action on a Request for Consideration of Lawn Thumbs in the CC-1 Zone. Per 17.4.401 (B)(17), this item pertains to the evaluation of a request to permit this business to operate within the Central Commercial (CC-1) Zone. Lawn Thumbs is located at 120 N Grant Avenue, American Fork City, on a parcel approximately 0.48 acres in size.**

Cody Opperman reviewed the background information for Action Item letter a: The applicant has applied for a Request for Consideration for their use of a landscaping maintenance business within the Central Commercial (CC-1) Zone to be granted approval under Sec 17.4.401(B)(17). The applicant's business use is not identified within the permitted uses of the zone. The Planning Commission has the authority to grant approval of their specific use under 17.4.401(B)(17) that indicates “other uses similar to the foregoing which are determined by the planning commission to be similar to and in harmony with the intent of the zone but not including self-service storage facilities (mini warehouse).”

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Mr. Opperman outlined the background of the business and the business licensing issues which was included in the packet.

Patrick O'Brien explained the portion of the code that has brought this item before the planning commission and reminded them that this is an administrative item, and they should make a decision based on their understanding of the intent of the zone, and if the use, based on all of its characteristics, meets that overall intent of the zone. Rodney Martin asked to see all the uses allowed in this zone, and Mr. O'Brien brought up that portion of the code and allowed the commissioners to read through the uses. Christine Anderson asked to also see the portion of code that talks about the intent of the zone, and she read that section out loud for the record:

*"Intent. The intent in establishing the CC-1 is to provide a place where retail and service uses can be constructed and maintained which will serve the needs of the citizens of American Fork City and surrounding areas. It is the further intent in establishing this zone to maintain the central business district as the "heart of the city" allowing residential units to be located therein while maintaining street level commercial uses. The uses characteristic of this zone are retail stores, banks, office buildings, theaters, hotels, a wide variety of specialty shops, restaurants, and higher density residential uses. Conversely, uses which tend to create business dead spots, cause undue scattering of business, and generally tend to thwart the use of the land for its primary purposes shall be excluded from the zone."*

Christine Anderson asked staff about the dates this zone was established, and Mr. O'Brien informed her that while the zone was established in 2008 through an ordinance approval, significant enhancements were made to the zone in 2020. Chairwomen Anderson asked to clarify if the property was in the CC-1 zone when the applicant started renting the property and eventually bought the property. Staff confirmed that the property was in the CC-1 zone at that time.

Freddy Zahn introduced himself as the owner of Lawn Thumbs and informed the commissioners that 4 years ago he took over a lease from a different landscaping company that was operating at this location. Mr. Zahn explained that because the city required the utilities to be in the landlord's name, he was not aware of the zoning issue or the need for him to get a business license until he purchased the property and was getting the utilities switched into his name. Mr. Zahn spoke of his love for American Fork City going back to when he was the General Manager for the Applebee's restaurant in American Fork back in 2006. He apologized for not complying with the city requirements and told the commission he would make any changes the city requires if he can stay and operate his business from the current location. Mr. Zahn spoke of his employees' and the ability his company gives them to gain certifications, and any schooling needed to further their careers.

Rachel Daracott who has been with the company for 8 years as a licensed landscape designer from Utah State University and also became an ISA certified arborist through a program Lawn Thumbs put her through, spoke to the Commission about the business and their operations.

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Rodney Martin asked about a small house that is shown on google maps, and the applicant confirmed that house had been torn down and the fencing with privacy slats had been put in before he moved into the property. Christine Anderson spoke about this being a company that she would want to keep in American Fork, but being bound by the code, there might be a better place in the city for them to be operating, as the uses of this applicant are not characteristic of what the city is looking for in the CC-1 zone. Patrick O'Brien noted that if the request were not approved by the planning commission, the city would work with the applicant in finding a location in the city that would allow landscaping businesses, as the last thing the city wants to do is shut down good performing businesses.

Harold Dudley asked about the zones around this location, and Mr. O'Brien informed him that there is a mix of R4-7500 and Public Facility zones but noted that there are older grandfathered uses around this area, so just because something is in that zone does not necessarily mean it is a permitted use. Mr. O'Brien added that as the uses change, they are required to conform to today's code and that it is part of the challenge the city has in that area when we have a goal to revitalize our downtown. Christine Anderson told the commissioners that when she first looked at this agenda item and saw the uses right around this property, it seemed like none of them were in line with the CC-1, and realized it is a tricky area with the tracks there. Chairwomen Anderson added that looking at this area as planners for the future and the opportunities those tracks could provide as public transit into a revitalized downtown area, it makes sense to preserve both sides of the street, and the decision tonight is if this use fits into the CC-1 zone.

David Bird commented that he noticed one of the items allowed in the CC-1 zone was lumber yards, and also saw that heating companies were acceptable, and for those reasons he feels this landscaping business is similar to those companies. Harold Dudley added that the first sentence talks about retail and service uses, and he looks at this as a service use for the community, and it is not much different than the current uses in that area. Patrick O'Brien clarified that while he appreciates where the commissioners are coming from, there is a definition section in the code that staff will pull up for them to review because if this business fell into the definition of the CC-1 zone, we would not be here tonight. Mr. O'Brien added that this is why the definitions are important when going through zoning administration to ensure that there is not just a catch all that everything can fall under, and specificity matters as these are legal standards and requirements.

Bruce Frandsen commented that while he realizes staff has a hard 'No' on this, he sees that there can be nursery stock stored here, and there can be absolutely no storage units, but this property is surrounded by storage units. Christine Anderson reminded the commissioners that those uses are very old and grandfathered in. Mr. Frandsen added that he is supposed to make a decision if this company's use works in this zone, and if you can sell Christmas trees and nurse stock and do service stuff, he leans towards thinking it is fine. There was some discussion about the definition of service commercial and retail, and Patrick O'Brien noted the possibility of getting further

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legal clarification. Rodney Martin commented that this company needs a business license, or they cannot get loans or get insurance. Mr. Martin added that because the city is in the process of rewriting the code that is going to address some of these things, and with other businesses like a trucking company, Rocky Mountain Power, and a tire shop nearby, he finds it ridiculous to not issue this company a business license. Christine Anderson spoke to the point of the planning commission being bound by the city code on administrative items such as this, and while there are always going to be different opinions, she feels it is her duty as a planning commission member to follow the code.

Mr. Martin questioned why there were a bunch of explanations about administrative stuff at the beginning of this meeting when there are not at others and wondered if there was an agenda being pushed due to potential discussions that took place outside of this meeting.

Christine Anderson told Mr. Martin that she has been attending training and meetings on the best practices for chairing a meeting, and she would be happy to show him her notes about laying out the rules at the beginning of the meeting. Chairwomen Anderson reminded the commissioners that there have been a couple of meetings that there was not enough structure and things went a bit out of control, so she is sorry if looks contrived or like there is an agenda, these are things that she has been trying to improve on as a chairperson and it is her full intention to lay things out in that identical fashion every single meeting. Harold Dudley noted that while he accepts that explanation, he can see where Mr. Martin is coming from and because he used to be a city planner, he knows that sometimes-planning staff can be scared of making a decision that does not fit perfectly within the code, and he thinks this company should have been given a business license and should not even be here before the planning commission.

Chris Christiansen stated that while he wishes this situation were black and white, it becomes gray when it says, 'similar uses can be determined by the planning commission'. Mr. Christiansen added that while this decision should not be made off of personal preferences, commercial service means 'a service which is provided in exchange for income,' and this use seems to meet that definition. David Bird added that while he respects Chairwomen Anderson opinion, he believes this use does fit into the zone. Bruce Frandsen agreed this was no longer just his opinion, and he believes this request meets the zone's criteria.

Christine Anderson added that on nights like this, when there are different opinions, she is always extremely grateful that there is a group of commissioners so that the decision that is made is the majority decision. She added how much she appreciates every person on this commission, and she hopes they know how much she respects each one of them. Patrick O'Brien wanted to add that regardless of the beliefs of the commissioners, staff does not have an issue with this particular business but are in fact bound to a list of professional ethics that are established through the APA to follow certain standards and procedures, so when it comes to receiving a business license, in terms of the process, staff must look at that and go off of the plain language and definitions outlined in the code. Mr. O'Brien added that this is why there are things like this

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built into the code, so if someone has a different interpretation as a business owner, they can bring that forward and ask their peers in the community to review it.

**Rodney Martin moved to approve the proposed landscaping maintenance use, located at 120 N Grant Ave, American Fork City, in the Central Commercial (CC-1) Zone, subject to all conditions found in the staff report.**

**David Bird seconded the motion.**

### **Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chris Christiansen</b> | <b>AYE</b> |
| <b>Rodney Martin</b>      | <b>AYE</b> |
| <b>Christine Anderson</b> | <b>NAY</b> |
| <b>Bruce Frandsen</b>     | <b>AYE</b> |
| <b>David Bird</b>         | <b>AYE</b> |
| <b>Harold Dudley</b>      | <b>AYE</b> |

### **The motion passed**

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

Patrick O'Brien reviewed the background information for Action Item letter b: The applicant has applied for annexation within American Fork City. The project area looks to have the GC-2 zoning designation assigned to the land, which would be for Planned Commercial Development Projects. As is the case with all our annexations, the annexation agreement is drafted, and that goes forward and dictates development requirements and standards. The Planning Commission's role in this is reviewing the proposed Zone, and then determining it based off the land use. So, the Planning Commission must look at what staff is recommending in terms of the zone and see if it conforms to the underlying land use.

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**Bruce Frandsen moved to recommend approval for the proposed zoning for the Annexation Agreement as GC-2, for the subject property located approximately at 305 E 620 S, American Fork City, subject to any conditions found in the staff report.**

**Rodney Martin seconded the motion.**

### **Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chris Christiansen</b> | <b>AYE</b> |
| <b>Rodney Martin</b>      | <b>AYE</b> |
| <b>Christine Anderson</b> | <b>AYE</b> |
| <b>Bruce Frandsen</b>     | <b>AYE</b> |
| <b>David Bird</b>         | <b>AYE</b> |
| <b>Harold Dudley</b>      | <b>AYE</b> |

**The motion passed**

### **Other Business**

Patrick O'Brien thanked the commissioners who took the time to attend the general plan meeting the night before and asked them to send any comments they have to him by February 10<sup>th</sup>. Mr. O'Brien also gave them an update on the progress of the general and station areaplan. Chris Christiansen thanked Patrick and the staff for the work they are doing on the plan.

### **Adjournment**

**Chris Christiansen motioned to adjourn the meeting.**

**Rodney Martin seconded the motion.**

Meeting adjourned at 7:13 PM

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Angie McKee

Administrative Assistant I

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

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