

APPROVED MINUTES

08.18.2025

**AMERICAN FORK CITY
DEVELOPMENT REVIEW COMMITTEE REGULAR SESSION
August 18th, 2025**

The American Fork City Development Review Committee met in a regular session on August 18th, 2025, at the American Fork Public Works Building, 275 East 200 North, commencing at 10:00 a.m.

Development Review Committee:

Public Works Director: Sam Kelly

Development Services Director: Patrick O'Brien

Fire Chief: Aaron Brems

Staff Present:

Ben Hunter City Engineer

Cody Opperman Planner II

Angie McKee Administrative Assistant I

Heather Shriver City Attorney

Others Present: Cedar Jordan, Brevon Holmes

REGULAR SESSION

Roll Call

COMMON CONSENT AGENDA

Minutes of the August 11th, 2025, Development Review Committee Regular Session.

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Sam Kelly motioned to approve the Common Consent agenda

Aaron Brems seconded the motion

Voting was as follows:

Patrick O'Brien	AYE
Aaron Brems	AYE
Sam Kelly	AYE

The motion passed

ACTION ITEMS

- a. **Review and action on an application for a Preliminary Plat, known as High Pointe Apartments, located at approximately 620 South 740 E, American Fork, Utah 84003, American Fork City. The Preliminary Plat will be on approximately 3.5 acres and will be in the PC Planned Community.**

Patrick O'Brien mentioned that this item was tabled at the last DRC Meeting, and is back before the committee today.

Cody Opperman reviewed the background information for action item letter a: The applicant has applied for a Preliminary Plat to develop an apartment and townhome development. The project looks to provide 144 apartments and 16 townhome units. This property is part of the Lake City Row Development Agreement. Per the development agreement, this property was identified as HD Residential- Mixed Use. This would require a commercial element in addition to the residential use. The development does not propose any commercial element in the project for the property identified as HD Residential – Mixed Use. If this project is approved today, there are some DRC comments that would need to be addressed.

Patrick O'Brien asked if the pending comments were a mix of comments from all of the divisions.

Cody Opperman commented that the only pending comments were from engineering.

Ben Hunter noted that they would just need to add striping symbols for bike lanes.

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The applicant, Cedar Jordan, told the committee that he would be repeating the same information from last week's meeting, but explained that none of the other projects in the development have been required to have a commercial component, and their position with the annexation agreement is that it is written in ways that make this situation tough. He added that their interpretation was that the commercial elements would be in the commercial locations, and that is why when you look at the minutes from when the city approved Soul Haven, Arza and Elevate, there is not much discussion about commercial requirements, because as he believes, the commercial element was not intended to be there.

Patrick O'Brien noted that he believes Soul Haven does have some commercial component to it with some units in the corner area, and he thinks there was a business license issued there.

Heather Shriver, the City Attorney asked which phase Soul Haven and Arza were in.

Patrick O'Brien informed her that they are in phase three of the project, and phase two consists entirely of Bach's projects, High Pointe and then future development. Mr. O'Brien then asked if there was any new information the applicant would like to bring up that was not discussed at the last meeting.

Cedar Jordan explained that he has been out of town, so he has nothing new to discuss.

Heather Shriver noted that it is her understanding that the concept plan that was first enacted as part of the annexation back in 2019 was amended in 2021 and was two pages. She added that from a city perspective, if this area was supposed to just be high-density, what is the mixed-use annotation to that. She asked if the applicant could explain Bach's take on the term when this came back to the City Council in 2021.

Cedar Jordan explained that this was talked about last week, and as they understood, they could pick some of the items listed as 'mixed-use' but are not required to have all of the uses included in that section of code, which includes residential and the trails. He noted that he can agree with the vernacular in the planning world that mixed use is residential and commercial, but the American Fork City code says to pick two, so when they looked at this code, and what has already been approved, they jive. He then added that Bach is not a commercial builder, so adding 40k square feet of commercial space is not going to be appealing to Bach Homes.

Cody Opperman stated that it was his understanding that the commercial component was 100 square feet of commercial space per dwelling unit, so if they have 166 dwelling units, it would be about 16,600 square feet of commercial space.

Cedar Jordan explained that he thought the intent was to have the commercial components be landing in the commercial area and meet the ratio that's indicated in the annexation agreement. He sees the problem with the whole annexation agreement is that Bach has no authority over that commercial piece, and can't, so it puts everybody in limbo.

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Heather Shriver explained that because the annexation agreement has the ratio, it is clear that the ratio is supposed to exist. She noted that from her perspective, the operable agreement with the parties right now is the two pages from the May 23rd, 2021, master concept plan.

Cedar Jordan recalled the changing seemingly not much nomenclature, but some definitions of some components of the description of the graphic depictions were edited and agreed to.

Heather Shriver asked to clarify that they reallocated some of the density and also ended in an overlay.

Patrick O'Brien explained that it was the shared parking overlay on the corner of phase five, and just above phase one. He spoke to his interpretation and saw this as an overall development project that was developed in phases and it says for phase one, the commercial was highlighted as two to five, but then the non-highlighted part was one to five story commercial buildings.

Cedar Jordan explained that the development agreement was a reaction from Woodbury for the industrial building that included two other parcels, and Bach is an incidental party to that agreement.

Patrick O'Brien informed that he had looked at that as well, and he saw this as a planned community development project, as in the entirety of the project not just a phase, so that seems to be the difference in the interpretation.

Cody Opperman added that if there were a combination of items that would be fine, but the only specific use provided for this property is residential.

Cedar Jordan read from the revised exhibit stating, "HD residential mixed-use phase two, anticipated product type is three to five story mid-rise apartments and town homes" and noted that is the definition that's on the development agreement.

Patrick O'Brien clarified that statement is not labeled as a definition, but rather an anticipated use.

Cedar Jordan thinks that verbiage is why Bach was good with signing the development agreement, because it meets the intent of what they bought. He believes if there was something that said a commercial component needed to be added, there probably would have been a lot of discussion at that time. He added that his understanding of the four corners of this agreement was to allocate commercial to specific locations in this district in order to make sure the ratio is met on commercial versus residential, which is in line with what has been approved in the past.

Heather Shriver spoke to this being difficult because there is ambiguity in the contract, there is ambiguity in the annexation agreement, and also potentially ambiguity in the code section as well.

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Cedar Jordan noted that they do not want to go through this on the Summit parcel as well, so he hopes to wrap that into this process.

Sam Kelly explained that from a city perspective, the current DRC process is different from what the city has had before, and this precedence was set before the current process was established. He added his thoughts on allowing this to go back to where the precedence was set and letting them make the decision while understanding that things need to be a little tighter so these discussions will not need to happen in the future, and everyone is understanding what they can or can't do.

Patrick O'Brien explained that an appeal would go to the City Council.

Cedar Jordan added that he is not a fan of how this annexation agreement was written, but does get the intent of it, and believes the city's code section could also be further clarified. He stated that they are not trying to abuse a broken system in any way, they have just looked at what has been approved and built in the same zone as them.

Sam Kelly agreed but thinks the DRC committee should not continue to support the broken system.

Chief Brems agrees that while all of the previous approvals were done before this group was involved, he believes there does need to be a hard line drawn somewhere.

Patrick O'Brien stated that as a planning professional, he has to rely on what the definition is for mixed use.

Cedar Jordan concluded by confirming their interest in being in American Fork and added that they don't feel like they are abusing the code or abusing a poorly written annexation agreement because other previous applicants have been approved, were able to build and are currently operating, they just want to continue doing the same.

Sam Kelly moved to deny the proposed Preliminary Plat, located at approximately 620 S 740 E American Fork, UT, in the PC Planned Community Zone, due to the findings that the mixed-use component is not included in this phase of the development, and it's our opinion that it needs to be included with the phase, not necessarily the overall development, but each phase should have a component of mixed use, and that mixed-use being both commercial and residential.

Patrick O'Brien seconded the motion

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Voting was as follows:

Patrick O'Brien	AYE
Aaron Brems	AYE
Sam Kelly	AYE

The motion to deny was passed

Other Business

There was no other business to discuss

Adjournment

Patrick O'Brien motioned to adjourn the meeting.

Aaron Brems seconded the motion.

Voting was as follows:

Patrick O'Brien	AYE
Aaron Brems	AYE
Sam Kelly	AYE

The motion passed

Meeting adjourned at 10:35 AM



Angie McKee

Administrative Assistant I

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