

APPROVED MINUTES

10.08.2025

AMERICAN FORK CITY PLANNING COMMISSION REGULAR SESSION

October 8th, 2025

The American Fork City Planning Commission met in a regular session on October 8th, 2025 at the American Fork City Hall, 31 North Church Street, commencing at 6:30 p.m.

Commissioners Present: Christine Anderson, Rodney Martin, Harold Dudley, Claire Oldham, Chris Christiansen, Geoff Dupaix,

Commissioners Absent: David Bird,

Staff Present:

Patrick O'Brien	Development Services Director
Cody Opperman	Planner II
Annalisa Reed	Planner
Ben Hunter	City Engineer
Heather Shriver	City Attorney
Angie McKee	Administrative Assistant I
Carolyn Lloyd	Administrative Assistant II

Others Present: Curtis Atkinson, Kevin Phelon, Roger Williams, Dan McDonald

REGULAR SESSION

Christine Anderson led the "Pledge of Allegiance"

Roll Call

COMMON CONSENT AGENDA

- 1. Minutes of the September 3rd, 2025 Planning Commission Regular Session.**

Geoff Dupaix motioned to approve the Common Consent agenda.

APPROVED MINUTES

10.08.2025

Rodney Martin seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Geoff Dupaix	AYE
Christine Anderson	AYE
Claire Oldham	AYE
Rodney Martin	AYE

The motion passed

ACTION ITEMS

- a. Review and action on an application for a Commercial Site Plan, known as Sunline Landscapes (App #2), located at approximately 360 E 1700 S, American Fork City. The Commercial Site Plan will be on approximately 4.33 acres and will be in the Industrial (I-1) Zone.**

Cody Opperman reviewed the background information for Action Item letter b: The applicant has applied for a Commercial Site Plan to develop an Office/Warehouse development with outdoor storage for plant materials for their landscaping business. The proposed development will be located within the I-1 zone of the City. While there are some conditions of approval to address outstanding DRC comments, the project is in good enough shape to bring forward.

APPROVED MINUTES

10.08.2025

Curtis Atkinson thanked the commissioners for the time spent reviewing the project.

Geoff Dupaix moved to approve the proposed Commercial Site Plan, located at approximately 360 E 1700 S, American Fork City, in the Industrial (I-1) Zone, subject to any conditions found in the staff report.

Claire Oldham seconded the motion.

Voting was as follows:

Chris Christiansen	AYE
Geoff Dupaix	AYE
Christine Anderson	AYE
Claire Oldham	AYE
Rodney Martin	AYE

The motion passed

- b. Review and action on a request for a parking determination related to the Commercial Site Plan for Liberty Treatment Center, located at approximately 1088 E 390 S in American Fork City. The Commercial Site Plan will be on approximately 1.29 acres and will be in the Professional Office (PO-1) Zone.**

Cody Opperman reviewed the background information for Action Item letter a: The property in question has come to the Planning Commission for a determination for the number of off-street parking stalls associated with their proposed new treatment facility for individuals with disabilities. Liberty has come to the Planning Commission in the past to request a reasonable

APPROVED MINUTES

10.08.2025

accommodation for the treatment facility for individuals with disabilities, and has been identified as a permitted use within the PO-1 zone of the City.

The current use of the property is an assisted living facility called Bel Aire Senior Living. As Liberty Addiction Recovery Center's use is considered an additional permitted use than the existing use, there is a change of use, which triggers the need for an updated site plan. As a new site plan application will need to be submitted for review, and due to the differences in existing and proposed uses, the parking associated with the facility needs to be assessed under the proposed use, to ensure adequate parking is provided for the use.

A treatment facility for individuals with disabilities is not a listed use found within Section 17.5.133 Off-Street Parking Standards of the American Fork City Code. As such, the Planning Commission is required to determine what the appropriate parking ratio should be, as outlined in Section 17.5.133 (C)(6). The language will be as follows:

- *Uses not specifically listed. For uses not identified in the above schedule, the number of off-street parking spaces shall be determined by the planning commission. The determination shall be based upon the requirements for the most comparable use listed, and/or that certain table entitled recommended parking ratio requirements set forth under part 3 p. 246 of that certain book entitled Planning and Urban Design Standards, 2006 Edition, which is set out below, and/or upon an independent determination of parking demands for such uses in comparable locations, all at the discretion of the planning commission.*

The Zoning Clearance Officer, who's responsibilities are outlined in the Municipal Code, is tasked with providing relevant Information to the Planning Commission to aid in their decision-making responsibility. Staff, through the Zone Clearance Officer, recommends to the Planning Commission, to utilize a combination of ratios, for the specific uses within the facility. The purpose of doing so would allow for the most accurate parking need to be provided for the different uses within the building, but to avoid overlapping the areas to assess a larger ratio. Essentially, the recommendation is to take the square footage of the different uses, or the parking ratios for room numbers, and combine them as the total required amount of parking.

The Zoning Clearance Officer recommends

- Medical Clinic: Five (5) spaces per one thousand square feet of gross floor area (for this use only—not to include the area occupied by bedrooms)
- Group Homes: One (1) parking stall per room

The medical clinic designation is for the specialized services and programs that the facility will provide. The group home designation is for the group living arrangement that the facility will provide.

APPROVED MINUTES

10.08.2025

Ultimately, the Planning Commission is the determining body for parking stalls for Liberty's proposal. A formal land use application has not been received at this point from the applicant.

Harold Dudley entered the meeting

Commissioner Oldham asked if the parking determination will decide what use will be on their business license.

Cody Opperman informed that while he is not sure what their business license will entail, this is about the parking ratio attached to this business specifically, and the most like use requirements in the American Fork City code.

Commissioner Anderson asked staff to explain what the options are for the commissioners, as her understanding is they need to make a determination based on the table provided in the code and what use they feel is most similar to the use being presented.

Cody Opperman explained that this specific use is not a listed use in the code, so it is up to the Planning Commission to make a parking determination based upon the most comparable use. The table can help find a comparable use, or the Commission can make an independent determination of parking demands for such uses in comparable locations.

Commissioner Martin noted that his understanding is that they need to make a determination of parking stalls based on comparable locations, so the table does not have to be strictly observed.

Commissioner Anderson asked if the decision they make tonight will apply only to this property or would this change requirements across the whole zone.

Patrick O'Brien explained that it would not be specific to this use, because if a similar issue came back in, the use may be the same, but the makeup could be very different, depending on how applicants lay out their facilities.

Commissioner Oldham asked if the parking can be tied to the reasonable accommodation request.

Commissioner Christiansen noted that it was determined that the use fits in this zone, so there was no reasonable accommodation made for this project.

Dan McDonald, the attorney for the applicant, spoke about his team having a different interpretation of the city code than staff, but because their use of a Residential Treatment Facility for people with disabilities is not listed as a use in the American Fork City code, both sides agree that they are required to come to the Planning Commission to request a reduction in the amount

APPROVED MINUTES

10.08.2025

of parking that is being required. He noted that while it could have been a legislative oversight by the city council, there is currently no off-street parking requirements in the PO-1 zone listed in the American Fork City code. He continued with a slide show presentation that explained why he believes the Residential Treatment Facility is more comparable to the use that they are replacing, which is an Assisted Living Facility, and not the group home and medical clinic use that staff is recommending, and would require anywhere from 43-70 parking stalls. They believe the 25 existing parking stalls are sufficient for their use, as it is enough parking for the current Assisted Living Facility.

Commissioner Christiansen asked if they were going to make any changes to the building or if it was going to remain the same.

Dan McDonald informed the commissioners that they plan to use the facilities 'as is' and added that Dan Loveland, the Chief Building Official, agrees with them that they are not a change of use per the International Building Code.

Commissioner Oldham asked how many shuttle buses they would have.

Roger Williams informed that there is currently one shuttle bus.

Patrick O'Brien added that while he wouldn't want to speak for the Building Official, he believes the noted agreement was there would not be a change of occupancy, and there is a difference between occupancy and use. This is a land use issue, not a building code matter, so there is a distinction that he wanted to make sure was clarified.

Commissioner Martin noted that he and his wife have both worked at drug treatment facilities that are very comparable to this, and he believes parking is not going to be an issue as the residents will not have their own cars so they will basically have staff and transport vehicles parked at the property 90% of the time.

Commissioner Christiansen added that they approved this use as being similar to the assisted living use, and he believes for that reason it makes sense that the parking should be based off of that use.

Commissioner Anderson noted that she is mostly concerned about how this could affect other assisted living homes in this zone who may have a different business model.

Patrick O'Brien spoke to other types of addiction recovery like gambling or pornography that may enable patients to be able to drive and have a need for a vehicle. While a treatment facility may have the drug and alcohol element, rehabilitation for other addictions may be needed in the future as well, and that was something staff had to take into consideration.

Heather Shriver agreed there are valid concerns being discussed but noted that the way that the code is written, it says that the Planning Commission has discretion, so it is not setting a precedent, rather just deciding one application on a case-by-case basis.

APPROVED MINUTES

10.08.2025

Dan McDonald noted that he does not think it would be fair to regulate Liberty Addiction for a hypothetical treatment possibility in the future.

Patrick O'Brien explained that because this is establishing land use, if the applicants were to sell to another business with the same type of use but a different business model, we would want to ensure that what's being required would then regulate a similar future use.

Heather Shriver explained that the issue before the planning commission right now is, what is the parking ratio and parking requirement going to be for this particular applicant, such that when they come forward with their site plan approval, they have met what is required. She added that a future owner of the same property would keep the parking requirement that is decided if there is not a change of use.

Commissioner Dupaix added that if the new applicant did have a change of use, it would completely reset the requirements.

Patrick O'Brien noted that the goal is not to try and push this into a major parking issue rather just trying to ensure that what parking is there in all instances does not spill out beyond the boundaries of the site and cause wider ramifications to the community.

Commissioner Oldham asked about the possibility of adding conditions to the approval.

Heather Shriver explained that while the code does give them discretion on what the parking ratio should be based on, she believes putting conditions on the parking would need to happen during a site plan process.

Patrick O'Brien agreed that in order to condition something it would need to be called out in the code, so right now he doesn't see anything that could be conditioned.

Commissioner Anderson asked for clarification on the 'discretion' they have as the Planning Commission.

Patrick O'Brien informed that the way he reads the code, they need to find either a comparable use in the code and tie the parking to that ratio, or they need to find a comparable or similar location and specify the basis for how they came to that determination.

Commissioner Christiansen added that he also does not think they have the discretion to create a new ratio but reiterated that because they allowed the use into this zone based off of the assisted living criteria, that should also be the parking requirement.

Heather Shriver read from the code to address the discretion the Planning Commission has stating that it is based on three things and all tied together by an AND, OR.

"The determination shall be based upon the requirements of the most comparable use listed and, or the certain table titled 'recommended parking ratio requirements' set forth in part three, page 246, of that certain book entitled planning and urban design standards, which is set out below

APPROVED MINUTES

10.08.2025

and or upon an independent determination parking demands for such uses in comparable locations.”

Heather added that as they are examining the facts and determining whether or not they have enough information before them to make that call or if they need more, this is the standard that they are applying, and that is the level of their discretion.

Commissioner Anderson asked staff to clarify how they came up with the recommended parking ratio.

Patrick O’Brien explained that because there will potentially be multiple uses within the building based on the information provided, staff looked at a split ratio based on the number of rooms and occupancy, as well as the entirety of the gross square footage of the building which are the factors that determined the parking ratios for the uses staff found to be most like the proposed use and that is how they came to the parking requirements that staff recommended.

Commissioner Martin asked to be reminded of the exact number of stalls staff were recommending.

Cody Opperman reminded the commissioners that the recommendation was around 70 stalls.

Patrick O’Brien added that staff has never been presented with a formal site plan application, so without knowing exactly how the building will be broken down into different uses, staff made the ratio based on residential and clinical.

Commissioner Anderson thinks the parking ratio that staff is requiring is too high and would like to see what the ratios would be with the different uses. She went over the definitions of other uses in the zone and suggested they discuss what uses are most like the proposed use.

Commissioner Dudley feels that because Commissioner Martin has experience with this type of use, his opinion is very important to this decision, as there is not a use that fits perfectly with the proposed use.

Commissioner Christiansen noted that a medical clinic is going to have a lot of traffic coming in and going out, and while he can see the medical element in the proposed use, he does not see this aligning with a medical clinic.

Dan McDonald informed the commissioners that he provided staff with a complete narrative that described exactly what uses would be used in what parts of the building. He added that if you go to the table and look at the Assisted Living ratio they have asked for, it would only require them to have 17 off street parking spaces, and they exceed that because they have 25. He reiterated his view that the proposed use is most comparable to assisted living because that is what Bel Aire, the current use is.

APPROVED MINUTES

10.08.2025

Commissioner Dudley asked how many rooms they will have, and if each room will have more than one occupant.

Dan McDonald informed that they will have 43 rooms, and the rooms will have more than one occupant throughout the detoxification, residential treatment, and recovery stages.

Commissioner Anderson asked Heather to advise the commissioners as there is such a discrete list of options, and in her opinion, this use falls somewhere in between them as it is not elderly housing, assisted living, or independent living

Heather Shriver explained that this is the hard part about having permitted a use in a zone that doesn't have definitions to apply. She added that because this is not a use that exists in the code, the Planning Commission has to look at the plain language of the ordinance, its authority to make decisions and what discretion it has and make a determination based on that. She reminded them that the applicant has given their interpretation of the code and how it should be applied, and staff has given an interpretation of the code and how it should be applied, and now the commissioners must use those facts to come to a conclusion.

Patrick O'Brien told the commissioners that as they deal with all of the information that has been presented to them, the option is available if they need additional time to review.

Commissioner Anderson responded that she would like to have a conclusion tonight.

Commissioner Dupaix asked to talk about a piece that they are missing in the discussion so far, the third element mentioned in the code which is independent determination, and he doesn't see that they have that.

Commissioner Martin reminded him of his personal experiences with this type of business.

Commissioner Dupaix noted his concern from a legal standpoint.

Dan McDonald stated that the Planning Commission does not have the discretion to find that this use is like a medical clinic, because it is not a medical clinic and because a medical clinic is

APPROVED MINUTES

10.08.2025

listed in the section one through five area, and they only have the discretion to look at the subsection 6 list. He explained that the code says if the use is not specifically listed in one through five, then you go to section six to find the most comparable use, and medical clinic is not there, and he wants to make sure everyone understands the dispute so the planning commission does not make a legal error on this.

Commissioner Dupaix agreed that they need to look at the table very carefully as medical clinics and medical offices are quite different in definition.

Cody Opperman wanted to add that he believes the Planning Commission can utilize the listed uses above the table, because in that language specifically it states “The determination shall be based upon the requirements for the most comparable use listed”, and those lists and tables are mentioned in the code below.

Commissioner Anderson agreed that it does say they can use those top five uses as well.

Commissioner Martin asked if any of the commissioners had heartburn over allowing .4 stalls per room.

Commissioner Anderson stated that she feels like that amount is insufficient based on this business model. With the peak staff of 25 people, there would be overlap at the shift change causing traffic to spill out onto the road. She added that while she would like to keep the parking low, she doesn't think 17 is the right number.

Commissioner Oldham mentioned that if they take half of independent living and half of assisted living, that would be 22. She added that while she does agree with staff that they don't have sufficient parking, they have to allow it because it meets code.

APPROVED MINUTES

10.08.2025

Commissioner Anderson acknowledged the convenient way to get a better number but does not see the use comparable to independent living.

Commissioner Martin asked if the property directly east of their building could be used as a parking area.

Patrick O'Brien explained that they had looked at that option, and it could not comply with the fire code.

Commissioner Anderson noted that she found a use that she feels is more comparable than anything they have discussed so far and compared the definitions. A convalescent home provides short-term medical care for patients recovering from illness, injury or surgery, aiming to help them return to their previous living situation. A nursing home is for those who require long term, permanent care and assistance with daily living activities due to chronic illness, disability, or age. A group home is a residence for individuals with disabilities or special needs, offering assistance while promoting autonomy. According to the table, that would require the applicants to provide one parking space per room.

Commissioner Oldham asked if there was a convalescent home definition in the American Fork City code.

Heather Shriver explained that there is not a specific statutory definition for group convalescent and nursing homes in the city code.

Commissioner Anderson mentioned that if they made the requirement be one parking space per room and the applicant does not have the ability to provide that amount of parking on their site, they could still change their business plan to allow for less parking.

APPROVED MINUTES

10.08.2025

Patrick O'Brien agreed that is generally how some of the project's work. If they look at design considerations, and it won't pencil out, they have to restructure and only put X number of units in, to make sure they can accommodate the parking need.

Roger Williams wanted it to be clear that his business is not medical in any way. He explained that there is no onsite medical staff, it is a social detox. He added that the residents are mostly sleeping, resting, or attending group therapy, and most of these residents have had their licenses revoked and do not even own a vehicle.

Commissioner Dudley asked to pull up the site map and talk about possible places to add parking once the site plan is submitted

Patrick O'Brien explained that there have been meetings with staff and the applicants to address the option to add parking to the site, and the Fire Marshall looked into the possibilities and could not make them work due to his access requirements.

Commissioner Anderson asked if the best way to do this would be to pick the two most comparable uses and take half of the parking requirement from each one to give a reasonable amount of parking and the applicant has options for either decreasing their capacity or increasing their parking based on what works best for them.

Heather Shriver acknowledged the difficulty with this determination and explained that she does not think there is a lot of guidance in the code regarding this application because as she has mentioned before, this is uncharted water.

Commissioner Anderson asked to clarify if it was within their bounds to do something like that.

APPROVED MINUTES

10.08.2025

Heather Shriver explained that could be a reading of the discretion of the Planning Commission under these parking requirements; but noted that the applicant has set forth a different argument so the best they can do is look at the language of the code, determine whether or not they think it fits the requirements and apply that to the facts. She asked for a point of clarification on this procedurally, and how this got to the Planning Commission at this point. She apologized for missing the beginning and asked Patrick if he could clarify this for her.

Patrick O'Brien explained that the way the code is currently structured for a parking requirement to be made it has to be explicitly listed on the list under the off-street parking standards. Because this use is not explicitly listed, there is a section of code allows the applicant to essentially petition the Planning Commission to make that determination at their discretion, because it is not established in the code currently as a specified ratio.

Heather Shriver spoke on some additional language that she was not sure had been discussed with the commissioners, and she pointed out an asterisk on the recommended parking table that states at the bottom of the page;

“All parking recommendations presented here should be considered in the context of local conditions, parking requirements, and other factors that may affect the actual number of parking spaces needed”

Commissioner Oldham noted that she likes Commissioner Andersons idea of combining the assisted living and group home requirements which would require 30 stalls, and that number makes more sense to her with the number of staff the applicants are proposing.

Commissioner Martin questioned if they could get 30 spaces on their site, or if they could decrease their capacity, but he believes there are some possibilities if they hire some top engineers, but he still feels that .6 is good enough.

APPROVED MINUTES

10.08.2025

Commissioner Anderson was concerned with trying to retrofit this for engineering as she does not think they should make the city code just to fit their property consideration.

Commissioner Martin acknowledged that while this is a special case, the property should be able to handle it, and it makes sense.

Patrick O'Brien asked to clarify that this would be a ratio of .6 based on the actual number of rooms, and if there were more rooms or less rooms, that number of required off-street parking spaces could change.

Commissioner Martin confirmed.

Commissioner Anderson added that she feels like they need something that is very clear about how they got to that number, rather than just trying to make a number.

Commissioner Martin clarified that he does not think the group home use applies here, as one per room does not make sense to him.

Commissioner Christiansen asked Commissioner Martin to clarify that he is basing his numbers off of the elderly housing and independent living uses.

Commissioner Martin confirmed but added that the number is just a little bit higher than those uses due to the number of people and potential staffing conflicts at shift change.

Dan McDonald reiterated that their application said that they were analogous to Elderly Housing, Independent Living, which is .4. He added that if you look at specific facts on how the business

APPROVED MINUTES

10.08.2025

works, the recovery living component is more analogous to independent living, because they're more independent at that phase. The other phases are more analogous to assisted living because they're not as independent until they're in recovery. He added that he is throwing this information out there as it could be helpful as a rationale for the numbers, so it is not arbitrary.

Geoff Dupaix likes the idea of finding one use as opposed to trying to split the difference between two requirements for parking.

Commissioner Anderson read the definition of Independent Living and does not see the proposed use fitting.

Commissioner Martin commented that the definition is basically just the level of care inside the facility, but no personal cars are allowed so the residents will have to be transported by bus and public transit, so the particular type of living they are doing inside the facility should not be relevant.

Commissioner Christiansen agrees that avoiding the combination of two different things could avoid that logic being questioned in the future, so being able to point to something clearly stated would be his preference.

Commissioner Dupaix added that where there is a willingness from the applicants' side to work under that premise, that helps move things forward and set an expectation for the ratio.

Patrick O'Brien reminded the commissioners to think about the possible implications that could come from the ratio being on a per-room basis, like a future owner removing all of the walls and making the whole building one room like a barracks.

APPROVED MINUTES

10.08.2025

Commissioner Dupaix responded that in situations like this they could keep spinning their wheels, or they can see that both parties seem to be working in good faith to find a resolution.

Patrick O'Brien explained that his reasoning for bring up this scenario is not to stop this application, but to be on record as something to consider as the city goes into the code rewrite as this is something that in a certain instance could become problem.

Commissioner Anderson shared her thoughts that the whole premise of a service like this is to help people become able to live independently, so she can't say that this is most similar to independent living but sees this most similar to assisted living and group homes. She also wanted the commissioners to know that she would be super respectful of any other motions or votes.

Rodney Martin moved to approve Liberty Treatment Center's request for a parking determination only, and not a formal site plan approval, and require that the following parking ratio be utilized for their use when submitting a formal site plan application of .6 per room based on the forementioned number of 43 rooms.

Claire Oldham seconded the motion.

Voting was as follows:

Harold Dudley	AYE
Chris Christiansen	AYE
Geoff Dupaix	AYE
Christine Anderson	NAY
Claire Oldham	AYE
Rodney Martin	AYE

APPROVED MINUTES

10.08.2025

The motion passed

Planning Commission Training

Planning Commission training presented by City staff.

Adjournment

Geoff Dupaix motioned to adjourn the meeting.

Rodney Martin seconded the motion.

Voting was as follows:

Harold Dudley	AYE
Chris Christiansen	AYE
Geoff Dupaix	AYE
Christine Anderson	AYE
Claire Oldham	AYE
Rodney Martin	AYE

The motion passed

Meeting adjourned at 9:31 PM

APPROVED MINUTES

10.08.2025

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