

APPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES MARCH 20, 2019

The American Fork City Planning Commission met in a regular session on March 20, 2019 at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

Present: John Woffinden
Geoff Dupaix
Rebecca Staten
Rod Brocious
Christine Anderson
Harold Dudley

Absent: Eric Franson

Staff Present: Scott Sensanbaugher, Public Works Director
Ben Hunter, Engineer
Adam Olsen, Senior Planner
Wendelin Knobloch, Planner
Lisa Halversen, Administrative Assistant

Also Present: Ginger Romriell, Carolyn Lloyd, Ken Berg, Mo Myers, Chris Williams, Clay Williams, Chris Christiansen, Norman Chadwick

1. Pledge of Allegiance

Chairman Woffinden welcomed everyone and those present recited the Pledge of Allegiance.

2. Review and action on an amended site plan for JCW's Restaurant located at 580 East State Street in the GC-1 General Commercial zone

Mr. Olsen stated that JCW's is proposing a rebuild at its current location. The existing structure will be demolished and a new one constructed. Landscaping will be upgraded to comply with the City's landscape standards; parking lot landscaping is being added and brought into compliance with City Code. Access to the site will remain as is. The new structure will consist of 5,000 sq. ft. Parking will be provided per the requirements of the City's parking code. Per the code, 60 spaces are required; 64 spaces will be provided. Landscape plans and renderings of the proposed structure are included in the submittal materials.

Mr. Hunter said that the Engineering Division recommends approval of the proposed rebuild. The utilities are there and it is a straightforward project.

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Mr. Mo Myers, architect, explained that the purpose of the rebuild is to increase efficiency by modernizing the building. The new building will be roughly the same size but will be built to modern standards and thus will be more efficient. This building was a converted Hardees restaurant built in the 1980s. He thanked city planning and engineering staff for their help.

Mr. Dupaix asked what the changes would be in the drive-thru lane, his biggest concern was safety, and he didn't see any signage giving drivers warning.

Mr. Myers said that proposed changes in the drive-thru lanes will decrease time spent in the drive thru queue, and he let the owner speak about the safety issues.

Mr. Chris Williams, JCW's owner, said that they don't start cooking food until they get the order, so they need multiple drive-thru lanes to accommodate wait times. The plan is to use the outside lane for the orders with longer cooking times. They will change parking so that customers aren't crossing the drive-thru lanes. These changes will better serve both customers and employees. They hope to have faster and better service with more efficiency in their newer store. They anticipate being closed from April 8 to July 15.

Several of the commissioners expressed appreciation to JCW's for their good food and positive involvement with the community.

Mr. Dupaix moved to approve the site plan for JCW's, with the finding listed in the staff report and subject to any findings, conditions and modifications listed in the Engineering Report.

Ms. Staten seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Rod Brocious	Abstain

The motion carried.

3. Hearing, review and action on Dixie Farms Plats A & B Flexible Lot PUD project, consisting of 91 lots, located in the areas of 620 South 850 West and 1000 South 800 West in the PR-3.0 Planned Residential and PF-Public Facilities zones

Mr. Olsen stated that the property consisting of the entirety of Dixie Farms was annexed in early 2018. Preliminary Plan approval was granted on May 2, 2018. Upon annexation, the property was zoned PR-3.0 (Planned Residential 3 du/ac), PF (Public Facilities), and SP (Shoreline Preservation). The PF zone designation lies within a power line corridor, slated as a linear park; additionally, the PF zone designation was given in an area for a potential alignment of the Vineyard Connector. Should the Vineyard Connector not locate within this corridor, a large park area,

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adjacent to the power line corridor park will be present. The Shoreline Preservation zone was designated for the area encompassing wetlands and floodplain adjacent to Utah Lake. Right-of-way was dedicated with the annexation for a Utah Lake Shoreline Trail, which will parallel a road (Lakeshore Drive) that will act as a defend/no defend line in the event of lake flooding. The elevation of the road will be one foot above the 100 yr. flood elevation of 4,495'.

Plats A and B consist of 91 lots. The Development Code outlines provisions for developing under a Flexible Lot scenario. The applicant has provided a range of lot sizes; between 7,500 sq. ft. and 16,000 sq. ft. Trail corridors meander through the subdivision, providing access from the linear park to the north, to the Utah Lake Shoreline Trail/open space shoreline area to the south.

The applicants received Planning Commission approval for modification of lot sizes within the Flexible Lot PUD in order to harmonize development within the project. The proposal increased the number of medium sized lots (7,500 to 9,000 sf), and decreased the number of two-family lots that would be allowed per the Development Code.

Mr. Hunter said that the Engineering Division recommends approval of the proposed development subject to final approval of 900 West plans prior to commencing construction. Two access points will be provided.

Mr. Dupaix asked if the city staff has any concerns about high groundwater.

Mr. Hunter said that there will be no basements, and they will use land drains and fill as remediation efforts. As per the sensitive lands ordinance, 900 West will be required to have additional testing to identify any other hazards to protect the structure's integrity.

Mr. Brocious brought up his concerns about possible flooding.

Mr. Hunter replied that Lakeshore Blvd. will act as a kind of dam and a no-defend line against flooding as per the 100 year flood plain parameters. Regarding plans for the remaining phases of the subdivision, 900 West will act as a dike from the west side while Plats C, D, E and F will have higher elevations as well. Fill materials will also provide some protection by acting as a dam if compacted properly.

Ms. Anderson asked if the roads will be in place before the homes are built, Mr. Hunter affirmed. He indicated that there are about ten or so lots to the east that may require some extra flood protection until 700 West is built.

Public Hearing Opened

Mr. Norman Chadwick asked if the developer has checked out the natural springs in the area, he was concerned that homes will be built on the springs and will sink. He said that there are 5 or 6 underground springs. He was also concerned that the big trucks are going to destroy the roads in

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1 the area, and he would like to see larger lots and bigger homes built in order to keep property
2 values up.

3 Mr. Hunter said that he will have Ken Berg address the springs in the area. The geotechnical
4 engineer is recommending remedial measures when they encounter softer soils in the roadway.
5 The city will try to keep any potholes that occur patched.

6 Ms. Samantha Carson was concerned with the big trucks coming in on 6500 West, they have been
7 tracking a lot of dirt and causing congestion. She asked if 900 West going to be usable so the trucks
8 don't have to keep using 6500 West.

9 Mr. Hunter indicated that the developers' access should be 900 West when it is completed, and he
10 explained that the trucks are bringing fill dirt in.

11 Mr. Terry Townsend, a property owner in the area, thanked commissioners for their work and
12 support of property owners' rights. He appreciated that they have a big job in gathering all
13 information. He brought up a concern about 7300 North, all the homes there have kids that take
14 the bus to school, there are lots of big trucks are going down the street and they want to keep the
15 kids safe.

16
17 **Public Hearing Closed**

18
19 Mr. Berg said that they want to start construction on 900 West so they can use that access point
20 and get the trucks using that road.

21 Mr. Brocious asked how the springs are identified in the plans and what the long term plan is for
22 the springs. Would they be drained?

23 Mr. Berg replied that the springs would be a natural feature that they would try to leave in place.
24 If a spring is found in the road, they would try to convey it to a storm drain. Ponds and springs
25 around Dixie Fenn's old home that have been identified have been incorporated into the plans or
26 conveyed to the wetlands.

27 Mr. Dupaix said that the springs will be a huge issue, they will be discovering them during
28 construction work.

29 Mr. Berg indicated that they will come up with a plan to fix them or work with them when they
30 are found.

31 Mr. Dupaix requested that springs be reported to the city GIS department and identified.

32 Mr. Berg agreed, they will be included in the as-builts and updated. He felt that this is the best
33 chance to find them.

34 Mr. Brocious asked if they have a mitigation plan if they discover a spring.

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1 Mr. Hunter said it will be taken care of on a case by case basis by investigating what is it, where
2 it is and where it is coming from. Then storm drains will be utilized or mitigation efforts put in
3 place.

4 Chairman Woffinden brought up concerns about liquefaction, he believed that the increased
5 water this year will cause this to be a big concern. He felt that the liquefaction numbers in the
6 geotechnical report cannot be accurate, the report is certainly flawed. He also felt like the
7 prohibition against basements may not be strong enough and people may still build them.

8 Mr. Berg replied that no basements will be built in the area. Lakeshore Blvd. will be at a higher
9 elevation, and the lots are set at same elevation so that slab on grade homes will be above current
10 elevations. Roads have been designed to be above the level of the lake.

11 Ms. Carolyn Lloyd asks what the groundwater table is at near the Penrod annexation site.

12 Mr. Berg indicated that the water in that area is pretty much at ground level.

13 Ms. Lloyd expressed concern that when putting a road on top of groundwater, the water has to go
14 somewhere and homeowners already in the area are at lower elevations than the new
15 construction will be.

16 Mr. Chadwick said that he would show Mr. Berg where the springs are.

17 Ms. Anderson asked Mr. Berg to address Ms. Lloyd's question about residents being flooded.

18 Mr. Berg replied that roads will be built up with fill, he thought around 3 feet before it becomes
19 too heavy, they will be putting storm drains in area, developer could possibly connect lateral
20 lines to current residents. As part of the sensitive lands ordinance there is verbiage about existing
21 water rights and impacts to existing homes that must be followed.

22 Mr. Dupaix asked the engineering staff to stay on top of that and make sure there are solutions
23 for existing residents.

24 **Mr. Brocious moved to recommend approval of Dixie Farms Plats A & B with the findings**
25 **and conditions listed in the staff report and subject to any findings, conditions, and**
26 **modifications listed in the Engineering report.**

27 He then also wanted to add further conditions to his motion, such as granting temporary grading
28 and protection to 700 West, and putting notes on the plats regarding required elevation of lots.

29 Mr. Sensanbaugher asked the commissioners to reconsider putting notes such as these on plats. He
30 indicated that the purpose of plats is to describe land, and he didn't feel that reiterating code
31 requirements is an appropriate use of a plat. He requested that Mr. Brocious reconsider that portion
32 of his motion.

33 Chairman Woffinden would like to see a prohibition on basements listed on the plats as well, he
34 said that it is easier for home buyers to access information if it is listed on the plat.

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1 Mr. Sensanbaugher replied that if building is taking place on sensitive lands, the geotechnical
2 reports are filed with the county. He suggested filing such comments along with the plat but not
3 on the plat.

4 Mr. Dupaix said that he wants a mechanism to make sure these issues are addressed.

5 Mr. Sensanbaugher indicated that the responsibility for making such issues known lies with his
6 department when building permits are issued, and other places such as a title report, but not a plat,
7 he is concerned about the legality of that. Plats are not the place to reiterate code or place
8 restrictions, they are just to describe land. Plats are not there to put limitations on building, such
9 as prohibiting basements or setting elevations, they are just to create a legal description of a piece
10 of property. He understands and shares all the concerns of the commissioners, but wants to find
11 the proper mechanism to convey these concerns to the developer and the geotechnical engineer.
12 He agreed that he shares a concern that the geotechnical report may be flawed regarding water
13 table and liquefaction potential.

14 Mr. Brocious stated that people rely on plat descriptions for information, he thinks such notes are
15 an appropriate way to convey information. Plats are easily found at the county and the notes on
16 them are traditionally used for information such as utilities, etc. Information on other sources such
17 as geotechnical reports are not as easily found.

18 Chairman Woffinden suggested that city legal counsel be consulted regarding the question of
19 appropriate plat notes.

20 Mr. Sensanbaugher asserted that he has had this exact conversation with the city attorney and she
21 agrees with him, but he doesn't want to put words in her mouth. He reiterated that he shares the
22 concerns stated by the commissioners and others that have come up tonight. He stated that his
23 department will do more scrutinizing and peer review of plans than has happened in the past on
24 everything south of the freeway, because of the concerns brought up tonight. He asked that the
25 commissioners allow us as city staff to relay concerns such as liquefaction to the developers and
26 geotechnical engineers. He doubts that they will be able to answer these concerns to our
27 satisfaction.

28 Ms. Staten added that she looked at a plat before she bought a lot, it didn't occur to her to look
29 further than the plat for information.

30 Mr. Sensanbaugher said that the sensitive lands ordinance requires all these documents to be filed
31 with the county. He asked commissioners to just enforce the code rather than reiterate the code on
32 the plats. He takes responsibility for prior notes regarding elevation requirements that have slipped
33 through, these should not be there.

34 Ms. Staten is concerned that if the realtor doesn't give the buyer all the information, how would
35 the buyer know and how would they find out the additional information?

36 Mr. Sensanbaugher suggested that maybe a note on the plat could reference additional documents.
37 He believes it is inappropriate to reiterate the code on the plat.

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Mr. Brocious asked if this project is really ready to be approved if inaccurate numbers slid through in the geotechnical reports.

Mr. Brocious moved to recommend approval of Dixie Farms Plats A & B with the findings and conditions listed in the staff report and subject to any findings, conditions, and modifications listed in the Engineering report. This motion also includes the following conditions:

- 1. Making adjustments in the geotechnical report to reflect accurate conditions**
- 2. Additional grading on 700 west**
- 3. Stating the “no basement” requirements**
- 4. Changing minimum elevation relative to accurate liquefaction data**
- 5. Special note on the plat will reference the codes that apply**

Mr. Sensanbaugher suggested just referring to the sensitive lands ordinance on the plat. All of these conditions are covered there.

Mr. Brocious adds to his motion that the plat have a note added that will reflect the sensitive land ordinance.

Mr. Dupaix seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Howard Dudley	Nay
Rod Brocious	Aye

The motion carried.

Mr. Dudley wanted to add for the record that his nay vote doesn't mean that he doesn't approve of the development, he just thinks that there are significant issues that need to be listed individually and not diluted by being lumped together.

Chairman Woffinden added that commissioners don't always agree, and the city council can look at the record and ask questions.

4. Other Business

Chairman Woffinden reminded commissioners that there will be no meeting on April 3. The next planning commission meeting will be on April 17.

5. Site Plan Committee Report

Mr. Knobloch reviewed the appointments from Technical Review Committee meeting, he said that Castlewood Apartments, Longson Detached Garage, Stonecreek Plat C, and Edgewater AF are on

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the agenda for the next meeting. There will also one more TRC meeting before then, potentially another 3 or 4 projects could be ready. Commissioners should plan for a long meeting.

6. Review and action on the minutes of the March 6, 2019 Planning Commission Regular Session

Mr. Dupaix moved to approve the minutes of the March 6, 2019 Planning Commission Regular Session.

Mr. Brocious seconded the motion. Voting was as follows:

Chairman Woffinden	Aye
Rod Brocious	Aye
Christine Anderson	Aye
Rebecca Staten	Aye
Geoff Dupaix	Aye
Howard Dudley	Aye

The motion carried.

7. Adjournment

Mr. Brocious moved to adjourn.

Ms. Anderson seconded the motion. All concurred.

Meeting adjourned at 8:17 pm.



Lisa Halversen, Administrative Assistant