AMERICAN FORK CITY PLANNING COMMISSION
NOVEMBER 4, 2020
NOTICE OF ELECTRONIC MEETING
REGULAR SESSION

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on November 4, 2020, commencing at 7:00 pm. Pursuant to changes in the Utah Open and Public Meetings Act and Covid-19 Guidelines, this meeting will be conducted electronically. Citizens may submit comments via email at *zoompubliccomment@afcity.net* prior to 5:00 pm the day of the meeting and access a YouTube live stream of the meeting at afcity.org.

The agenda shall be as follows:

1. Review and action on the final plat of Grove Creek Plaza consisting of 6 units, located at 358 North 1100 East in the PO-1 Professional Office zone

2. Other Business

3. Site Plan Committee Report

4. Review and action on the minutes of the October 21, 2020 Planning Commission Work Session

5. Adjournment

John H. Woffinden, P.G.
Planning Commission Chairman

The order of agenda items may change to accommodate the needs of the commission, city staff and the public

NOTICE OF ELECTRONIC MEETING

In accordance with Resolution No. 2020-07-20R, Chairman Woffinden has determined that conducting meetings of the Planning Commission with an anchor location, such as the City Council Chambers, presents a substantial risk to the health and safety of those who may be present there. The following are facts upon which this determination has been made:

- Utah has been in a declared state of emergency due to COVID-19 since March 6, 2020, a virus outbreak that has been recognized by the World Health Organization, federal, state and local leaders as a pandemic.
- The Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is easily spread from person to person between people who are in close contact with one another through respiratory droplets when an infected person coughs, sneezes, or talks. This virus can also be spread by people who are non-symptomatic.
- As reported by the Utah Department of Health, reported COVID-19 cases in Utah County continue to rise at a rate higher than reported rates for the state.
- Federal, state, and local authorities recommend that individuals limit public gatherings, wear face masks, and follow social distancing guidelines.
- It is difficult to anticipate the number of attendees at any meeting in order to maintain social distancing to comply with State Phased guidelines. Further, regardless of the number of attendees, social distancing measures for Planning Commission, staff, and attendees will be difficult to maintain in the City Council Chambers.
- COVID-19 continues to pose an immediate threat to the health, safety, and welfare of American Fork City residents.
- American Fork City can provide a way for the public to hear, or hear and view, open portions of Planning Commission meetings and to provide a way to participate in public hearings.

For the next 30 days, all Planning Commission meetings will be conducted via electronic means. The meetings are broadcast live-streamed, and available at a later time, at https://www.americanfork.gov/AgendaCenter. To make a public comment, email comments to zoompubliccomment@afcity.net prior to 5:00 p.m. the day of the meeting for the comment to be read into record. Please indicate in the subject line which item your comment refers to.

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: November 4, 2019
STAFF PRESENTATION: Adam Olsen

AGENDA TOPIC: Review and action on a final plat for Grove Creek Plaza, consisting of 6 units, located at 358 North 1100 East, in the PO-1 (Professional Office) zone.

BACKGROUND INFORMATION					
Location:		358 North 1100 East			
Applicants:		Aztec Engineering/Jean Shoaee			
Existing Land Use:		Professional Office			
Proposed Land Use:		Professional Office			
Surrounding Land Use:	North	Church			
	South	Residential			
	East	Residential			
	West	Residential/Commercial			
Existing Zoning:		PO-1 (Professional Office)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R1-9,000			
	South	RA-1			
	East	RA-1			
	West	PO-1, Transitional Residential 5 (Utah County)			
Land Use Plan Designation:		Professional Office			
Zoning within Land Use Plan Designation?		x	Yes		No

Background

This property was annexed in 2019 and given a zone designation of PO-1 in anticipation of office development. The area around 300 North and 1100 East is undergoing a transition from residential to office/medical uses, due to its proximity to the American Fork Hospital. A site plan for the Grove Creek Plaza was approved in November 2019.

The site plan consists of a one-story structure totaling 10,255 sq. ft. Six units within the structure have been built. The applicant would like to split the structure into a commercial condominium, which requires a subdivision plat. No changes to the parking, landscaping or exterior of the structure are proposed.

Consistency with the Land Use Plan

The Land Use Plan designates this area as Professional Office. The proposed subdivision is consistent with the Land Use Plan designation.

FINDING OF FACT

After reviewing the application for final plat approval, the following finding of fact is offered for consideration:

1. The proposed site plan complies with Section 17.7.803 (Condominium Conversion Project) of the Development Code.

POTENTIAL MOTIONS

APPROVAL

Mr. Chairman, I move that we recommend approval of the final plat for Grove Creek Plaza, with the finding listed in the staff report and subject to any findings, conditions, and modifications listed in the Engineering report.

DENIAL

Mr. Chairman, I move that we recommend denial of the final plat for Grove Creek Plaza.

TABLE

Mr. Chairman, I move that we table action on the final plat for Grove Creek Plaza.

AMERICAN FORK CITY ENGINEERING DIVISION
STAFF REPORT

Planning Commission Meeting Date: 11/4/2020

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Grove Creek Plaza Plat A – Office Condominiums

Project Address: 358 North North County Boulevard

Developer / Applicant's Name: Jean Shoaee

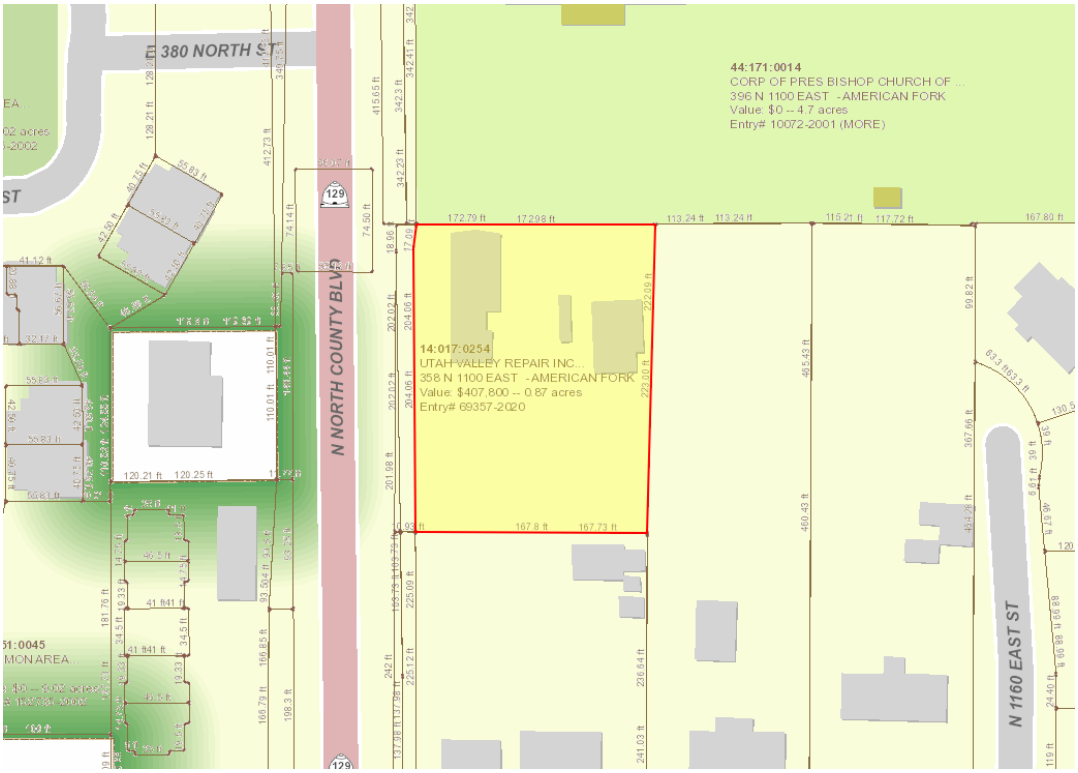
Type of Application:

- ☒ Subdivision Final Plat
- ☒ Subdivision Preliminary Plan
- ☐ Annexation
- ☐ Code Text Amendment
- ☐ General Plan Amendment
- ☐ Zone Change
- ☐ Commercial Site Plan
- ☐ Residential Accessory Structure Site Plan

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 11/4/2020 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Project Map:



STANDARD CONDITIONS OF APPROVAL

Standard Conditions of Approval:

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

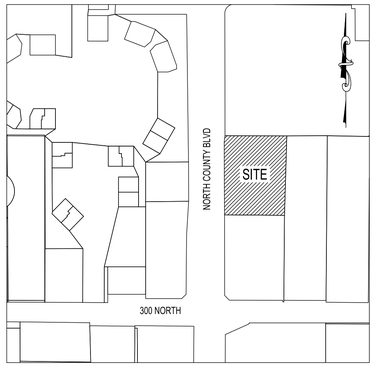
1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Engineering Division Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

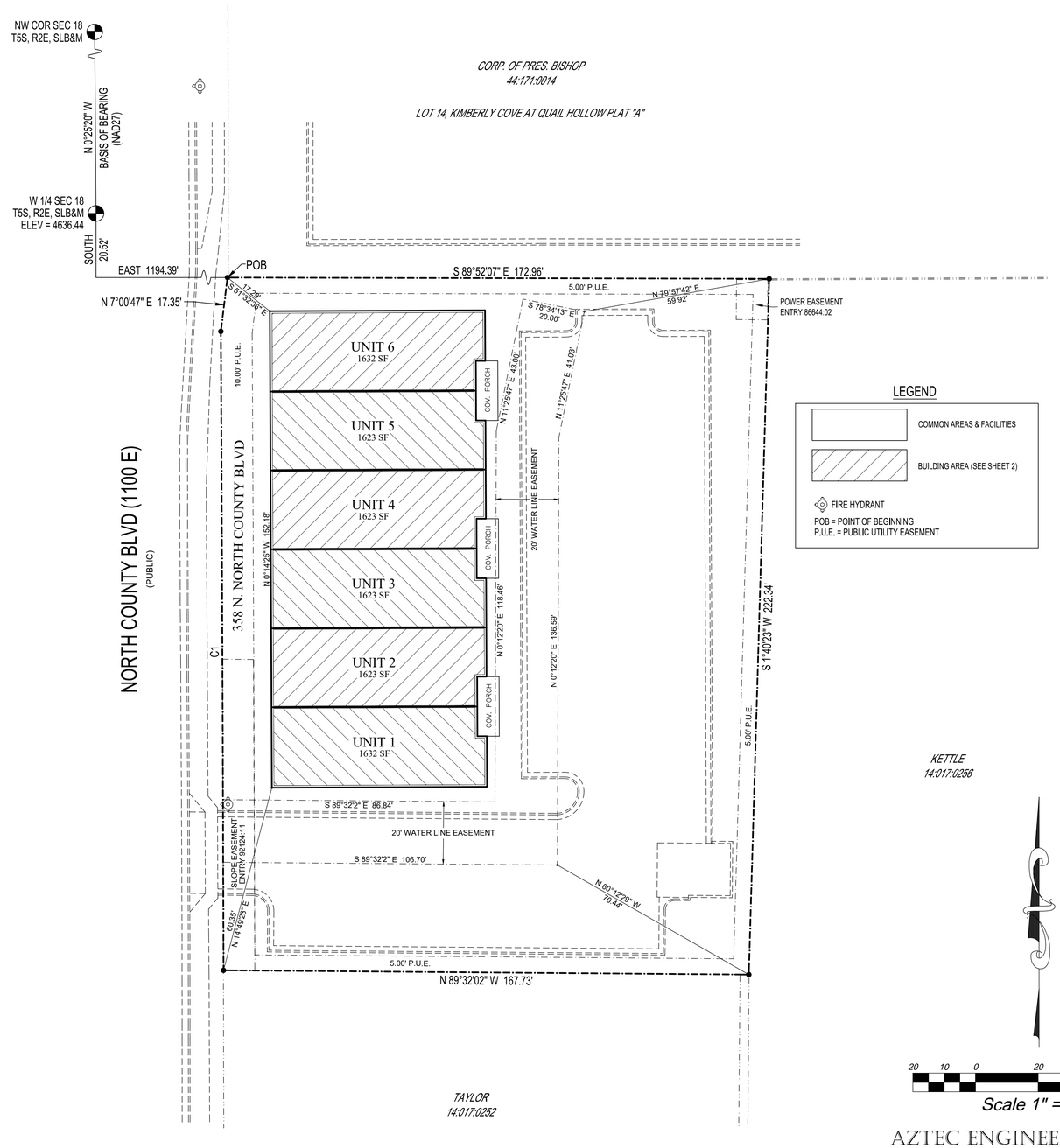
GROVE CREEK PLAZA PLAT "A"

OFFICE CONDOMINIUMS

LOCATED IN THE SOUTHWEST QUARTER, SECTION 18,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
AMERICAN FORK CITY, UTAH COUNTY, UTAH

VICINITY MAP





LEGEND

- COMMON AREAS & FACILITIES
- BUILDING AREA (SEE SHEET 2)
- FIRE HYDRANT

POB = POINT OF BEGINNING
P.U.E. = PUBLIC UTILITY EASEMENT

20 10 0 20 40 60

Scale 1" = 20'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	75050.00	204.06	0°9'21"	204.06	N 0°14'25" W

GENERAL NOTES & CONDITIONS:
1 - PLEASE NOTE THAT EAVES, OVERHANGS, TRIMS, AND OTHER ARCHITECTURAL FEATURES AND PROJECTIONS MAY EXTEND BEYOND THE BOUNDARY LINE INDICATED FOR THE BUILDING.
2 - CURRENT ZONING IS PO-1 (PROFESSIONAL OFFICE).
3 - CURRENT FLOOD ZONE IS ZONE 'X', AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN. (PANEL 49057I0120B REVISED JULY 17, 2002)
4 - SUBJECT TO A CONDOMINIUM-CONVERSION AGREEMENT AND UTILITY LIABILITY INDEMNIFICATION RECORDED AS ENTRY _____ IN THE OFFICE OF THE UTAH COUNTY RECORDER.
5 - OFF-SET PINS TO BE PLACED IN THE BACK OF CURB AND 5/8" BY 24" REBAR WITH NUMBERED SURVEY CAP TO BE PLACED AT ALL REAR CORNERS PRIOR TO OCCUPANCY.
6 - LOWEST FLOOR SLAB ELEVATION MUST BE A MINIMUM OF 3 FEET ABOVE WATER LEVEL MEASURED DURING SPRING SEASON
7 - BUILDING PERMITS WILL NOT BE ISSUED FOR ANY UNIT UNTIL 1) ASPHALT PAVING IS INSTALLED AND 2) FIRE HYDRANTS ARE INSTALLED, APPROVED BY THE FIRE MARSHALL AND CHARGED WITH CULINARY WATER - (AF CITY ORD. TITLE III -3.2)

AZTEC ENGINEERING, INC.
732 NORTH 780 WEST
AMERICAN FORK, UTAH 84003
(801) 224-7308

SHEET 1 OF 2

SURVEYOR'S CERTIFICATE

I, AARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6418780 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT AT THE REQUEST OF THE OWNERS OF THE BELOW DESCRIBED LAND, I PERFORMED A SURVEY OF SAID LAND, AND A CONDOMINIUM PLAT FOR GROVE CREEK PLAZA PLAT "A"; THAT THE DESCRIPTION BELOW CORRECTLY DESCRIBES THE LAND SURFACE UPON WHICH SAID CONDOMINIUM PROJECT HAS BEEN CONSTRUCTED; THAT SAID CONDOMINIUM PLAT COMPRISES TWO (2) PAGES, IS ACCURATE, AND COMPLIES WITH THE PROVISIONS OF SECTION 57-8-13(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THE REFERENCE MARKERS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN AND ARE SUFFICIENT TO READILY RETRACE OR REESTABLISH THIS SURVEY.

_____ _____
DATE (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED SOUTH 20.52 FEET AND EAST 1194.39 FEET FROM THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°52'07" EAST ALONG THE SOUTHERLY BOUNDARY OF KIMBERLY COVE AT QUAIL HOLLOW PLAT "A" A DISTANCE OF 172.96 FEET; THENCE SOUTH 1°40'23" WEST 222.34 FEET; THENCE NORTH 89°32'02" WEST 167.73 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF NORTH COUNTY BOULEVARD THE FOLLOWING TWO COURSES AND DISTANCES: 1) ALONG THE ARC OF A 75050.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 204.06 FEET THROUGH A CENTRAL ANGLE OF 0°09'21" (CHORD BEARS NORTH 0°14'25" WEST 204.06 FEET), AND 2) NORTH 7°00'47" EAST 17.35 FEET TO THE POINT OF BEGINNING.

AREA = 0.872 ACRES
BASIS OF BEARING IS THE NAD27 STATE PLANE COORDINATE SYSTEM
INCLUDES 5 UNITS

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER(S) OF THE TRACT OF LAND DESCRIBED HEREON AS GROVE CREEK PLAZA PLAT "A", A UTAH CONDOMINIUM PROJECT LOCATED ON SAID TRACT OF LAND, HAS CAUSED A SURVEY TO BE MADE AND THIS CONDOMINIUM PLAT CONSISTING OF TWO (2) SHEETS TO BE PREPARED, SAID OWNER(S) HEREBY CONSENTS TO THE RECORDATION OF THIS CONDOMINIUM PLAT AND SUBMITS THIS PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT, AND DOES HEREBY DESIGNATE ALL COMMON AREA FOR THE USE OF THE CONDOMINIUM OWNERS OF ALL COMMON UNITS WITHIN THIS UTAH CONDOMINIUM PROJECT, FOR INGRESS AND EGRESS.

THE SAME TRACT OF LAND HAS BEEN SUBDIVIDED INTO CONDOMINIUM UNITS, COMMON AREA, AND EASEMENTS, AND THE OWNER(S) HEREBY DEDICATES THOSE AREAS LABELED AS EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES.

IN WITNESS HEREOF, THE OWNER(S) HAS SIGNED THIS _____ DAY OF _____ 20___

_____ _____
NAME NAME
TITLE TITLE

_____ _____
NAME NAME
TITLE TITLE

_____ _____
NAME NAME
TITLE TITLE

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH S.S.

ON THE _____ DAY OF _____, 20_____ PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING OWNER'S CERTIFICATE AND DEDICATION, WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME IN THE REPRESENTATIVE CAPACITY INDICATED.

MY COMMISSION EXPIRES _____ _____
NOTARY PUBLIC (See Seal Below)

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF AMERICAN FORK CITY, COUNTY OF UTAH, STATE OF UTAH, APPROVES THIS SUBDIVISION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS GROVE CREEK PLAZA PLAT "A", A UTAH CONDOMINIUM PROJECT, IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT, THIS _____ DAY OF _____ 20_____.

_____ _____
MAYOR COUNCIL MEMBER

_____ _____
COUNCIL MEMBER COUNCIL MEMBER

_____ _____
COUNCIL MEMBER COUNCIL MEMBER

APPROVED _____ ATTEST _____
CITY ENGINEER (See Seal Below) CLERK-RECORDER (See Seal Below)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____ 20_____ BY THE AMERICAN FORK PLANNING COMMISION.

_____ _____
PLANNER CHAIRMAN, PLANNING COMMISSION

WATER & SEWER AUTHORITY

APPROVED THIS _____ DAY OF _____ 20_____ BY THE AMERICAN FORK PUBLIC WORKS DEPARTMENT.

_____

PLAT "A"

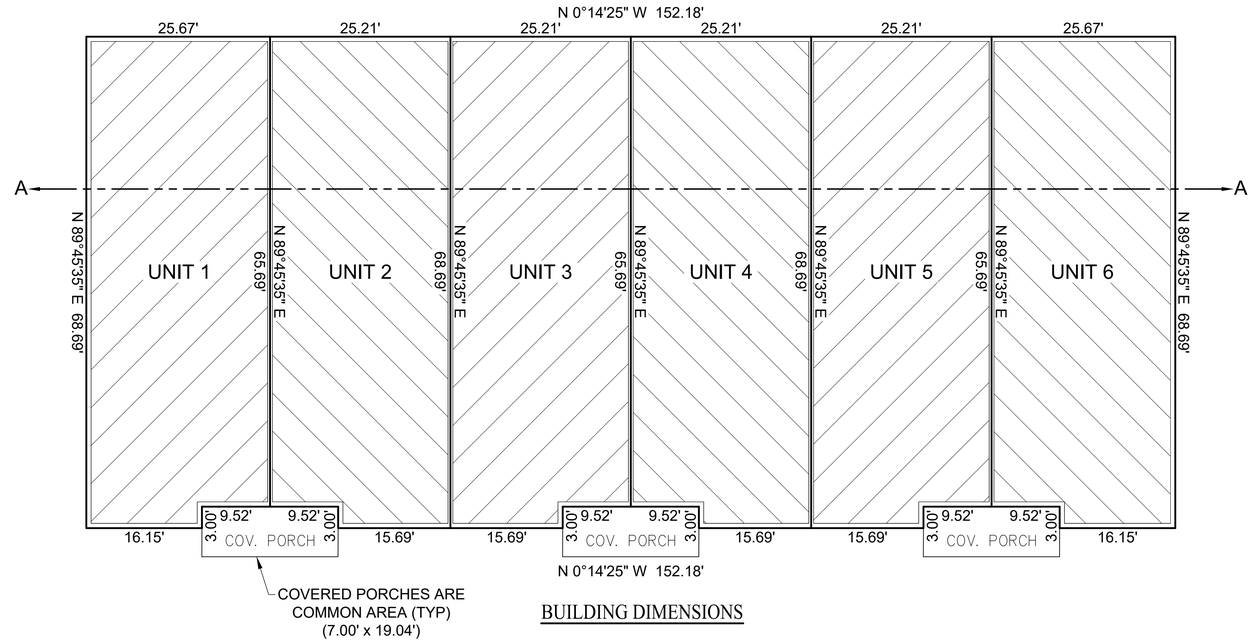
GROVE CREEK PLAZA

OFFICE CONDOMINIUMS

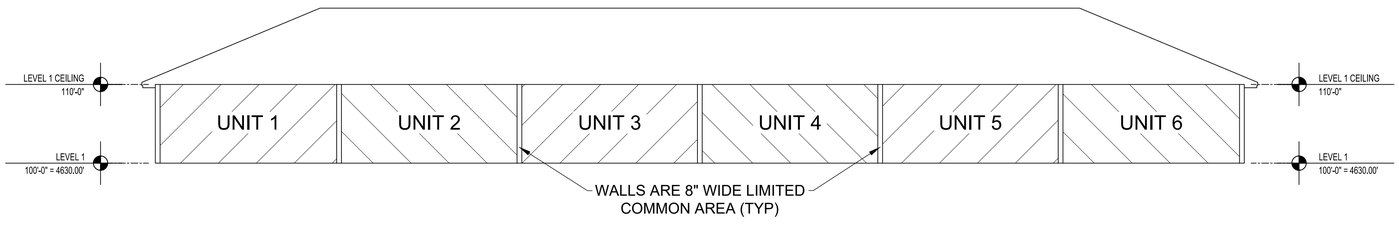
AMERICAN FORK CITY, UTAH COUNTY, UTAH

SCALE: 1" = 20 FEET

Surveyor's Seal	Notary Public Seal	Clerk-Recorder Seal	County Recorder Stamp
PROFESSIONAL LAND SURVEYOR No. 6418780 AARON D. THOMAS STATE OF UTAH			



BUILDING DIMENSIONS



SECTION A

LEGEND

COMMON AREAS & FACILITIES

PRIVATE AREA

GENERAL NOTES

1. ALL ANNOTATED BUILDING WALLS ARE PARALLEL WITH OR PERPENDICULAR TO EACH OTHER.
2. ALL BUILDING DIMENSIONS ARE TYPICAL.
3. INTERIOR DIMENSIONS ARE TO CENTER OF COMMON WALL.
4. EXTERIOR DIMENSIONS ARE TO EXTERIOR FOUNDATION WALL.
5. INTERIOR ELEVATIONS ARE TO FINISHED SURFACES.
6. ALL WALLS SHOWN ARE 8" WIDE LIMITED COMMON AREA.
7. UNIT AREAS SHOWN INCLUDE PRIVATE AREAS ONLY.

10 5 0 10 20 30

Scale 1" = 10'

AMERICAN FORK CITY ENGINEER

APPROVED THIS _____ DAY OF _____, 20___.

_____

CITY ENGINEER

SHEET 2 OF 2

PLAT "A"

GROVE CREEK PLAZA

OFFICE CONDOMINIUMS

AMERICAN FORK CITY, UTAH COUNTY, UTAH

SCALE: 1" = 10 FEET

AMERICAN FORK CITY
PLANNING COMMISSION MINUTES
OCTOBER 21, 2020

The American Fork City Planning Commission met in a work session on October 21, 2020 in an electronic meeting on the Zoom platform, viewable on the City's YouTube link, commencing at 7:00 p.m.

Present: John Woffinden
Chris Christiansen
Ryan Hunter
Christine Anderson
Rod Brocious
Harold Dudley
Geoff Dupaix

Absent:

Staff Present: Adam Olsen, City Planner
Wendelin Knobloch, Planner
Lisa Halversen, Administrative Assistant
Cherylyn. Egner, Legal Counsel

Others Present:

Public Comments Received:

1. Training and discussion on the Utah Open and Public Meetings Act (Section 52-4) and other legal considerations related to city planning

   Ms. Egner provided the required annual training regarding legal issues related to the requirements of the Open Meetings Act. All planning commission meetings must be open and transparent. There is no official prohibition on discussing items outside of a formal meeting, but if there is a quorum present, a meeting is automatically constituted. Commissioners may not have a conversation regarding any issues coming before the commission if there are four or more commissioners present unless it is at a meeting that has been noticed publicly.

   Ms. Anderson had questions about public noticing, and if American Fork's procedures are similar to what other cities are doing. She was concerned that neighborhood signs may not be sufficient notice of agenda items.

Ms. Egner replied that public notice is also posted online to the city's website, the state's website, and the newspaper. Copies of the agenda are posted at city offices and notice is posted on the affected property as well.

Mr. Knobloch added that the mayor has asked staff to go above and beyond by posting notice at the affected property out of courtesy.

Ms. Egner moved on to discuss agendas. She said that the agenda identifies each discussion item specifically so commissioners must not stray beyond the item up for discussion.

Chairman Woffinden asked if the order of agenda items can be changed.

Ms. Egner affirmed. She then discussed other forms of communication. Emails and texts between commissioners are not prohibited, but transparency is served by the fact that such emails and texts are public record. She asked commissioners to not email or text regarding commission business because it violates the spirit of the law. She asked commissioners to limit any discussion of any item via text to avoid GRAMA requests. Texting or emailing about agenda items creates a negative public perception. Commissioners also may not text during a meeting, all communication needs to be on the record in a public meeting.

Ms. Egner informed commissioners that the biggest legal change for this year is the Covid exception for a meeting to have an anchor location – electronic meeting requirements have been followed by the city. The chair needs to read the statement regarding electronic meetings before each meeting. This statement explains the reasons behind holding the meeting electronically.

She further asked commissioners to make sure that any of their decisions are not being made because of public clamor. She reiterated that this is very important. It is critical to decide if the application meets the requirements of code, and if it does, they should ignore public outcry. This sometimes happens with care centers, substance abuse facilities, etc. She added that commissioners may always take public opinion into account. Commissioners will have to decide if the public comment is well-grounded or just public clamor which they are free to disregard.

Mr. Dupaix clarified that this does not mean that the commission won't listen to public comment, but they will be judicious in deciding if the public comment is well-grounded.

Ms. Anderson asked about the difference between legislative and administrative decisions and wanted to know which would require public comment.

Mr. Knobloch pointed out that for many zones the planning commission is the land use authority, this illustrates the administrative decision. Legislative decisions are being made by the city council or other bodies.

Ms. Egner added that the issues that bring public clamor are usually the ones where the planning commission is the final authority.

Chairman Woffinden asked if planning commissioners may interact with developers one on one, etc.

Ms. Egner says that is not prohibited but is discouraged. It is tricky because commissioners cannot commit to anything. She added that such contact makes things more complicated and muddies the water.

Mr. Olsen added that the city discourages conversations between commissioners and developers or citizens with applications before the commission. The city staff will never give out commissioners' contact information. Their email addresses are not on the city website and are kept confidential. Please try to keep any comments to the public meetings.

Chairman Woffinden thinks that is a good position that they ought to stick with.

Mr. Knobloch asked if there is any new legal advice regarding the spot zoning issue.

Ms. Egner replied that the law regarding that issue often changes, so she will address that subject when such an application comes in.

Ms. Anderson asked if the commission should be allowing video feed of public comments. Currently public comments and emails are read into the record.

Ms. Egner replied that all legal requirements are being satisfied as currently practiced. Comment by email fulfills the law. Public comments are not being put on a live feed to avoid hacking issues.

Ms. Anderson asked if the public is being given the option of emailing comments or being on video. She feels that every public comment should have the same option to be heard, whether the comment is from a citizen, developer or council member.

Mr. Dupaix said that other governmental agencies are following the same practices, the nature of online meetings limits the management of comments.

Ms. Egner indicated that she will speak with city staff about practices such as necessary muting of applicants, etc. She said that staff can give out her email to commissioners to speak further about any concerns.

Ms. Anderson asked if they can legally require developers to provide affordable housing options.

Ms. Egner indicated that this topic is outside the scope of tonight's meeting. The discussion needs to stay on the open meetings as noticed. Commissioners are free to email her regarding other topics.

2. Other Business

Mr. Olsen informed commissioners that the city council approved the zoning change for the property just south of the library. The Childrens' Justice Center will now be able to come into that location.

3. Site Plan Report

Mr. Knobloch informed commissioners that the next meeting will be held on Wednesday, November 4th. There is currently only one item on the agenda, it is a simple condominium plat.

4. Review and action on the minutes of the October 7, 2020 Planning Commission Regular Session

Mr. Ryan Hunter moved to recommend approval of the minutes of the October 7, 2020 Planning Commission Regular Session.

Mr. Chris Christiansen seconded the motion. Voting was as follows:

Chairman Woffinden	**Aye**
Chris Christiansen	**Aye**
Christine Anderson	**Aye**
Ryan Hunter	**Aye**
Rod Brocious	**Aye**
Harold Dudley	**Aye**
Geoff Dupaix	**Abstain**

The motion passed.

5. Adjournment

Mr. Geoff Dupaix motioned to adjourn.
Ms. Christine Anderson seconded the motion. All voted in favor.

Meeting adjourned at 7:45 pm.