

APPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES JANUARY 6, 2021

The American Fork City Planning Commission met in a regular session on January 6, 2021 in an electronic meeting on the Zoom platform, viewable on the City's YouTube link, commencing at 7:00 p.m.

Present: Vice Chairwoman Christine Anderson
Chris Christiansen
Ryan Hunter
Harold Dudley
Geoff Dupaix

Absent: Chairman John Woffinden
Rod Brocious

Staff Present: Adam Olsen, City Planner
Wendelin Knobloch, Planner
Ben Hunter, Engineer
Lisa Halversen, Administrative Assistant

Others Present: Elliott Pelfrey

Public Comments Received:

Vice Chairwoman Anderson read the "Notice of Electronic Meeting."

1. Review and action on the final plat for Serene Meadows Subdivision Plat B, located at 157 South 270 West Circle in the R2-7,500 Residential zone

Mr. Olsen stated that Serene Meadows was approved in 2007. Plat B proposes a lot line adjustment between two lots within the original subdivision. No additional lots are proposed. This plat simply redraws lot lines and establishes revised easement locations.

Mr. Ben Hunter added that there are no concerns or issues from the Engineering Division and they recommend approval.

Mr. Ryan Hunter moved to recommend approval of the final plat of Serene Meadows Plat B, with the finding listed in the staff report and subject to any findings, conditions, and modifications listed in the engineering report.

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

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Vice Chairwoman Anderson Aye
Chris Christiansen Aye
Ryan Hunter Aye
Harold Dudley Aye
Geoff Dupaix Aye

The motion passed.

2. Review and action on the final plat for Kelton Apartments Phase 1, located in the area of 1100 West 250 South in the TOD-Transit Oriented Development zone

Mr. Olsen stated that the area of the Kelton Apartments subdivision was annexed in 2015 and is located south of 200 South and north of Rockwell Ranch. It received approval of a district framework plan in 2019 (Olive Tree District Framework Plan), followed by block plan approval (staff level review). As part of the lot plan submittal and review, subdivision plats were necessary. Further lot plan review (staff level review) will ensure placement of structures, setbacks, height, landscaping, parking, etc. be compliant with the TOD Code. The subdivision plat acts as a formal instrument in proceeding toward development of the site.

This plat anticipates multi-family development (240 units). Because this area is located within the TOD Core, a mixed-use component is required. The plat proposes Lot 1 to be used for commercial purposes. Within the Core area for structures abutting streets other than 200 South, an equivalent of 25% ground floor area is required to be for uses other than residential. The applicant proposes an alternate concept to meet this requirement. The applicant has prepared an exhibit, illustrating a building on Lot 1; the square footage of the building meeting the equivalent of 25% ground floor area of all buildings abutting streets within the subdivision. The applicant may discuss this proposal at the meeting and seeks a finding by the Planning Commission that this separate building is acceptable; the required square footage being provided, meeting the minimum as identified in the Code.

Mr. Ryan Hunter asked if this proposal would keep all commercial to the ground floor level, or if they would be spread out on different levels.

Mr. Olsen responded that there will be one structure of 2 or 3 stories.

Mr. Dupaix asked how this corner lot compares to the other three corners, are they also going to be mixed-use?

Mr. Olsen replied that the other corners will be residential, the developer is just asking that lot 1 fulfill the commercial requirement.

Mr. Dupaix clarified that he is asking about the other corners not in the development. Will there be other commercial adjacent to this corner?

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1 Mr. Olsen stated that the property to the north has not yet been annexed. However, it abuts 200
2 South so it will be subject to the 100% commercial requirement. The property to the west and the
3 property to the south are outside the core area, so there is no mixed-use component required. There
4 has not been a concept plan submitted yet for the east corner. Thus, the corner on the west is likely
5 to be residential, and the corner to the north will have higher densities with the associated TOD
6 requirements.

7 Mr. Dupaix expressed concern that this will be an isolated commercial corner, he would like to
8 see consistency.

9 Mr. Ben Hunter stated that with the plat layout, it will be challenging with the TSSD sewer line
10 easement and the water line easement. This easement was an existing condition that the
11 developer had to work around. This proposal meets city engineering standards and he
12 recommends approval.

13
14 Mr. Elliott Pelfrey, property developer, felt that this proposal would be the most prominent
15 corner for a retail pad. He believes it offers practicality, functionality and efficiency to
16 consolidate small commercial sites.

17
18 Ms. Anderson asked if they would be open to the idea of dispersing the commercial, which she
19 believes is what the code had in mind - integrating commercial and residential. She read the
20 municipal code that specifies that buildings abutting 200 South shall be 100% commercial on the
21 ground floor, and streets that are not abutting but are near 200 South are required to be 25%
22 commercial.

23
24 Mr. Pelfrey said they have looked at many different configurations, this seemed to be the most
25 viable while meeting what he feels is the letter of the code. He recognizes that it is up to the
26 commission to decide if it fulfills the spirit of the code as well.

27
28 Mr. Ryan Hunter indicated that he was not on the commission when the TOD code was
29 established, he is trying to understand the intent. Is this intended to be like a walkable downtown
30 Sugarhouse with boutique shops and insurance offices, etc?

31
32 Mr. Olsen expressed that the code allows that type of development, the code was amended about
33 a year ago by adding the requirement for the mixed-use component within the core. It appeared
34 that a lot of the projects coming into the core area were not using the mixed-use feature. This
35 code change was an attempt to allow creativity and flexibility but ensure that there is mixed-use
36 in the core area. The TOD could be somewhat similar to Sugar House but is definitely less rigid
37 in its requirements.

38
39 Mr. Ryan Hunter said that this will set a precedence for everything else, if the developer is
40 allowed to take a cumulative amount of commercial and put it on a corner, that will make the
41 property more marketable and easier to sell than requiring that ground floor be commercial.

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1 Ms. Anderson agreed that this is a good point. The TOD code requires that in the core area all
2 ground floor will be commercial. This property is just outside that area, so the requirement here
3 is that 25% be commercial and it will decrease on a gradient till you reach the end of the TOD
4 zone.

5
6 Mr. Ryan Hunter's concern is that if 25% of space is intended to be ground floor commercial, he
7 doesn't think that's going to be very viable financially.

8
9 Mr. Dupaix refers to the development along 860 East that they approved several years ago, he's
10 only seen one corner with anything commercial in it at this point. He is not against consolidating
11 the commercial if it fits within the surrounding developments.

12
13 Mr. Olsen added that in his discussions with developer, they feel that consolidations make the
14 project more viable than scattering businesses around.

15
16 Ms. Anderson stated that this is a new concept for the area and it may be difficult to see the
17 benefits. However, there are areas where this concept works well, it can be great. She agrees with
18 Mr. Ryan Hunter that if the precedent is set that consolidation is allowed, we will lose the
19 gradient and everyone will want to do it that way.

20
21 Mr. Olsen replied that within this core, commercial use is already allowed. Some element of
22 mixed- use within strictly residential areas is what was envisioned.

23
24 Mr. Chris Christiansen felt that this meets the intent but not the letter of the code. It was
25 developed before he came to the commission, he is open to following the decisions behind the
26 code even though he doesn't understand all of it. He agreed that spreading out small commercial
27 businesses could lead to high vacancy rates, consolidating them might produce fewer vacancies.

28
29 Mr. Olsen added that the commission can make a finding whether this meets the intent of the
30 code or not. City council will have this discussion and your findings to consider, and they will be
31 very interested in the recommendations.

32
33 Ms. Anderson asked if each and every building abutting a street in the TOD has that 25%
34 commercial requirement, or if current code allows them to consolidate the commercial space at
35 all, perhaps where one building is 100% commercial on the main floor and another building is all
36 residential.

37
38 Mr. Olsen replied that current code has slightly ambiguous wording, requiring that buildings
39 abutting streets other than 200 South have the "equivalent" of 25% commercial on the ground
40 floor. What this developer is asking for is to consider this proposal as the "equivalent" of the
41 25% requirement in a separate structure.

42
43 Ms. Anderson expressed her view that there should be some flexibility to allow some amount of
44 consolidation but still require that commercial use be on the main floor and abutting the streets.

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1 She feels that the intent of the code is to have the mixed-use integrated, not dispersed. What is
2 decided tonight will set a precedent and a standard.

3
4 Adam says that is a valid statement pertaining to mixed-use proposals.

5
6 Mr. Dupaix clarified that he believes the options for making recommendations to council are as
7 follows:

- 8
9 1. Recommend approval for lot 1 to be 100% commercial use
10 2. Move the issue forward to council after recommending against consolidating the
11 businesses into one building
12

13 Mr. Olsen feels that these are the strongest options. If further clarification of the code is needed,
14 the council would give further direction to staff and the planning commission.

15
16 Mr. Dupaix said the code may need to be modified to more clearly accommodate consolidation.
17 He wondered if the commission needs to have additional discussion and review of the code in
18 order to feel comfortable moving forward.

19
20 Mr. Olsen replied that if commissioners are leaning toward recommending approval, the word
21 “equivalent” can be used in favor of consolidation, there’s wiggle room there.

22
23 Mr. Christiansen thinks the wording should say “for EACH building abutting streets” if the
24 intent is to prevent consolidation. He feels like more clarification and direction is needed.

25
26 Mr. Olsen feels like whatever the commission decides tonight will give direction.

27
28 Ms. Anderson remembers the discussion regarding the change from commercial to residential
29 along 200 South, she believes that the intent was to have a blend of uses.

30
31 Mr. Christiansen doesn’t disagree, but he thinks that the wording should be tightened up if that
32 was the intent.

33
34 Ms. Anderson added that she feels it would be good to keep commercial on the main floor in
35 residential neighborhoods.

36
37 Mr. Ryan Hunter suggested that the only thing worse than badly-dispersed retail is lots of retail
38 vacancies. Commissioners have to make these developments work but still accomplish the long-
39 term perspective. He doesn’t see how prescribing the full commercial requirement across all
40 buildings makes sense, especially on the south end.

41
42 Ms. Anderson says that she would allow consolidation towards the core area, in an area where it
43 makes the most sense. She believes that the intent of the code is to have walkable commercial
44 areas and she likes the idea of keeping it to the north. Placement of buildings will be determined

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later, whatever is voted on tonight will not prescribe where buildings will be placed regarding road frontages.

Mr. Olsen clarified that some frontage for this development will be a green space that will be walkable and inviting, staff will make sure that those provisions of the code are met.

Ms. Anderson said that if buildings 2 and 3 could be up next to the road, that would be prime commercial space.

Mr. Olsen mentioned that with the allowed densities to the north, there will likely be more buildings along the streets.

Mr. Ryan Hunter asked to see a list of potential motions.

Mr. Ryan Hunter suggested making a finding (c) that the detailed engineering plans and materials comply with the City standards and policies.

Mr. Ryan Hunter moved to approve the final plat for Kelton Apartments Phase I, with the findings listed in the staff report and subject to any findings, conditions, and modifications listed in the engineering report.

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

Vice Chairwoman Anderson	Nay
Chris Christiansen	Nay
Ryan Hunter	Aye
Harold Dudley	Aye
Geoff Dupaix	Nay

The motion failed.

Mr. Dupaix explains his “nay” vote. He believes that this proposal may be permissible, but he wants more clarification. He is not necessarily against the proposal, but he is not comfortable with it as it currently stands.

Mr. Dupaix moved to recommend denial of the final plat of Kelton Apartments Phase 1.

Mr. Olsen suggested a finding be added to give direction and explanation.

Mr. Dupaix suggested a finding of wanting additional clarification of the code’s requirement of 25% commercial use, and an answer regarding if consolidation is allowed.

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Ms. Anderson stated that if commissioners want clarification of the code, that will be held at a different meeting. The developer has come to them with the current code and we need to interpret the intent of the current code.

Mr. Dupaix does not feel that this proposal meets the intent of the code.

Mr. Olsen said that is valid, this agenda item can move forward to council with that comment. Ms. Anderson felt that commissioners would like to interpret the code as allowing some kind of consolidation, but not necessarily this consolidation.

Mr. Dupaix rescinded his previous motion.

Mr. Dupaix moved to recommend denial of the final plat for Kelton Apartments Phase 1, with the finding that the consolidation does not meet the intent of the current code. Commissioners request that the code be clarified to allow some type of consolidation.

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

Vice Chairwoman Anderson	Aye
Chris Christiansen	Aye
Ryan Hunter	Nay
Harold Dudley	Aye
Geoff Dupaix	Aye

The motion passed.

Ms. Anderson thanked Mr. Ryan Hunter for the dissenting vote. She stated that this was a tricky issue and his vote reflects the discussion.

Mr. Dupaix added that the council can make clarification and that future developments will be the beneficiaries.

Mr. Olsen informed commissioners that council will hear this as a hearing item on Jan. 26, 2021. The official hearing on making a change will be sometime in February.

3. Other Business

Mr. Olsen said that the first meeting in February is for the election of officers. Staff will also give commissioners a calendar for the upcoming year's meetings.

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4. Site Plan Committee Report

Mr. Knobloch reviewed the items for the upcoming Planning Commission meeting to be held on Wednesday, January 20, 2021. Currently staff are reviewing a site plan for a dental office, a district framework plan on the northern side of 200 South, and a power substation.

5. Review and action on the minutes of the December 2, 2020 Planning Commission Regular Session

Mr. Dupaix moved to recommend approval of the minutes of the December 2, 2020 Planning Commission Regular Session.

Mr. Ryan Hunter seconded the motion. Voting was as follows:

Vice Chairwoman Anderson	Aye
Chris Christiansen	Aye
Ryan Hunter	Aye
Harold Dudley	Aye
Geoff Dupaix	Aye

The motion passed.

6. Adjournment

Mr. Dupaix motioned to adjourn.

Mr. Ryan Hunter seconded the motion. All voted in favor.

Meeting adjourned at 8 pm.



Lisa Halversen
Administrative Assistant