

AMERICAN FORK CITY PLANNING COMMISSION
APRIL 21, 2021
NOTICE OF ELECTRONIC MEETING
REGULAR SESSION

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on April 21, 2021, 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. Hearing, review and action on the preliminary and final plats of Autumn Crest Phase 1 Plat E Subdivision, located in the vicinity of 930 East 1040 North
2. Review and action on the North Binch Annexation agreement located in the vicinity of 800 West 500 South
3. Hearing, review and action on amendments to Section 17.7.507.F.6 of the American Fork City Municipal Code regarding building primary orientation
4. Hearing, review and action on an amendment to the Lake City Row Planned Community Master Plan, located in the vicinity of 860 East Utah Valley Drive in the PC Planned Community and the PI-1 Planned Industrial zones
5. Other Business
6. Site Plan Committee Report
7. Review and action on the minutes of the April 7, 2021 Planning Commission Regular Session
8. 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, Mayor Frost has determined that conducting meetings of the City Council with an anchor location, such as the City Council Chambers or Administration Conference Room, 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 declared state of emergency on November 8, 2020 due to an increase in case counts of COVID-19, 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 asymptomatic.
- 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 Utah Health Guidance levels. Further, regardless of the number of attendees, social distancing measures for Council, staff, and attendees will be difficult to maintain in the City Council Chambers and Administration Conference Room.
- 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 City Council meetings and to provide a way to participate in public hearings.

For the next 30 days, all City Council 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>. If the YouTube link is not working, please see the city's website to get instructions on viewing the meeting. To make a public comment, email comments to publiccomment@americanfork.gov 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. You may also make public comment in person at City Hall (31 N. Church Street). No more than ten individuals will be allowed in City Hall at one time to ensure social distancing guidelines are capable of being followed. Masks shall be worn inside City Hall.

AGENDA TOPIC: Hearing, review and action on the preliminary and final plats for Autumn Crest Subdivision, Plat E, located at approximately 1040 North 930 East, in the R1-9,000 Residential zone.

ACTION REQUESTED: Approval of the preliminary plan and recommendation of approval of the final plat.

BACKGROUND INFORMATION				
Location:		1040 North 930 East		
Applicant:		Patterson Homes/Berg Engineering		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Vacant		
	South	Residential		
	East	Residential		
	West	Institutional		
Existing Zoning:		R1-9,000		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	R1-9,000		
	South	R1-9,000		
	East	R1-9,000		
	West	S-1 (Special Institutional)		
Land Use Plan Designation:		Residential Low Density (3 du/ac)		
Zoning within density range?		☒	Yes	☐ No

Background

Autumn Crest Subdivision was preliminarily approved in 2012 and 2015 but not all plats received final approval. The area of Plat E is one such example. The preliminary plan has lapsed, and the applicants have returned with a new preliminary plan and final plat for Plat E.

Access is provided off an existing stub-street, 1040 North. Plat E is an infill area of the Autumn Crest subdivision, consisting of 10 lots and located directly north of Plat A and west of Plat D.

All lots meet or exceed the requirements of the R1-9,000 zone.

Section 17.8.211 of the Development Code

The Planning Commission may act to recommend approval of a final plat upon a finding that:

- a. The final plat conforms with the terms of the preliminary plan approval.

The preliminary plan and final plat are being processed concurrently.

- b. The final plat complies with all City requirements and standards relating to Subdivisions.

This criterion has been met.

- c. The detailed engineering plans and materials comply with the City standards and policies.

Engineering will address any concerns at the time of the Planning Commission Meeting.

- d. The estimates of cost of constructing the required improvements are realistic.

Required improvements for this plat have been constructed.

- e. The water rights conveyance documents have been provided.

Water rights conveyance shall be satisfied prior to plat recordation.

FINDINGS OF FACT:

After reviewing the amended plat for Autumn Crest Plat E, the following findings of fact are offered for consideration:

1. The final plat is consistent with the Land Use Plan.
2. The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).
3. The final plat meets the criteria as found in Section 17.8.211 of the Development Code.

POTENTIAL MOTIONS

APPROVAL

PRELIMINARY PLAN

Mr. Chairman, I move that we approve the preliminary plan of Autumn Crest, Plat E, subject to any findings, conditions and modifications found in the engineering report.

FINAL PLAT

Mr. Chairman, I move that we recommend approval of the final plat of Autumn Crest, Plat E, with the findings listed in the staff report, and subject to any findings, conditions and modifications found in the engineering report.

DENIAL

PRELIMINARY PLAN

Mr. Chairman, I move that we deny the preliminary plan of Autumn Crest, Plat E.

FINAL PLAT

If the preliminary plan is denied, there can be no recommendation on the final plat.

TABLE

PRELIMINARY PLAN

Mr. Chairman, I move that we table action on the preliminary plan of Autumn Crest, Plat E.

FINAL PLAT

Mr. Chairman, I move that we table action on the final plat of Autumn Crest, Plat E.

AMERICAN FORK CITY ENGINEERING DIVISION STAFF REPORT

Planning Commission Meeting Date: 4/21/2021

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: Autumn Crest Plat E

Project Address: 930 East 1040 North

Developer / Applicant's Name: Patterson Homes

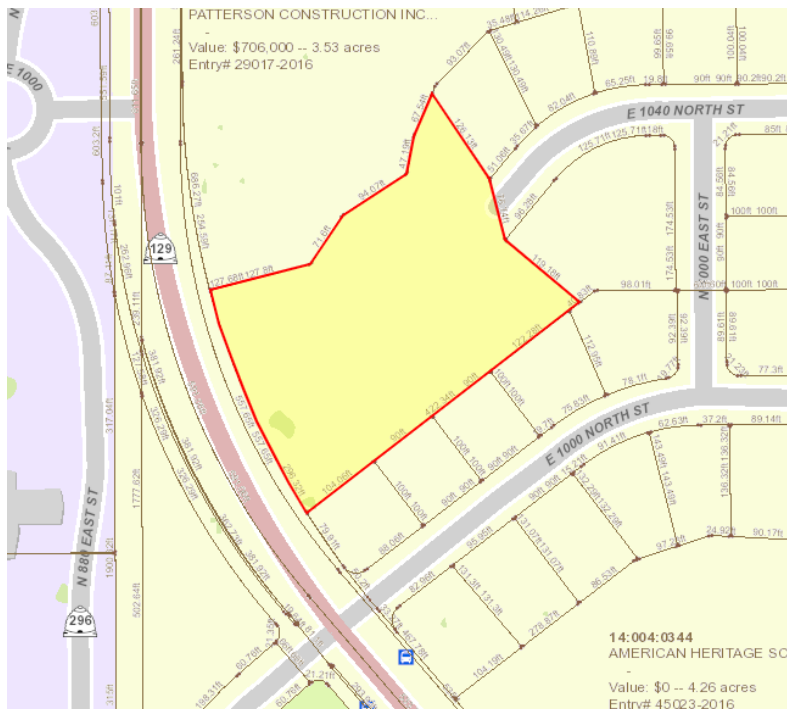
Type of Application:

- | | | |
|--|--|--------------------------------------|
| ☒ 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 4/21/2021 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.
2. Right-of-way dedication for North County Boulevard and 1100 North is to be completed prior to recording the mylar and commencing construction.
3. Any redline comments from 3rd party reviews of the plat will need to be addressed once received.

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. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
9. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
10. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
11. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
12. **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).

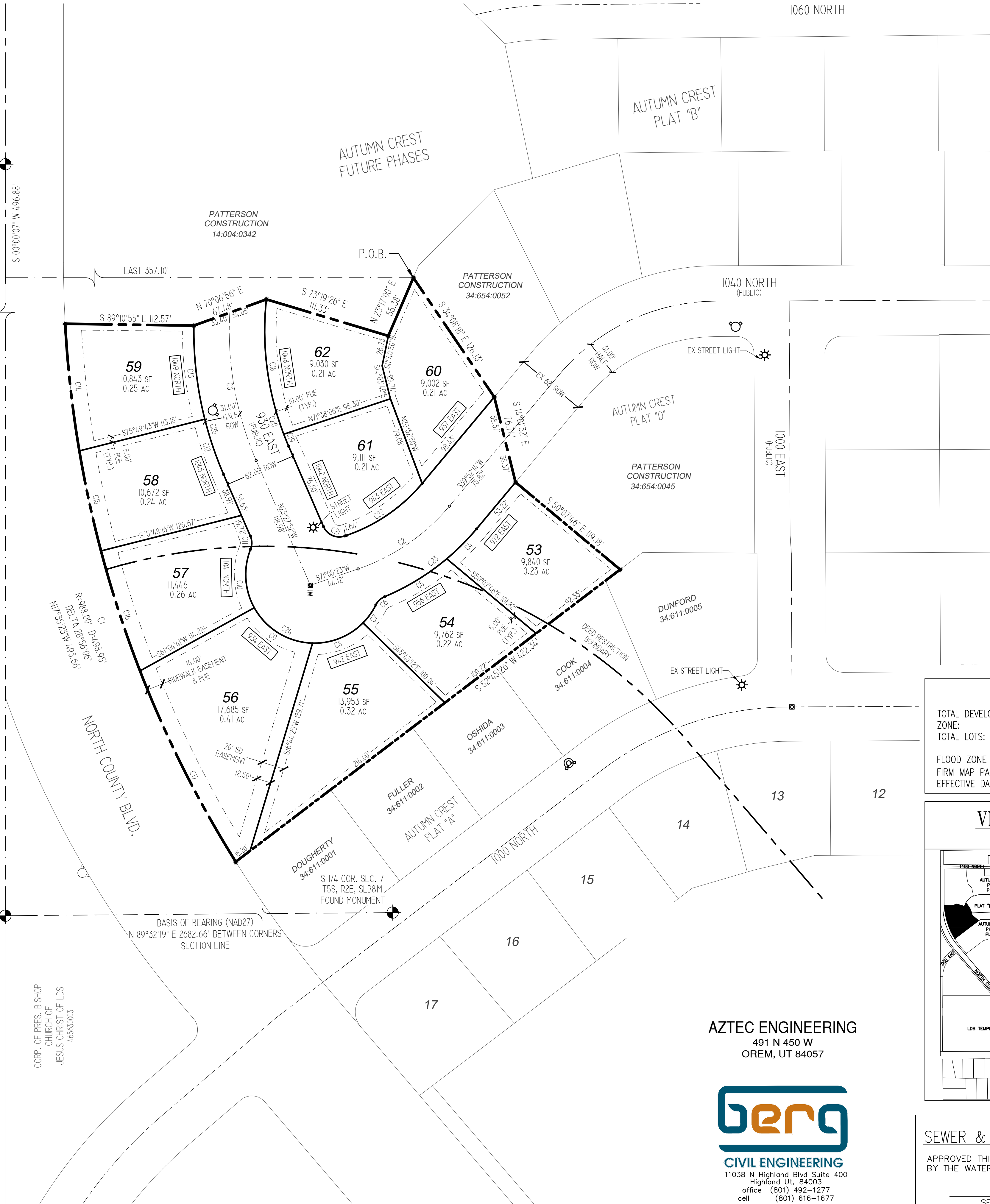
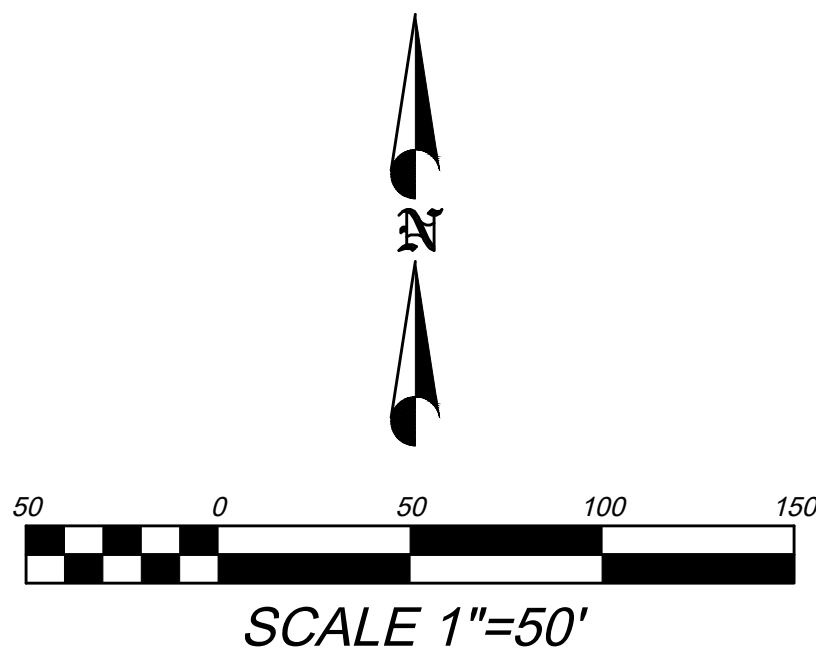
Plan Modifications Required:

AUTUMN CREST PHASE 1 PLAT "E"
A RESIDENTIAL SUBDIVISION
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN
AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	988.00	498.95	28°56'06"	493.66	N 17°35'23" W
C2	180.00	98.08	31°13'10"	96.87	S 55°28'49" W
C3	285.00	132.60	26°39'25"	131.40	N 10°08'09" W
C4	211.00	36.97	10°02'24"	36.93	S 44°53'26" W
C5	211.00	63.95	17°21'53"	63.70	S 58°35'34" W
C6	15.00	10.72	40°57'44"	10.50	S 46°47'38" W
C7	60.00	19.39	18°30'43"	19.30	S 35°34'08" W
C8	60.00	48.85	46°39'03"	47.51	S 68°09'01" W
C9	60.00	62.42	59°36'08"	59.64	N 58°43'23" W
C10	60.00	52.96	50°34'20"	51.26	N 03°38'09" W
C11	15.00	11.81	45°06'53"	11.51	N 00°54'25" W
C12	316.00	91.25	09°17'35"	91.20	N 18°49'04" W
C13	316.00	82.67	14°59'22"	82.43	N 06°40'36" W
C14	988.00	111.94	06°29'30"	111.88	S 06°22'05" E
C15	988.00	89.56	05°11'38"	89.53	S 12°12'39" E
C16	988.00	110.39	06°24'06"	110.33	S 18°00'31" E
C17	988.00	187.05	10°50'51"	186.78	S 26°38'00" E
C18	254.00	120.03	27°04'30"	118.91	S 07°19'49" E
C19	254.00	115.51	02°35'47"	115.51	S 22°09'58" E
C20	254.00	131.54	29°40'17"	130.07	S 08°37'43" E
C21	15.00	22.37	89°26'45"	20.35	S 66°11'14" E
C22	149.00	81.19	31°13'10"	80.19	N 55°28'49" E
C23	211.00	100.92	27°24'17"	99.96	S 53°34'22" W
C24	60.00	183.61	175°20'15"	119.90	N 86°01'06" W
C25	316.00	133.92	24°16'57"	132.92	N 11°19'23" W

NOTES:

- OFF-SET PINS TO BE PLACED IN THE BACK OF THE CURB AND 5/8" BY 24" REBAR WITH NUMBERED SURVEY CAP TO BE PLACED AT ALL LOTS REAR CORNERS PRIOR TO OCCUPANCY.
- BUILDING PERMITS WILL NOT BE ISSUED FOR ANY HOME UNTIL 1) ASPHALT PAVING IS INSTALLED AND 2) FIRE HYDRANTS ARE INSTALLED, APPROVED BY THE FIRE MARSHALL, AND CHARGED WITH CULINARY WATER.
- LOWEST FLOOR SLAB ELEVATION MUST BE A MINIMUM OF 3 FEET ABOVE WATER LEVEL MEASURED DURING SPRING SEASON OR SUPPORTIVE GEOTECHNICAL INFORMATION INDICATING OTHERWISE.



AZTEC ENGINEERING
491 N 450 W
OREM, UT 84057



LEGEND

- SECTION CORNER
- PROPERTY CORNER
- SUBDIVISION MONUMENT
- BOUNDARY LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- STREET LIGHT

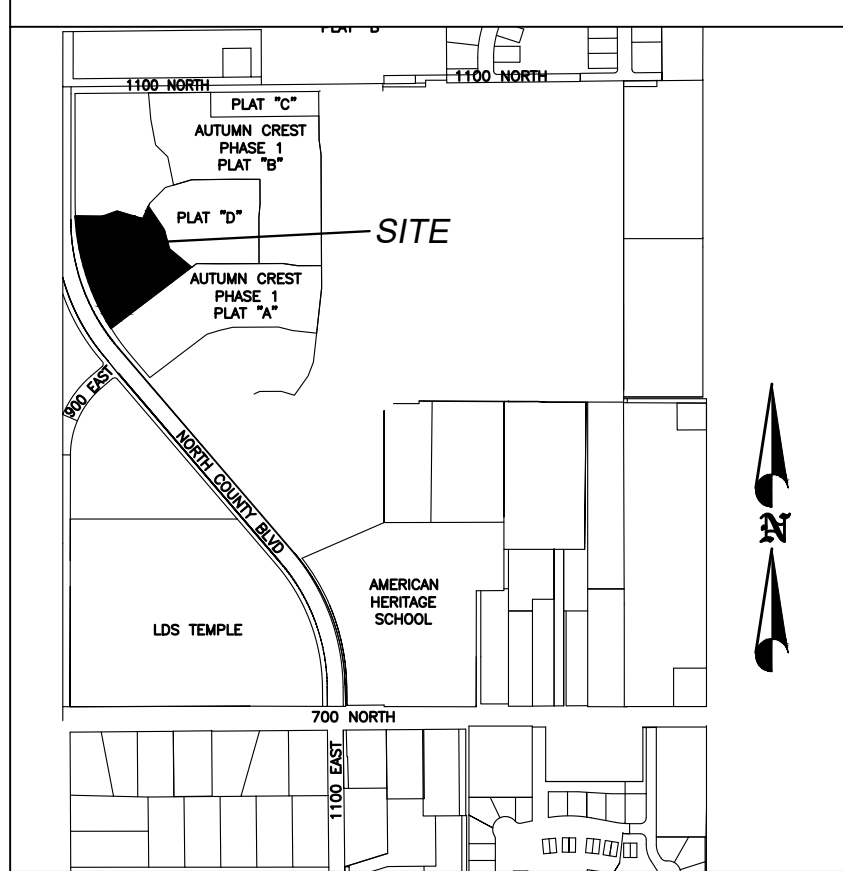
TABULATIONS

TOTAL DEVELOPMENT: 3.29 ACRES
ZONE: R-1-9000
TOTAL LOTS: 10
FLOOD ZONE DESIGNATION: X
FIRM MAP PANEL #: 495517 0110 B
EFFECTIVE DATE: JULY 17, 2002

BENCHMARK
SW CORNER OF SEC. 7
T. 5 S., R. 2 E., SLB&M
ELEV = 4757.024

VICINITY SKETCH

SCALE: 1"=800'



SEWER & WATER AUTHORITY APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____,
BY THE WATER AUTHORITY.

SEWER & WATER AUTHORITY

SURVEYOR'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. _____. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ SURVEYOR, P.L.S. (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS S 00°00'07" W 496.88 FEET ALONG THE SECTION LINE AND EAST 357.10 FEET FROM THE WEST QUARTER CORNER OF SECTION 7, TOWNSHIP 5 SOUTH RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE S 34°08'18" E 126.13 FEET; THENCE S 14°01'32" E 76.74 FEET; THENCE S 50°07'46" E 119.18 FEET; THENCE S 52°45'26" W 422.34 FEET TO A POINT ALONG THE EASTERLY RIGHT-OF-WAY LINE OF NORTH COUNTY BLVD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSE: ALONG THE ARC OF A 988.00 FOOT RADIUS CURVE TO THE RIGHTS A DISTANCE OF 498.95 FEET (CURVE HAVING A CENTRAL ANGLE OF 28°56'08" AND A LONG CHORD BEARS N17°35'23"W 493.66 FEET); THENCE S 89°10'55" E 112.57 FEET; THENCE N 70°06'56" E 67.48 FEET; THENCE S 73°19'26" E 111.33 FEET; THENCE N 23°17'00" E 55.38 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3.29 ACRES OR 143,229 SF

OF LOTS = 10

OWNER'S DEDICATION

THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED ABOVE AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS SHOWN THEREON FOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. _____

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
ON THE _____ DAY OF _____, A.D. _____ THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, _____ OF _____ COMPANY, A _____ UTAH LIMITED LIABILITY COMPANY, ON BEHALF OF SAID ENTITY. MY COMMISSION EXPIRES _____ NOTARY PUBLIC

ACCEPTANCE BY LEGISLATIVE BODY

THE _____ CITY COUNCIL OF _____ AMERICAN FORK CITY COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACKNOWLEDGES THE VACATION OF CERTAIN PUBLIC UTILITY EASEMENTS AND ACCEPTS THE DEDICATION OF ALL STREETS AND EASEMENTS FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. _____.
MAYOR _____ COUNCIL MEMBER _____
COUNCIL MEMBER _____ COUNCIL MEMBER _____
COUNCIL MEMBER _____ COUNCIL MEMBER _____
APPROVED _____ CITY ENGINEER ATTEST _____ CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. _____ BY THE _____ AMERICAN FORK CITY PLANNING COMMISSION
PLANNER _____ CHAIRMAN, PLANNING COMMISSION

PLAT "E"
AUTUMN CREST PHASE 1
A RESIDENTIAL SUBDIVISION
LOCATED IN THE SW 1/4 OF SECTION 7, T. 5 S., R. 2 E., SLB&M
AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH
SCALE: 1" = _____ 50 _____ FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CLERK-RECORDER SEAL

Review and action on the North Binch Annexation Agreement located in the vicinity of 800 West 500 South

The North Binch Annexation consists of 26.02 acres and located in the area of 800 West 500 South, south of the Willow Glen townhome development. Existing use of the area is agriculture. The City's Land Use Map designates the property as TOD (Transit Oriented Development). Within that TOD designation, the property lies within the General Mixed-Use and Neighborhood Edge sub-designations, with density ranges of 8-20 du/ac in the General Mixed-Use area and 4-14 du/ac in the Neighborhood Edge area. Rights-of-way for 700 West and 620 South will be dedicated as part of the annexation and are identified in the agreement. The annexation agreement is the first step toward ultimate development of the property.

Potential Motions:

APPROVAL

Mr. Chairman, I move that we recommend approval of the North Binch Annexation Agreement.

DENIAL

Mr. Chairman, I move that we recommend denial of the North Binch Annexation Agreement.

TABLE

Mr. Chairman, I move that we table action on the North Binch Annexation Agreement.

AMERICAN FORK CITY ENGINEERING DIVISION STAFF REPORT

Planning Commission Meeting Date: 4/21/2021

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: North Binch Annexation

Project Address: 800 West 500 South

Developer / Applicant's Name: Williamson Farms LLC

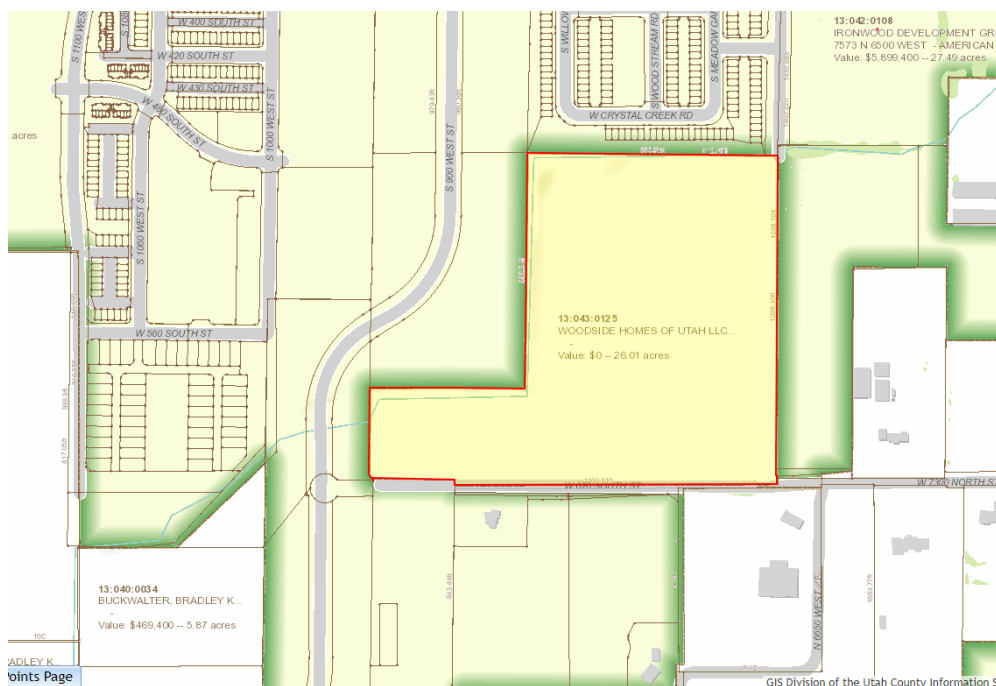
Type of Application:

- | | | |
|---|--|--|
| ☐ 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 4/21/2021 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.
2. All necessary attachments shall be finalized prior to being scheduled for City Council.

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. **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.
2. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
3. **Fees:** Payment of all development, inspection, recording, street light, and other project related fees.
4. **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).

ANNEXATION AGREEMENT (North Binch Annexation)

This Agreement, made and entered into this _____ day of _____, 20____, by and between The City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as "City") and Williamson Farms, LLC, (hereafter referred to as "Applicant"), is based on the following:

RECITALS

WHEREAS, Applicant is the owner of a parcels of privately-owned real property constituting the entirety of the North Binch Annexation, which annexation is located within the unincorporated territory of Utah County and contiguous to the corporate boundary of the City. A "Request to Initiate Annexation" (Attachment 1), together with a plat (Attachment 2) prepared by the Applicant showing the real property proposed for annexation (hereafter referred to as "Annexation Area");

WHEREAS, the Annexation Area constitutes a portion of an existing island, as defined by Utah State law;

WHEREAS, in accordance with the provisions of UCA 10-2-418, the American Fork City Council has heretofore adopted on January 12, 2021 Resolution No. 2021-01-03R indicating its intent to annex the entire Annexation Area. Further, notice of hearing regarding the proposed annexation has been published and the public hearing thereon held.

WHEREAS, the City Council has determined that annexation of the Annexation Area is in the best interest of the City and has indicated an intent to: (1) enact an ordinance of annexation relating thereto, subject to the prior execution of this Agreement, and (2) authorize the recording of the annexation plat at the office of the Utah County Recorder, subject to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

NOW THEREFORE, based on the above recitals and in consideration of the annexation of the Annexation Area to the City, the parties covenant and agree as follows:

SECTION 1 - Applicability of Agreement: The real property to which the terms of this Agreement apply shall be the parcels of private property within the Annexation Area, identified on Attachment 2. Attachment 2 is hereby made part of this Agreement.

SECTION 2 - Annexation a benefit to Applicant: Applicant and City acknowledge that the City is not required to approve the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered into freely and voluntarily. Further, Applicant hereby acknowledges and agrees that the benefit received from annexation of the property is equal to or greater than the requirements and conditions of annexation as set forth in this Agreement and the conditions of the development as set forth under the terms of the City's Development Code and

Impact Fee Ordinance and does not constitute a taking as defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

SECTION 3 - Authority of Applicant: Applicant hereby affirms that they are the current owner of the majority of the total private land area within the Annexation Area and have complete authority to enter into this Agreement and bind the property hereto.

SECTION 4 - Compatibility with Land Use Plan and Initial Zone Classification: The Land Use Element of the General Plan shows the Annexation Area classified as Transit Oriented Development. Therefore, the zone classification attached to the parcel shall be TOD. A map illustrating the zone classification has been prepared by the City and is made part of this agreement (Attachment 3).

SECTION 5 - Right-of-way to be Conveyed: The City's Transportation Element of the General Plan provides for the development of 700 West as a Transit-Oriented Development Major Arterial and 620 South as a Minor Collector. As a condition of annexation, Applicant hereby agrees to convey to the City any right-of-way necessary for 700 West and 620 South in the location shown on the street dedication map prepared by the Applicant and approved the City (Attachment 4). Applicant shall have no obligation to construct any right-of-way improvements unless and until any improvement or development occurs within the Annexation Area, subject to the provisions as outlined in the American Fork City Development Code Section 17.5.126 (Minimum Level of Improvements Required). Applicant shall be responsible for the cost of all right-of-way improvements at the time of improvement or development.

The Bike and Pedestrian Master Plan identifies placement of a cycle track along 620 South through the Annexation Area. As a condition of annexation, Applicants hereby agree to convey to the City any right-of-way necessary for the cycle track in the locations shown on the plat prepared by the Applicant and approved by the City (Attachment 4). Applicants shall have no obligation to construct any right-of-way improvements unless and until any improvement or development occurs within the Annexation Area, subject to the provisions as outlined in the American Fork City Development Code Section 17.5.126 (Minimum Level of Improvements Required). Applicant shall be responsible for the cost of all right-of-way improvements at the time of improvement or development.

SECTION 6 - Conveyance of Water Right: American Fork City Code 17.1.400, Conveyance of Water, requires conveyance of water shares/rights at the time of annexation unless the City determines that there is good and sufficient reason to delay the time of the conveyance. City and Applicant acknowledge and agree that the parties are unable to determine the quantity of shares/rights required for the Annexation Area at the present time and therefore, the City authorizes a delay in the time of conveyance of water shares/rights until the time of development. A Water Delay Agreement is hereby entered into by the parties and is incorporated into this Agreement as Attachment 5.

SECTION 7 - Open Ditches to be Piped: Applicant acknowledges that it is their burden in full to pipe any and all gravity irrigation conveyances (ditches), to the standards of the City and to the standards of the applicable irrigation company or private ditch easement holders as part of any forthcoming development project.

SECTION 8 - Property Taxes and Rollback Taxes to be Paid on any Right-of-Way Dedicated to City: Applicant agrees to pay any outstanding property taxes on the Annexation Area including any and all rollback taxes if the subject area is classified as "Greenbelt" with the Utah County Tax Assessor, for any areas identified as right-of-way to be dedicated to City. Proof of payment of these taxes shall be required prior to recording of this Agreement.

SECTION 9 - Impact Fees: No impact fees are required to be paid at this time as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that Applicant or any successor may have for the payment of impact fees required as a condition of development of the Annexation Area or any portion thereof. Applicant acknowledges that no development approval or building permit shall be issued until all applicable fees required by City ordinance have been paid at the amount then in effect.

SECTION 10 - Default: In the event either party seeks to enforce the terms hereof in a lawsuit or other proceeding, the prevailing party shall be entitled to an award of the costs incurred, including reasonable attorney fees.

SECTION 11 - Notice: Any notice to be given hereunder shall be given by certified mail, return receipt requested, addressed as follows:

- a. If to the City, to the City of American Fork, 51 East Main Street, American Fork Utah, 84003
- b. If to Applicant, to _____.

SECTION 12 - Entire Agreement: This Agreement constitutes the entire agreement between the parties and may be changed only in writing signed by all parties.

SECTION 13 – Severability: The provisions of this Agreement shall be deemed to be severable, and if any provision of this Agreement is determined to be invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect or limit the validity or enforceability of the remaining provisions hereof.

SECTION 14 - Binding Effect: This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

IN WITNESS WHEREOF, the parties have signed this agreement on the date first mentioned above.

Williamson Farms, LLC

MAYOR

Applicant Signature

ATTEST

City Recorder

LIST OF ATTACHMENTS

Attachment 1	Request to Initiate Annexation
Attachment 2	Plat describing the Annexation Area
Attachment 3	Zone Classification map
Attachment 4	Street Dedication Map
Attachment 5	Water Delay Agreement

RESOLUTION NO.**North Binch Annexation
(800 West 500 South)**

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO ANNEX A PORTION OF AN EXISTING ISLAND OR PENINSULA, IDENTIFYING THE AREA PROPOSED FOR ANNEXATION; AUTHORIZING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AND PROVIDING FOR THE PUBLICATION OF NOTICE OF SAID HEARING:

WHEREAS, Section 10-2-418, Utah Code Annotated, 1953, as amended, establishes a procedure and criteria for the annexation of unincorporated territory within an existing peninsula or island, and

WHEREAS, the City has received a request from owners of real property within an existing peninsula or island of unincorporated territory situated contiguous to the boundaries of American Fork City, requesting annexation of said territory to the City, and

WHEREAS, the City desires to honor the request of the property owners and effectuate the annexation in accordance with the procedures set forth under State Law,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

SECTION 1. The City Council hereby acknowledges receipt of a written notice from the owners of real property within an existing peninsula or island requesting that the property be annexed into American Fork City, in accordance with the terms of the State Law relating to annexation of property within an island or peninsula (UCA 10-2-418). A copy of the request signed by the owner of each parcel requesting annexation is set forth on Exhibit A. Further, an annexation plat showing the location of the area proposed for annexation and designating the area as the "**North Binch Annexation**" is set forth on Exhibit B which exhibits are attached hereto and by this reference made part of this Resolution.

SECTION 2. The City Council hereby indicates its desire and intent to annex the territory identified on Exhibit B.

SECTION 3. The City hereby acknowledges that the proposed annexation area constitutes only a portion of the existing island or peninsula, but hereby finds and determines that annexation of only a portion of the existing island or peninsula is in the best interest of the City.

SECTION 4. The City Council hereby authorizes a public hearing on the proposed annexation and instructs the City Recorder to publish notice thereof to the public and provide

Attachment: Notice of Intent to Annex (North Binch Annexation NOI)

written notice to the County Commission, and each special district whose boundaries contain some or all of the area proposed for annexation, all in accordance with the provisions of State Law.

SECTION 5. The provisions of this Resolution shall take effect upon its passage.

PASSED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 12 DAY OF JANUARY 2021.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

Attachment: Notice of Intent to Annex (North Binch Annexation NOI)

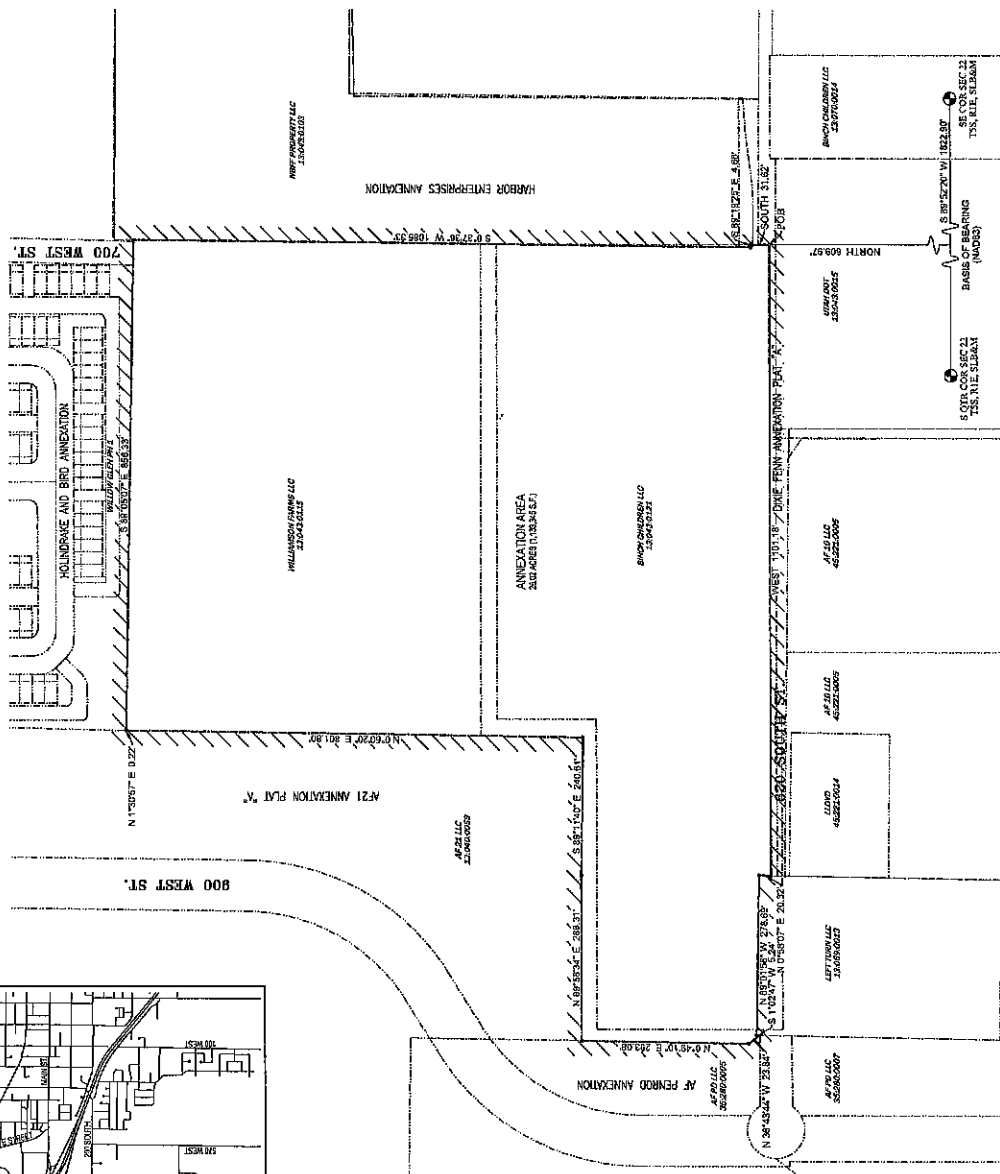
DATE: 12-3-2020

We hereby further acknowledge and affirm as follows:

- [illegible]

[illegible]

Exhibit "B"



Scale 1" = 100'

AZTEC ENGINEERING INC.
732 N. 780 W.
AMERICAN FORK, UT, 84003
AZTECENGINEERING@AOL.COM

SURVEYOR'S CERTIFICATE

I, ARON D. THOMAS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 8418780 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT OF ANNEXATION TO THE CORPORATE LIMITS OF AMERICAN FORK CITY, UTAH COUNTY, UTAH IS A TRUE AND CORRECT REPRESENTATION OF DATA COMPILED FROM RECORDS ON FILE IN THE OFFICE OF THE UTAH COUNTY RECORDER.

SURVEY/REPORT'S NAME: _____ HSE EVAL. 40.0cm

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED SOUTH 89°52'20" WEST ALONG SECTION LINE T22S, R9E AND NORTH 608.97 FEET FROM THE SOUTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

1) WEST 110.18 FEET, 2) NORTH 0°45'07" EAST 20.32 FEET, 3) NORTH 80°01'30" WEST 278.08 FEET, 4) NORTH 1°07'47" WEST 5.24 FEET, 5) NORTH 38°43'44" WEST 23.84 FEET, 6) NORTH 0°47'07" EAST 292.08 FEET, 7) NORTH 80°58'54" EAST 288.31 FEET, 8) SOUTH 108°38'11" WEST 240.51 FEET, 9) NORTH 0°50'20" EAST 80.50 FEET, 10) NORTH 1°30'57" EAST 0.22 FEET, 11) SOUTH 88°59'07" EAST 650.33 FEET, 12) SOUTH 0°37'30" WEST 104.33 FEET, 13) SOUTH 88°15'20" EAST 4.56 FEET, AND SOUTH 31°42' FEET TO THE POINT OF BEGINNING.

CONTAINING 26.02 ACRES, MORE OR LESS.
BASIS OF BEARING: UTAH STATE PLANE COORDINATE SYSTEM NAD 1983, CENTRAL ZONE.

ACCEPTANCE BY LEGISLATIVE BODY

THE ONLY ELIGIBLE COUNCIL OF THE CITY OF AMERICAN FORD, UTAH MAY REQUEST TO INITIATE PROCEEDURES FOR THE ANNEAION OF A PORTION OF THE TRACT OF LAND SHOWN HEREIN, WHICH TRACT CONSTITUTES A PORTION OF AN EXISTING ISLAND AND PENINSULA WITHIN OR CONTIGUOUS TO THE CITY, AND TO HEREBY CERTIFY: (1) THE COUNCIL HAS ADOPTED A RESOLUTION SETTING FORTH THE REASONS FOR THE REQUEST; (2) THE COUNCIL HAS CONSIDERED THE EVIDENCE AND HEARINGS ON THE MATTER AND ADOPTED AN ORDINANCE PROVIDING FOR THE ANNEAION OF THE TRACT 152-4-18 UTAH CODE ANNOTATED, AS AMENDED, AND (3) THAT THE CITY HAS SHOWN HEREON AS A PORTION OF AMERICAN FORD, UTAH, AND THAT THE CITY HAS SHOWN HEREON AS A PORTION OF AMERICAN FORD, UTAH, TO BE KNOWN HEREIN AFTER AS THE FIRST BENCH ANNEAION.

DATED THIS DAY OF , A.D. .

JAYOR

ATTEST

LETTER REQUESTER

FINAL LOCAL ENTITY PLAT

**NORTH BINCH
ANNEXATION**

NOTATION
LOCATED IN THE SOUTH 1/2 OF SECTION 22,
TOWNSHIP 8 SOUTH, RANGE 1 EAST, SLB#24
AMERICAN FORK CITY, UTAH COUNTY, UTAH

COUNTY SURVEYOR'S CERTIFICATE

COUNTY SURVEYOR _____ DATE _____

Country: Italy

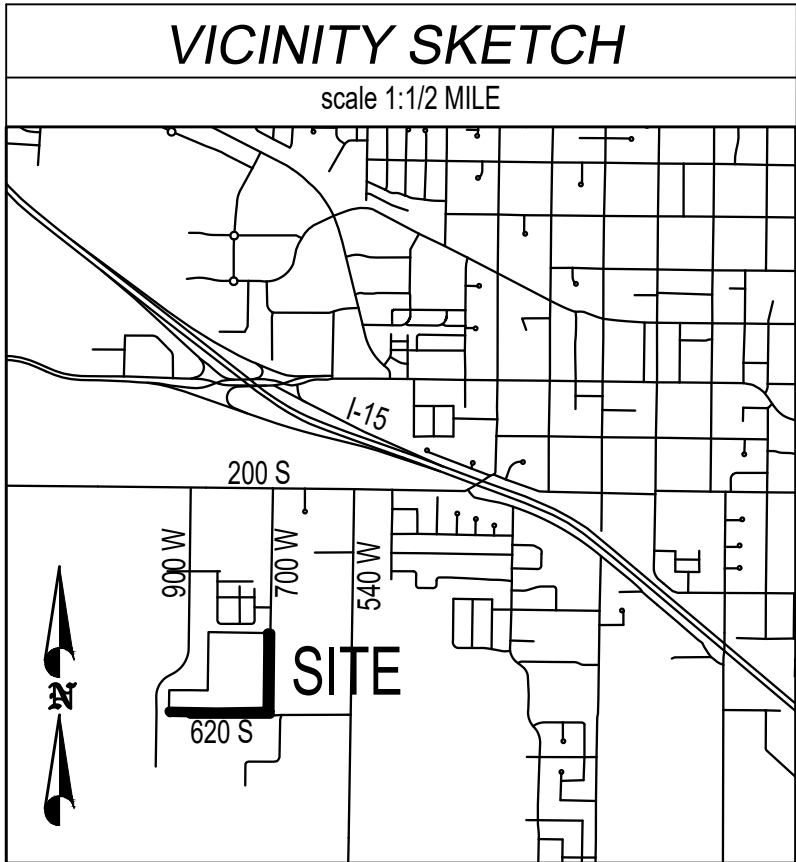
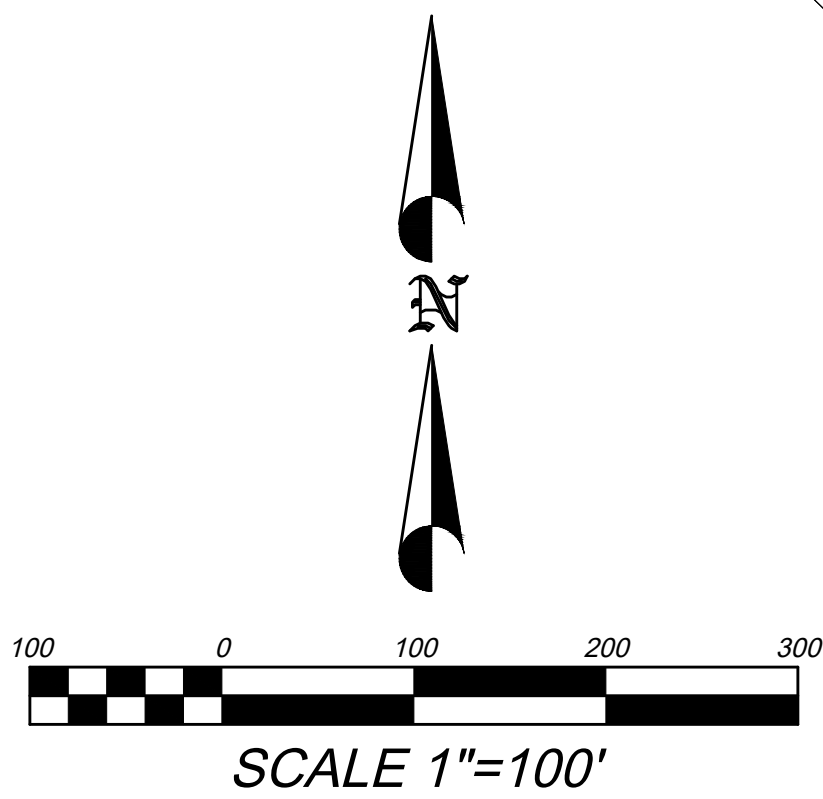
NO. 240534

COMMUNITY RESPONSE

Attachment 4

NORTH BINCH ROAD DEDICATION PLAT

PORTIONS OF 620 SOUTH AND 700 WEST PUBLIC STREETS
LOCATED IN THE SOUTH HALF OF SECTION 22
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN.
AMERICAN FORK CITY, UTAH COUNTY, UTAH



TABULATIONS		
ROAD DEDICATION AREA		2.14 AC
EXISTING ZONING	TOD	
LAND USE:	TOD	
FLOOD ZONE DESIGNATION:	X	
FIRM MAP PANEL #:	495517 0110 B	
EFFECTIVE DATE:	JULY 17, 2002	

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	1428.00	46.39	01°51'41"	46.39	S89°57'44"E
C2	25.00	38.61	88°28'39"	34.88	N44°52'08"E
C3	1000.00	28.84	00°47'33"	13.83	N00°14'01"E
C4	1000.00	28.84	01°39'09"	28.84	N00°39'49"E

LEGEND	
	SECTION CORNER
	PROPERTY CORNER
	SUBDIVISION MONUMENT
	BOUNDARY LINE
	CENTER LINE
	EASEMENT LINE

SURVEYOR'S CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 98, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1993 AS AMENDED, CERTIFICATE NO. _____. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1993 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1993 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

Beginning at a point located North 0°03'33" East along section line 605.91 feet and West 1824.15 feet from the Southeast Corner of Section 22, Township 5 South, Range 1 East, Salt Lake Base and Meridian;

thence West 1100.91 feet; thence North 0°58'19" East 20.34 feet; thence North 89°01'56" West 278.34 feet; thence South 1°00'15" West 4.80 feet; thence North 36°42'37" West 23.49 feet; thence North 0°50'17" East along the easterly boundary of B.K. Penrod Plat "A" a distance of 5.74 feet; thence South 89°01'53" East 641.50 feet; thence along the arc of a 1428.00 foot radius curve to the left a distance of 46.39 feet (curve having a central angle of 01°51'41" and a long chord bears S89°57'44"E 46.39 feet); thence North 89°06'26" East 634.86 feet; thence along the arc of a 25.00 foot radius curve to the left a distance of 38.61 feet (curve having a central angle of 88°28'39" and a long chord bears N44°42'06"E 34.88 feet); thence North 00°37'47" East 833.29 feet; thence along the arc of a 1000.00 foot radius curve to the left a distance of 13.83 feet (curve having a central angle of 00°47'33" and a long chord bears N00°14'01"E 13.83 feet); thence North 00°09'46" West 173.19 feet; thence along the arc of a 1000.00 foot radius curve to the right a distance of 28.84 feet (curve having a central angle of 01°39'09" and a long chord bears N00°39'49"E 28.84 feet); thence South 89°05'07" East along the southerly boundary of Willow Glen Phase 1 a distance of 44.48 feet; thence South 0°37'47" West 1088.16 feet; thence South 89°13'41" East 4.15 feet; thence South 28.78 feet to the point of beginning.

Area = 93,331 sf or 2.14 Acres

OWNER'S DEDICATION

THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED ABOVE AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO STREETS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS SHOWN THEREONFOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. _____

ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF UTAH } s.s.
ON THE ____ DAY OF _____, A.D. _____ PERSONALLY APPEARED BEFORE ME _____

WHICH PERSON ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING DEDICATION IN HIS RESPECTIVE CAPACITIES ON BEHALF OF _____, IN ACCORDANCE WITH THE GOVERNING DOCUMENTS OF SUCH COMPANY.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

ACCEPTANCE BY LEGISLATIVE BODY

THE _____ CITY COUNCIL _____ OF _____ AMERICAN FORK CITY _____ COUNTY OF UTAH, APPROVES THIS DEDICATION PLAT AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS AND EASEMENTS FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. ____.

MAYOR

CITY COUNCIL MEMBER

CITY COUNCIL MEMBER

CITY COUNCIL MEMBER

CITY COUNCIL MEMBER

CITY COUNCIL MEMBER

CITY ENGINEER

ATTEST

CLERK-RECORDER

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. _____ BY THE _____ AMERICAN FORK CITY _____ PLANNING COMMISSION

PLANNER

CHAIRMAN, PLANNING COMMISSION

NORTH BINCH ROAD DEDICATION PLAT
PORTIONS OF 620 SOUTH AND 700 WEST PUBLIC STREETS
LOCATED IN THE SOUTH HALF OF SECTION 22
TOWNSHIP 5 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN.
AMERICAN FORK CITY, UTAH COUNTY, UTAH

SCALE: 1" = 100 FEET

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CLERK-RECORDER SEAL

SURVEYOR

AZTEC engineering inc.
732 N. 780 W.
AMERICAN FORK, UT. 84003
aztecengineering@gmail.com

ENGINEER

BERG
CIVIL ENGINEERING
11038 N Highland Blvd Suite 400
Highland UT, 84003
office (801) 492-1277
cell (801) 616-1677

I:\My Drive\Berg_Civil\2020\Woodside Homes\North Binch Annexation\North Binch Road Dedication Plat.dwg 12/11/2020

Attachment 5

WATER DELAY AGREEMENT FOR ANNEXATION

This Water Delay Agreement for Annexation (“**Agreement**”) is entered into as of the ____ day of _____, 20____ (“**Effective Date**”), by and between _____ (“**Owner**”), and AMERICAN FORK CITY, a municipal corporation and political subdivision of the State of Utah (“**City**”).

RECITALS

WHEREAS Owner is the owner of Parcel Nos. _____ (“**Property**”), which are located outside of the City’s current municipal boundaries; and

WHEREAS Owner has filed with the City a request to have the Property annexed into the City (“**Annexation Request**”); and

WHEREAS Section 17.1.400(C) of the City Code requires the conveyance of title to water rights concurrently with final action by the City Council on an annexation, except under pursuant to certain findings, terms, and conditions; and

WHEREAS City and Owner desire to enter into this Agreement as part of the findings, terms, and conditions required under Section 17.1.400(C) of the City Code.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants hereafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and City, incorporating the recitals set forth above, agree as follows:

AGREEMENT

1. Determination of City Council. The City Council, with the recommendation of the City Planning Commission, has determined that there is good and sufficient reason to delay the time of conveyance of water rights and/or water shares beyond the time of the City Council’s final action on the Annexation Request. This determination was made in the City Council meeting held on _____, 20____. The basis and reasoning for the City Council’s determination are included within the recording, minutes, and other documentation from said City Council meeting.

2. Water Rights/Shares. The specific water rights and/or water shares that may be conveyed to the City, and that pursuant to the terms and conditions of this Agreement are hereby committed to the City, which commitment is irrevocable by Owner and may be released by the City only as provided in this Agreement (“**Committed Water**”), are identified in Exhibit A of this Agreement.

3. Conveyance of Committed Water. Prior to the City’s approval of any development on the Property that will require the delivery of water, the City will determine the amount of water rights/shares required for dedication and conveyance to the City in order to meet the water requirements of the development. Owner will convey clear title to the required amount of the Committed Water to the City. If the amount of water necessary for the development is less than the

total amount of the Committed Water, the City will release the commitment (provided in paragraph 2 above) as to the unnecessary portion of the Committed Water. If the amount of water necessary for the development is more than the total amount of the Committed Water, Owner shall convey additional acceptable water rights/shares to the City to meet the dedication requirements. If the Committed Water consists of any water rights, the conveyance shall be by Warranty Deed and an accompanying Water Rights Deed Addendum. If the Committed Water consists of any water shares, the conveyance shall be by assignment, endorsement, and delivery of the appropriate share certificates. Owner acknowledges that under the Article XI, Section 6 of the Utah Constitution, City is prohibited from returning to Owner any portion of the Committed Water once it has been conveyed to the City.

4. Change Application. If any of the Committed Water consists of water rights, an express prerequisite for conveyance shall be the filing and approval of an Application for Permanent Change of Water (“**Change Application**”) with the Utah Division of Water Rights (“**Division**”) to convert the water rights to municipal use to be diverted from the City’s wells. Prior to the filing of the Change Application, the water rights shall be reviewed by the City’s water attorneys to ensure that the water rights are suitable for dedication. The City’s water attorneys shall also prepare and prosecute the Change Application, with the full assistance and support of Owner. The water rights will be deemed acceptable for conveyance to the City under this paragraph upon the issuance of an Order approving the Change Application that is acceptable to the City and upon expiration of all applicable deadlines for requests for reconsideration and/or appeal of the Order. Owner shall be responsible for all costs associated with the Change Application, including but not limited to the City’s attorney fees, application filing fees, and document fees.

5. Title to Committed Water. Owner shall convey unencumbered title to the Committed Water to the City. If the Committed Water consists of water rights, the City will obtain a water rights title insurance policy for the water rights. Owner shall be responsible for all costs associated with the water rights title insurance, including but not limited to the policy premium and recording fees. Owner shall be responsible for satisfying the requirements and conditions of the Title Commitment in order for the title company to issue a title insurance policy that is acceptable to the City. A water rights title insurance policy that is agreeable to the City is an express condition to the acceptability of the water rights for dedication and conveyance to the City. If the Committed Water consists of water shares, the City will obtain written confirmation of share ownership and current payment of all assessments from the respective water company/companies. Owner shall be responsible for all costs associated with obtaining the written confirmation. From the date of this Agreement until the Committed Water is conveyed to the City, Owner shall not sell or otherwise dispose of the Committed Water, nor shall Owner allow any liens or encumbrances upon the Committed Water that would prevent Owner from conveying unencumbered title to the Committed Water to the City.

6. Cessation of Owner’s Use. Upon conveyance of the Committed Water to the City, Owner shall immediately cease any and all use of the Committed Water.

7. Successors and Assigns. Pursuant to the terms of this Agreement, Owner shall have the right to assign its rights, duties, and obligations. The parties acknowledge that the rights, duties, and obligations of Owner will also apply to any successor or assign of Owner, and that the use of the term “Owner” in this contract includes Owner’s successors or assigns.

8. Ownership of Water Facilities. Nothing in this Agreement shall alter the ownership of any wells or other water facilities of Owner or City.

9. Entire Agreement. This Agreement represents the entire agreement between the parties and supersedes all prior agreements and understandings concerning the commitment and conveyance of water rights for the Property. This Agreement shall not be amended, modified, or terminated except by written instrument signed by all parties.

10. Construction and Enforcement. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah. This Agreement may be specifically enforced.

11. Third Party Beneficiaries. This Agreement is not intended to and shall not create any rights in any person or entity not a party to this Agreement.

12. Attorney Fees. In any action arising out of this Agreement, the prevailing party shall be entitled to costs and reasonable attorney fees.

13. Further Assurances. After the execution of this Agreement, the parties agree to execute and deliver such documents, and to take or cause to be taken all such other actions, as either party may reasonably deem necessary or appropriate in order to carry out the intents and purposes of this Agreement.

14. Severability. If any term, covenant, or condition of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and the remainder of the Agreement shall remain in full force and effect.

15. Authority of Parties. The persons signing this Agreement represent and warrant that they have full authority to do so and that their corporation or entity has undertaken and obtained whatever formalities and approvals are necessary to enter into this Agreement.

16. Counterparts. This Agreement may be executed in multiple counterparts, all of which taken together shall comprise one agreement.

AMERICAN FORK CITY

Attest: _____
Terilyn Lurker, City Recorder

On the _____ day of _____, 20____, personally appeared before me Bradley J. Frost and Terilyn Lurker, known to me to be the Mayor and City Recorder, respectively, of American Fork City, who acknowledged to me that they executed the within Water Delay Agreement pursuant to the approval and authorization of the City Council at a regular meeting at which a quorum was in attendance.

NOTARY PUBLIC

On the _____ day of _____, 20____, _____ personally appeared before me and duly acknowledged that he/she executed this Water Delay Agreement for the purposes stated therein.

NOTARY PUBLIC

EXHIBIT A

Description of Water Rights and/or Water Shares Committed to the City

**Hearing, review and action on various amendments to Section 17.7.507.F.6
of the American Fork City Development Code.**

The proposed City-initiated code text amendment deals with building primary orientation for multi-family structures within the PC (Planned Community) zone. Staff recommends that a building's primary orientation, in addition to being "toward a street" be expanded to include drive aisle, common area or other public or private open space. This will allow buildings to orient toward open spaces (whether public or private), drive aisles as found in traditional multi-family developments or public/private streets. In so doing, this will allow greater flexibility in siting structures--as intended by the PC zone--and be similar to allowances given for building placement in the TOD (Transit Oriented Development) zone.

Draft language is included.

Potential Motions

APPROVAL

Mr. Chairman, I move that we recommend approval of the proposed amendments to the Development Code.

DENIAL

Mr. Chairman, I move that we recommend denial of the amendments to Development Code.

TABLE

Mr. Chairman, I move that we table action on the amendments to the Development Code.

17.7.507.F.6
Building Primary Orientation

b. Multiple unit residential, commercial, office, manufacturing and mixed use structures.

1. For portions of the project area intended for development of multiple unit residential, commercial, office, manufacturing and mixed use structures, the plan shall show the location, height, and intended use, number of residential units and square footage of commercial, office, manufacturing or other non-residential uses within each structure.
2. The plan shall show the areas intended for use as off-street parking and landscaping and any other major use or activity to be included as a part of the project.
3. Standards.
 - A. Building primary orientation shall be toward ~~the~~ a public or private street, drive aisle, common area or other public or private open space rather than the parking area.
 - B. At least sixty percent of the street frontage shall have buildings within ten feet of the property line. Parking is not permitted in this area.
 - C. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street.
 - D. The principal entrance must be designed to be readily apparent. Buildings that are open to the public and are within thirty feet of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional, be a distinctive and prominent element of the architectural design, and shall be open to the public during all business hours.

Hearing, review and action on an amendment to the Lake City Row Planned Community Master Plan, located in the area of 860 East Utah Valley Drive, in the PC (Planned Community) and PI-1 (Planned Industrial) zones.

****This item was tabled at the April 7th Planning Commission meeting. The Planning Commission requested additional information regarding the shared parking areas, numbers of stalls included and any buffering proposals. Discussion centered around shared parking, reduced housing units, and the appropriateness of office warehouse uses in a mixed-use community setting. Staff remains opposed to the amended concept plan, for the same reasons as stated in the original memo and at meeting. Regardless of any potential reduction in units, areas for shared parking or buffering, staff is of the feeling that office warehouse is more conducive to an industrial or light industrial area, not a traditional mixed use higher density development.****

Lake City Row comprises of properties that were annexed under the Vest Annexation (2019). The property was zoned PC (Planned Community) in anticipation of mixed-use development consisting of office space, retail space, and higher density residential.

The Lake City Row master plan was approved in November 2019. The master plan envisioned up to 2,500 residential units located both independently and within mixed-use commercial areas. Additionally, areas of commercial office were approved as part of the overall master plan. The applicants were also granted approval of a reduced parking ratio of 1.8 stalls per unit; provided that a large area of shared parking would be present in-between office commercial and high density residential, in order to provide overflow parking for the adjacent residential; the peak demand for each use being offset. This area is called out as cross-hatched on both the original (approved) plan and the proposed amended plan.

The applicants have proposed a change to the master plan, altering the “commercial” in Phase 1, by removing the “office” designation and “2-5” story from the anticipated product type. In its place, they propose a “1-5” story “commercial” building product type, consisting of office-warehouse.

Staff recommends against the proposed change. Following are reasons for such a recommendation of denial.

The master plan approval granted a unit count of up to 2,500 units (corresponding overall density of 25 du/ac) on the premise that this is a true mixed-use development. Office-warehouse uses are typically found within largely industrial/light-industrial locations, not within traditional high density mixed-use developments. Office and traditional commercial such as retail create the mixed-

use environment conducive for high density, where residents can conveniently access workspaces and other traditional commercial and retail uses.

Parking requirements for the residential portions of the project were reduced from the City standard of 2.25 stalls per unit, to 1.8 stalls per unit. This was based on a proposed count of approximately 1,500 commercial parking spaces being provided from the commercial office area in Phase 1. Office warehouse uses have a reduced parking requirement; warehouse portions requiring only 1 space per 1,000 sq. ft. While the applicants propose a reduction in the number of units from 2,500 to 2,250, the reduction in units is proposed in the northern area of Phase 3, well outside of the area designated for shared parking space. Phase 3, directly adjacent to Phase 1 and adjacent to the area proposed for shared parking has already received site plan approval for over 500 units at the ratio of 1.8 stalls per unit. Parking for the office use (Phase 1) adjacent to Phase 3 was intended to alleviate parking pressure from this area. Office warehouse use, if approved, will reduce the number of shared parking spaces available. In addition, the remaining, undeveloped Phase 3 is located north of Quality Drive. While the applicants state that parking pressure will be minimized by a decrease in units, there is still, in effect, approval to park at a reduced 1.8 stalls per unit.

Staff is concerned that if the master plan is amended to allow office warehouse uses in Phase 1, not only will the shared parking be greatly reduced, but additional requests may be made to convert the remaining commercial areas to office-warehouse, which will further reduce the intended mixed-use community that was promised with the original approval.

Potential Motions

APPROVAL

Mr. Chairman, I move that we recommend approval of the proposed Lake City Row master plan amendment.

DENIAL

Mr. Chairman, I move that we recommend denial of the proposed Lake City Row master plan amendment, with a finding that conversion of office commercial to office warehouse does not follow the original intent to create a mixed-use community and the removal of "office" from Phase 1 will reduce availability of parking intended as shared parking (as identified in the original master plan).

TABLE

Mr. Chairman, I move that we table action on the proposed Lake City Row master plan amendment.

March 15, 2021

Dear American Fork City,

As indicated in the original LCR Masterplan, we contemplated the possibility that the plan may need to go through tuning along the way. The pandemic year has been challenging for office development and has necessitated adjustments in our approach to delivering successful projects. Included is the first proposed amendment "Amendment 1" to the LCR Masterplan of November 26, 2019.

Attached you will find two sheets from the LCR masterplan (the phasing exhibit and the concept exhibit). These are proposed for amendment as highlighted therein. The key details are as follows:

- A. MDP Land requests that the Phase 1 commercial area be adjusted to contemplate 1-5 story commercial (formerly 2-5 story), and to remove the "office" indication to allow more flexibility with development. We desire to develop corporate headquarters buildings that can accommodate several commercial uses including significant office. This land use would be essentially the same as all adjacent existing commercial.
- B. MDP Land requests that the overall entitled density at LCR be reduced by 10%, from 2,500 units to 2,250 units. This reduction would be focused specifically within the Phase 3 area, where density would be decreased by 250 residential units in an effort to minimize parking pressure overall.

Both of these changes will decrease the intensity of development and the amount of traffic, and will contribute to thriving development and job creation in the coming years. Please let me know of any questions you may have.

Buck Swaney
808.378.1000
buck@mdp.land



BUILDING IMAGE

SCALE:



RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

PANDO LAKE
A PROJECT FOR
WOODBURY COOPORATION

DENVER

02/16/21

COLORADO

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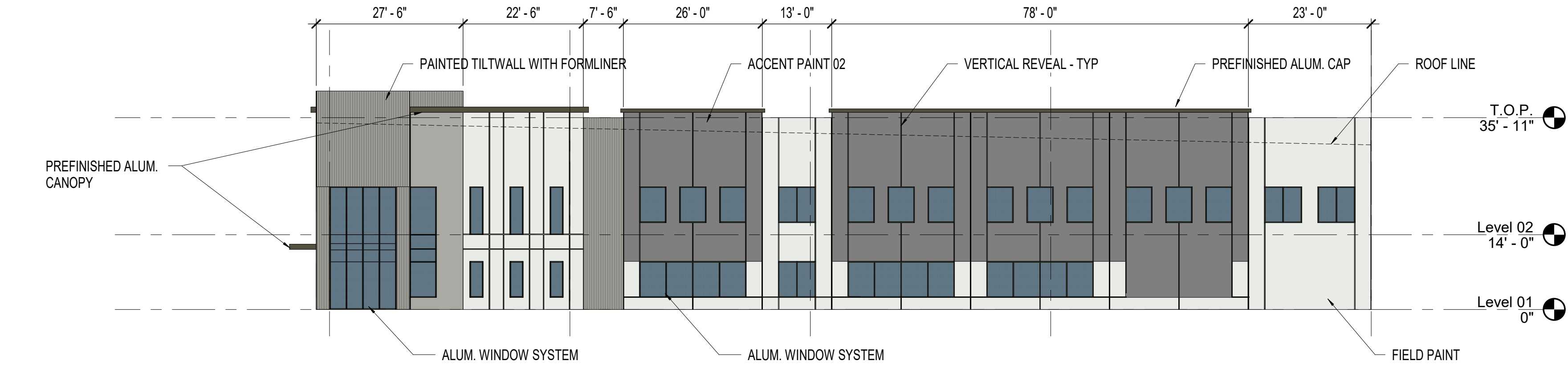
OVERALL ELEVATIONS

SCALE: As indicated



FRONT ELEVATION

SCALE: 1/16" = 1'-0"



SIDE ELEVATION

SCALE: 1/16" = 1'-0"

SIDE FACADE TOTAL BUILDING SURFACE AREA: 7,449 SF
SIDE FACADE GLAZING AREA: 1,508 SF (20.2% GLAZING)

RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

PANDO LAKE
A PROJECT FOR
WOODBURY COOPERATION

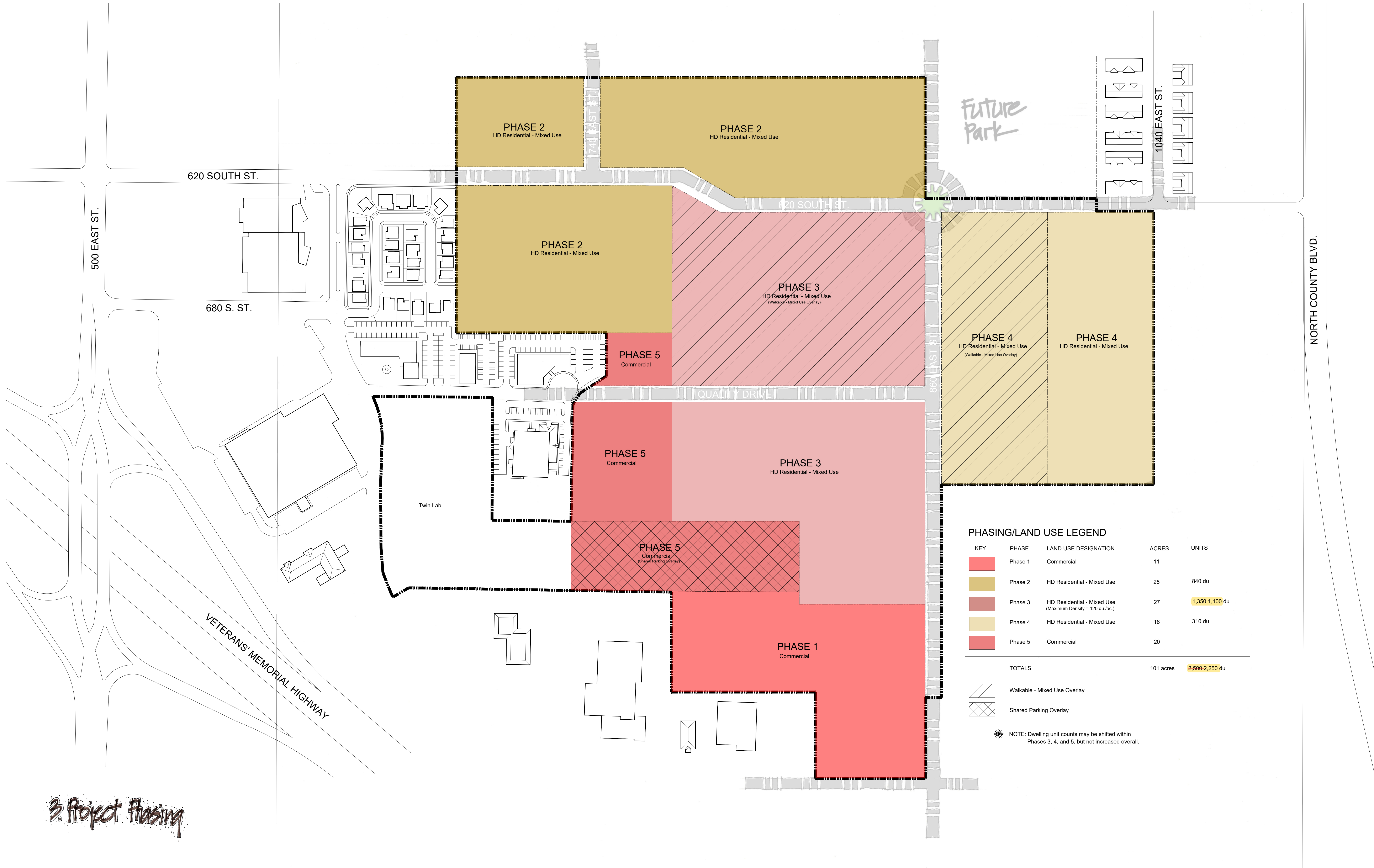
DENVER

03/12/21

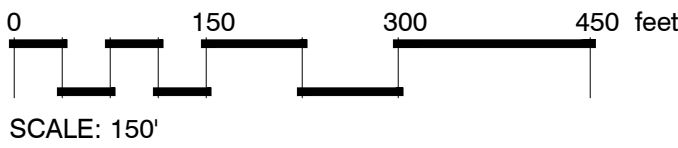
COLORADO

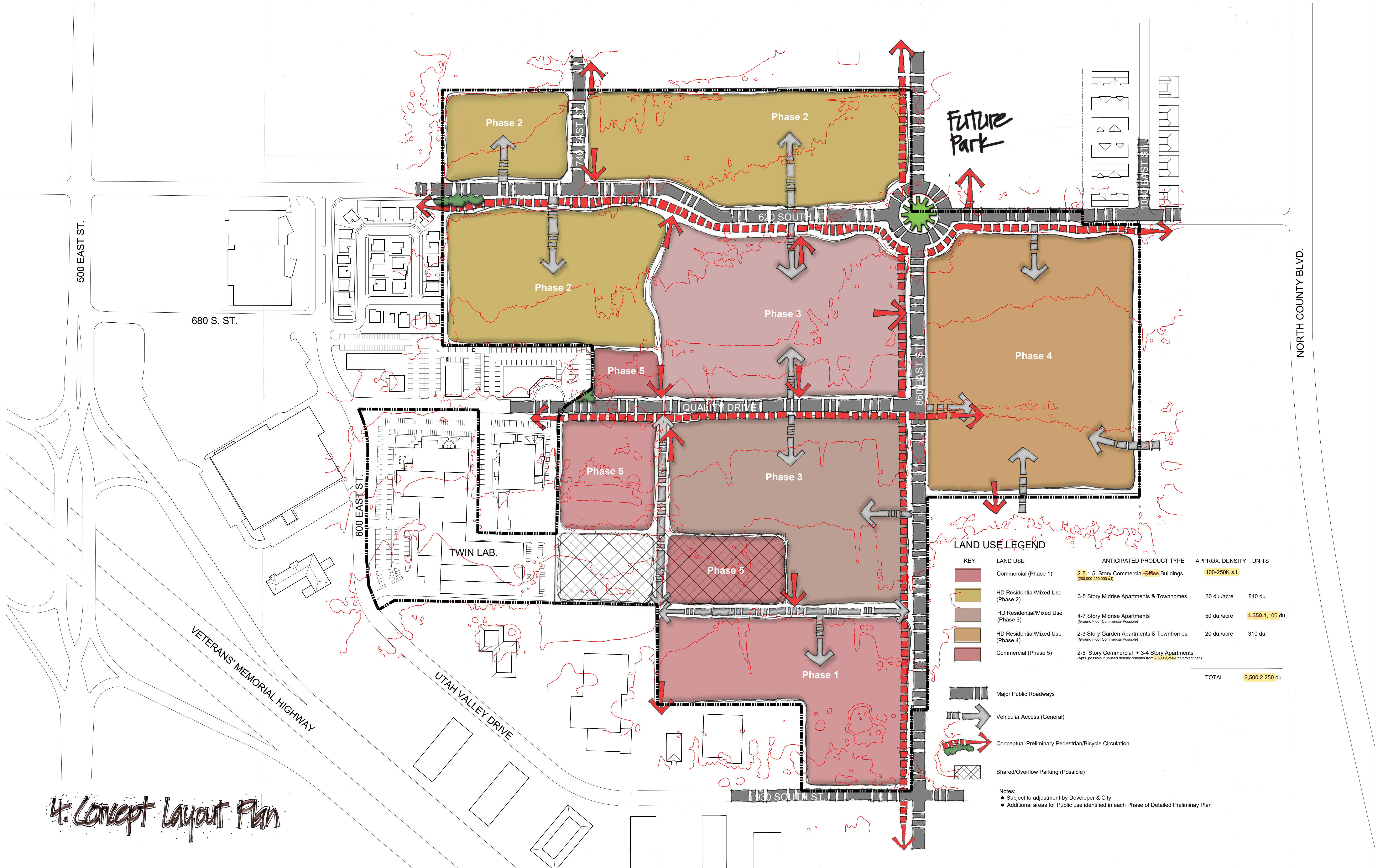
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3. Project Phasing

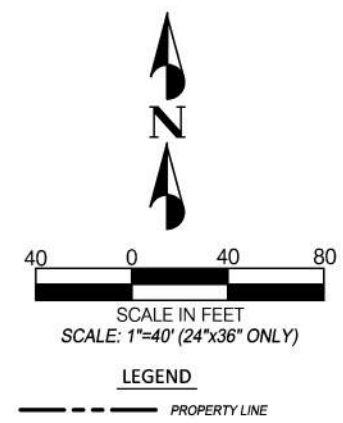
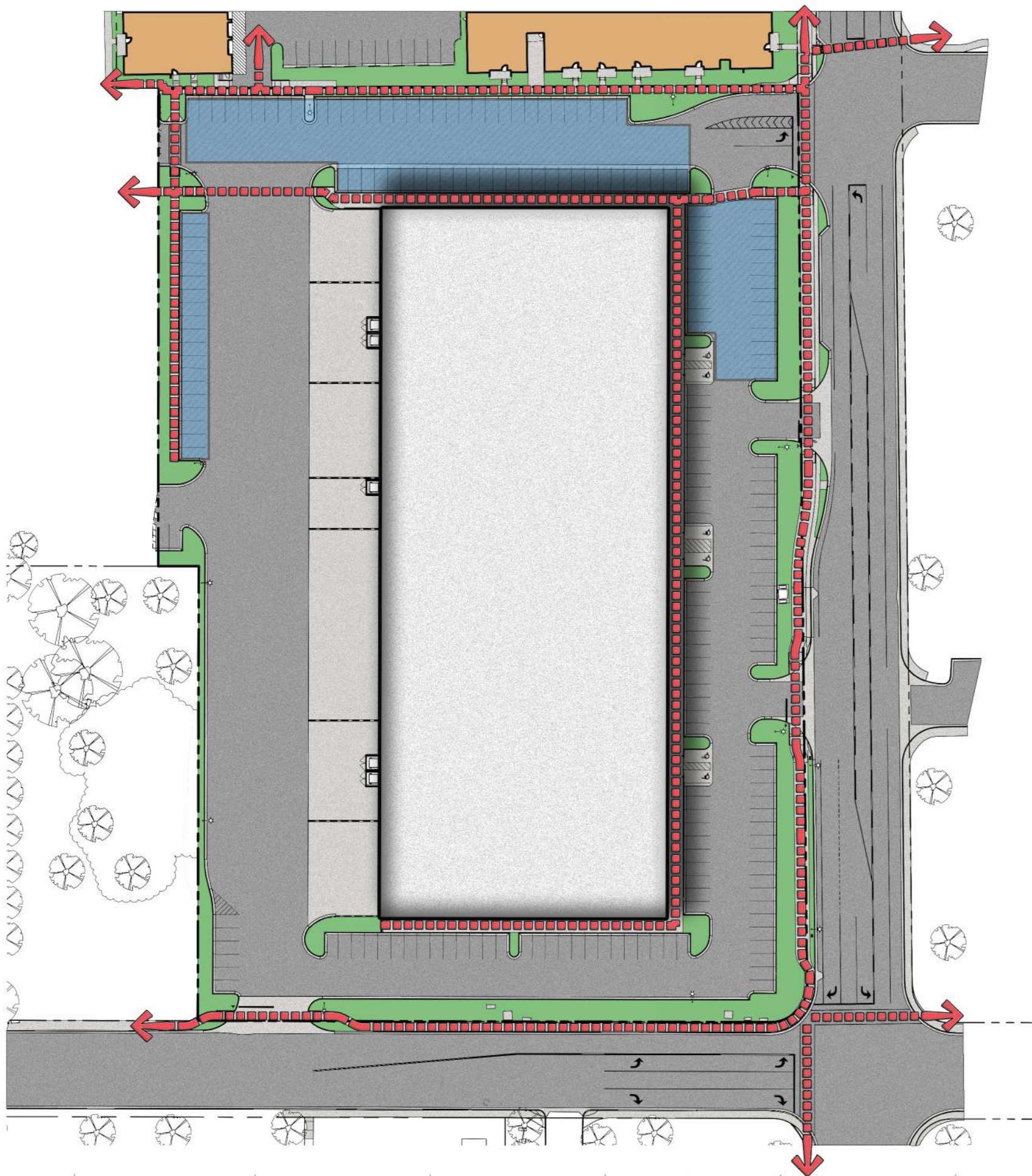






A B C D E F G

1 2 3 4 5 6 7 8 9 10



PARKING SUMMARY

LOT 13 (RETAIL)	
BUILDING SIZE: (TOTAL)	94,575 SF
CITY PARKING REQUIRED:	95 STALLS
PARKING PROVIDED:	207 STALLS
PARKING RATIO:	2.2/1,000 SF

-  SHARED PARKING
-  PEDESTRIAN CIRCULATION

DATE

REVISION DESCRIPTION

Projected/Entitled Under LCR MasterPlan						Results of Approved/Adjusted Estimates to LCR Projects						Key Metrics			
ONSITE Parking Demand	Parcel Size	Masterplan Approx DU per Ac	Total DU	Stalls Req'd at 1.8	Stalls Req'd at 2.25	Realized/ Adjusted Anticipated Density	Realized/ Adjusted Anticipated Units	Stalls Req'd at 1.8	Stalls Req'd at 2.5	Realized / Adjusted Anticipated Stalls Delivered	Ratio Delivered	Anticipated Delta in DU Realized vs Masterplan	Anticipated Delta in Stalls Req'd vs Masterplan at 2.25	Anticipated Stall Count Delivered surplus above 1.8	Anticipated Stall Count Delivered deficit below 2.25
Villas at Aspen Meadows	15.08	50	754	1357	1697	34	512	922	1152	1007	1.97	-242	-545	85	-145
OZ AF East (Bach)	10.39	30	312	561	701	32	331	596	745	632	1.91	19	43	36	-113
Brighton Phase 1 (TBD)	2.63	30	79	142	178	21	54	97	122	122	2.26	-25	-56	25	1
Bach Phase 2 (TBD)	14.38	30	431	777	971	32	458	825	1031	875	1.91	27	60	50	-156
Ritchie Phase 2 (TBD)	9	50	450	810	1013	39	352	634	792	634	1.80	-98	-221	0	-158
Total	51.48	38	2026	3647	4559	31	1707	3073	3841	3269	1.97	-319	-717	197	-572

-912

-572

Shared Parking Supply				
Project	Acreage/Footage	Total Stalls all Office	Shared Stalls if Office	Shared Stalls if Flex
Twinlab	2/no built footage	200	200	200
Woodbury Project	6/100,000	400	200	103
Vest Future Project	5.6/100,000	400	200	150
Total Supply	13.6ac/200,000sf	1000	600	453

UNAPPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES APRIL 7, 2021

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

Present: Chairman John Woffinden
Cristine Anderson
Geoff Dupaix
Harold Dudley
Ryan Hunter

Absent: Rod Brocious
Chris Christiansen

Staff Present: Adam Olsen, City Planner
Wendelin Knobloch, Planner
Rebecca Andrus, City Engineer
Tana Uyema, Engineering Division
Lisa Halversen, Administrative Assistant

Others Present: Ken Berg, Marissa Brown, Buck Swaney, Kirt Yingling

Public Comments Received: Emails from Timothy Holley, Royce Shelley, LaRee Finch, Carla Nielsen, Mark Nielsen, Debra Aston family, Kaden and Mardi Gubler, Heather Gray, Sarah Osmond, and Jennifer Harrison

Chairman Woffinden read the "Notice of Electronic Meeting." He also informed commissioners that Councilwoman Barbara Christiansen passed away last week and expressed that our thoughts and prayers are with her family.

1. Hearing, review and action on the final plat for King & McCleary Subdivision Plat A, located at 230 West Main Street in the CC-2 Central Commercial zone

Mr. Olsen stated that a site plan for a new structure on Lot 2 of the proposed subdivision was recently approved. The subdivision plat proposes an adjustment of the center line between the two properties (currently owned by King and McCleary). The new center property line will be at the middle of the shared access between the two structures/properties. While the site plan indicated a shared access, such an easement is absent on the plat. Staff recommends an easement for shared

UNAPPROVED MINUTES

access and a plat note be added to formalize the shared access use. Each lot will be approximately .25 acres.

Mr. Dudley pointed out that the note regarding shared parking is already on the plat. It is note #8.

Mr. Uyema informed commissioners that the Engineering Division has no concerns and recommends approval.

Public Hearing Opened

No comments were received.

Public Hearing Closed

Mr. Dudley moved to approve the final plat of King and McCleary Subdivision Plat A, with the finding and condition listed in the staff report and subject to any findings, conditions, and modifications listed in the engineering report.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

2. Hearing, review and action on the preliminary and final plat for Mitchell Farms Plat D located in the vicinity of 730 North 860 West in the R1-12,000 Residential zone

Mr. Olsen stated that Mitchell Farms preliminary was approved in 2017. Plat D conforms with the original preliminary plan; however, the original preliminary plan has expired. Plat D is being processed as a new preliminary and final plat.

Plat D is located at the southwest corner of the overall subdivision and consists of 6 lots ranging from 12,002 sq. ft. to 17,424 sq. ft. creating a density of 2.7 du/ac. Access to Plat D is provided from the north, through 860 West. Former barns and commercial structures will be removed as part of this phase. All lots meet or exceed the requirements of the R1-12,000 zone.

Mr. Uyema stated that there are no concerns or issues and he recommends approval.

UNAPPROVED MINUTES

Public Hearing Opened

No comments were received.

Public Hearing Closed

Mr. Dupaix moved to approve the preliminary plan subject to any findings, conditions and modifications found in the engineering report.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

Mr. Dupaix moved to approve the final plat with the findings listed in the staff report, and subject to any findings, conditions and modifications found in the engineering report.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

3. Review and action on a final plat for Rockwell Ranch Block 5 Phase 2 located in the area of 620 South 1100 West in the TOD zone

Mr. Olsen stated that the final plat for Rockwell Ranch, Block 5, Phase 2, adds the common area to the overall development. While previous plats were approved, this area was inadvertently left out, but was always intended to be common area/open space. This plat formally incorporates the area into the overall development. The Common Area parcel is approximately 1.85 acres. It may

UNAPPROVED MINUTES

be considered a “house-keeping” item as it was omitted in previous plats. No changes to the number of units are proposed.

Ms. Anderson asked if this common area would be used only for storm retention or if it will be used as a play area. If it will be used as a play area or for gatherings, she wondered if a crosswalk painted across 620 South would be suitable.

Mr. Dupaix supports that idea. Hunter Park is near his house and there were safety enhancements made to the street. People often cross the street to go to the park and drivers need to slow down.

Mr. Uyema stated that there is a crosswalk in the plans.

Mr. Dupaix suggested adding a rectangular rapid flashing beacon (RRFB).

Chairman Woffinden expressed support for the idea of a crosswalk with safety enhancements.

Mr. Dupaix wanted clarification regarding the Engineering Division’s position on adding an RRFB with the crosswalk.

Ms. Andrus said they would consider it, but usually they would focus that type of enhancement on high-use crossings such as near a school.

Mr. Dupaix strongly encourages putting one here. This is a busy street and it has the potential to become very heavily used.

Chairman Woffinden would support any safety measures.

Mr. Dupaix moved to approve the final plat of Rockwell Ranch Block 5 Phase 2, with the findings and conditions listed in the staff report and subject to any findings, conditions and modifications listed in the engineering report.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

4. Hearing, review and action on a site plan for KT Dental, located at 332 South 500 East in the GC-2 Planned Commercial zone

UNAPPROVED MINUTES

Mr. Olsen stated that KT Dental proposes to locate on Lot 3 of the Wyler Subdivision. The subdivision was approved in 2017 in anticipation of commercial uses. The site plan proposes a 2,330 sq ft dental office on approximately .25 acres. Parking is provided, exceeding the City's parking requirements by one stall. Landscaping is also provided. Renderings of the proposed structure are included in the submittal materials. Access is shared via an access easement as noted on the subdivision plat; it will ultimately approved by UDOT as 500 East is a UDOT facility.

Mr. Dupaix asked if the shared access is noted on the plat, Mr. Olsen confirmed that it is.

Mr. Uyema has no engineering concerns, he recommends approval.

Mr. Ken Berg, engineer, asked for a recommendation from the commission regarding using the existing right-of-way on 500 East, currently being used as an oversized planter, as part of their parking requirement.

Mr. Olsen has no issue with that, he doesn't believe it needs to be added.

Public Hearing Opened

No comments were received.

Public Hearing Closed

Mr. Dudley moved to approve the site plan for KT Dental, with the finding listed in the staff report and subject to any findings, conditions, and modifications found in the Engineering report.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

5. Hearing, review and action on a land use map amendment located at 717 West Main Street from the Major Transportation Facilities to the Design Commercial designation

Chairman Woffinden stated that items 5 and 6 will be discussed together but voted on separately.

UNAPPROVED MINUTES

Mr. Olsen stated that the applicant proposes to amend the land use and zone map designations at approximately 717 W. Main from the Major Transportation Facilities designation (PF zone) to the design commercial designation (SC-1 zone). The property lies directly east of the I-15 Main Street interchange, south of Main Street and west of the Zupa's site. The area was zoned Public Facilities when UDOT acquired the property as part of the I-15 Core Project. The parcel under consideration for amendment is what remains in UDOT ownership, but not needed for the interchange. If approved, the applicants will submit a site plan application for a bank and for a re-routing of the drive through for In-N-Out. This would complete development in the area.

Mr. Uyema has no comments from engineering.

Public Hearing Opened

No comments were received.

Public Hearing Closed

Mr. Hunter moved to approve the land use map amendment.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

6. Hearing, review and action on a zone map amendment located at 717 West Main Street from the PF Public Facilities to the SC-1 Planned Shopping Center zone

Public Hearing Opened

No comments were received.

Public Hearing Closed

UNAPPROVED MINUTES

1 **Mr. Hunter moved to approve the zone map amendment.**

2
3 **Mr. Dupaix seconded the motion. Voting was as follows:**

4		
5	Chairman Woffinden	Aye
6	Christine Anderson	Aye
7	Geoff Dupaix	Aye
8	Harold Dudley	Aye
9	Ryan Hunter	Aye

10 **The motion passed.**

- 11
12
13
14 7. Hearing, review and action on an amendment to the Lake City Row Planned Community
15 Master Plan, located in the vicinity of 860 East Utah Valley Drive in the PC Planned
16 Community and the PI-1 Planned Industrial zones
17

18 Mr. Olsen informed commissioners that Lake City Row comprises properties that were
19 annexed under the Vest Annexation (2019). The property was zoned PC (Planned Community)
20 in anticipation of mixed-use development consisting of office space, retail space, and higher-
21 density residential. The Lake City Row master plan was approved in November 2019. The
22 master plan envisioned up to 2,500 residential units located both independently and within
23 mixed-use commercial areas. Additionally, areas of commercial office were approved as part
24 of the overall master plan. The applicants were also granted approval of a reduced parking ratio
25 of 1.8 stalls per unit; provided that a large area of shared parking would be present in-between
26 office commercial and high density residential, in order to provide overflow parking for the
27 adjacent residential; the peak demand for each use being offset. This area is called out as cross-
28 hatched on both the original (approved) plan and the proposed amended plan.

29 The applicants have proposed a change to the master plan, altering the “commercial” in Phase
30 1, by removing the “office” designation and “2-5” story from the anticipated product type. In
31 its place, they propose a “1-5” story “commercial” building product type, consisting of office-
32 warehouse.

33 Staff recommends against the proposed change. Following are reasons for such a
34 recommendation of denial:

35 The master plan approval granted a unit count of up to 2,500 units (corresponding overall
36 density of 25 du/ac) on the premise that this is a true mixed-use development. Office-
37 warehouse uses are typically found within largely industrial/light-industrial locations, not
38 within traditional high density mixed-use developments. Office and traditional commercial

UNAPPROVED MINUTES

1 such as retail create the mixed-use environment conducive for high density, where residents
2 can conveniently access workspaces and other traditional commercial and retail uses.

3 Parking requirements for the residential portions of the project were reduced from the City
4 standard of 2.25 stalls per unit to 1.8 stalls per unit. This was based on a proposed count of
5 approximately 1,500 commercial parking spaces being provided from the commercial office
6 area in Phase 1. Office warehouse uses have a greatly reduced parking requirement;
7 warehouse portions requiring only 1 space per 1,000 sq. ft. While the applicants propose a
8 reduction in the number of units from 2,500 to 2,250, the reduction in units is proposed in the
9 northern area of Phase 3, well outside of the area designated for shared parking space. Phase
10 3, directly adjacent to Phase 1 and adjacent to the area proposed for shared parking has
11 already received site plan approval for over 500 units at the ratio of 1.8 stalls per unit.
12 Parking for the office use (Phase 1) adjacent to Phase 3 was intended to alleviate parking
13 pressure from this area. Office warehouse use, if approved, will reduce the number of shared
14 parking spaces available. In addition, the remaining, undeveloped Phase 3 is located north of
15 Quality Drive. While the applicants state that parking pressure will be minimized by a
16 decrease in units, there is still, in effect, approval to park at a reduced 1.8 stalls per unit.

17 Staff is concerned that if the master plan is amended to allow office-warehouse uses in Phase
18 1, not only will the shared parking be greatly reduced, but additional requests may be made
19 to convert the remaining commercial areas to office-warehouse, which will further reduce the
20 intended mixed-use community that was promised with the original approval.

21 Mr. Dupaix clarified that Phase 1 is currently considered as office/commercial designation.

22 Mr. Olsen stated that it was originally intended as office space, what they would like to do is
23 give it a general commercial designation. There is a zone change and site plan in the works
24 for an office/warehouse for that area. However, they are waiting on that until this master plan
25 amendment works its way through council.

26 Mr. Dupaix added that Built Bar, Thermal Works, etc. are somewhat industrial uses currently
27 in the area.

28 Mr. Olsen agreed, but said they were grandfathered in with the annexation. Phase 3 (Ritchie
29 project) was approved as high-density residential with mixed-use commercial designation.
30 The cross-hatched area of shared parking would be offset in peak times between the business
31 and the residential uses.

32 Chairman Woffinden agrees with staff that we shouldn't be changing the master plan, the
33 proposed amendment doesn't keep the vision of walkability. He also has concerns about
34 truck traffic and noise.

35 Ms. Anderson previously recommended mixed-use for this area, she feels it is important to
36 keep it the way it was originally approved with mixed-use and shared parking. Higher
37 density was allowed with the understanding that the extra parking that would be needed

UNAPPROVED MINUTES

1 would be covered by shared parking in Phase 5. For a true mixed-use community to work it
2 really needs the commercial uses as well. We would be allowing the higher density without
3 the amenities if we approved this, not to mention the undesirable effects of noise and truck
4 traffic.

5 Mr. Buck Swaney, developer with MDP Land, responded to concerns. He noted that they
6 have been delivering lower residential density and this amendment would deliver less
7 commercial intensity as well. Their company has a good record of delivery with Lake City
8 Row. They have contributed \$3 million in right-of-way and \$6 million in roads and utilities.
9 COVID has disrupted office economics around the country and the update that they are
10 requesting comes from a desire to keep their commitments for all their partners. He responds
11 to 3 core concerns:

- 12 1. Land use compatibility question – Staff is correct, we originally desired to build office
13 buildings in this area. The office world has changed, new straight-office designation is
14 not being developed right now. We are trying to adapt. Proposed flex-office use
15 completely surrounds the property currently, is also all around Lake City Row. This
16 concept adds the parking they promised. He displays a rendering of a 2-story
17 office/warehouse building that is designed to not look overly industrial. Regarding the
18 site plan, though it would have required 95 parking lots under a flex-industrial
19 designation they are giving 50-60 overflow units so it would consist of 207 parking units.
20
- 21 2. Parking allocation – Parking allocations were reduced from 2.5 to 1.8, he agrees that staff
22 is generally correct. Developers intend to put (zoom meeting audio cuts out) a lot of
23 parking. In the master plan for Phase 3 it shows maximum density as 120 dwelling units
24 per acre. In the Aspen Meadows property we had targeted a density up to 120, but the
25 more likely outcome is 30-50 units per acre. Instead of 754 units, the site ended up with
26 512. There will be less demand for parking needed around the phase 5 area. They expect
27 to continue making additional density reductions, it is feasible right now for developers to
28 bring less density. Aspen Meadows delivered 100 more stalls than required by agreement.
29 The final outcome of the first project in the area was less residential density and more
30 parking than required. The Built Bar rear parking lot can also be used, adding 200 more
31 stalls.
32
- 33 3. Limiting change to master plan – Staff is concerned that if this change is made, other
34 changes will be requested as well. He acknowledged that this is a concern but said there
35 is less intensity in an office/flex context, maybe the traffic density numbers are more
36 comparable to a residential use. They are happy to make a commitment to ask for no
37 other areas of flex-office. Phase 4 remains completely committed to mixed-use and
38 higher-density. Their actual developments keep delivering reductions in density and they
39

UNAPPROVED MINUTES

1 propose reductions in intensity as well. They want to be able to keep their commitments
2 with their partners.

3 Mr. Dupaix clarified that the developer's plan is to reduce the number of units in Phase 3,
4 which will lower the number of parking stalls required and also result in less intensity in
5 commercial use. There will still be overflow parking in those areas to use if needed.

6 Mr. Swaney agreed with that assessment, he added that they will follow through on their
7 commitment to city council that every time a site plan comes through they will orient
8 additional parking to the development.

9 Chairman Woffinden asked about the possibility of increased truck traffic in the area.

10 Mr. Swaney replied that the buildings will not be gigantic, there are ingress/egress areas
11 going to Utah Valley Drive and 860 East. Truck traffic could easily be routed away from
12 apartments. He displayed graphics that showed traffic routes for trucks, loading,
13 ingress/egress, etc. on the north, south, and west sides.

14 Mr. Dupaix asked if the intent would be to push truck traffic south to 930 and across to Utah
15 Valley Drive or possibly over to 500 East.

16 Mr. Swaney agreed and added that there is an access point from the Ritchie apartments to the
17 north. The Ritchie group is amenable to closing that driveway if the city desires so that the
18 two kinds of traffic don't mix. Shared parking in the business area would be visitor parking,
19 not overnight parking.

20 Ms. Anderson feels like this is a beautiful building and perhaps a good plan for an industrial
21 area, but she doesn't feel it fits in a residential mixed-use community. Commissioners are
22 trying to look at the whole area. This proposal has good parts, but she doesn't feel it would
23 all fit together in the desired way to promote walkability and less residential traffic.

24 Mr. Dupaix said that this area was originally slated to be office use. With that in mind, he
25 doesn't see that there would be a lot of shops, retail, etc, if it was slated for office use.

26 Mr. Swaney agreed that this area is not the mixed-use portion, it is the horizontal space
27 that was intended for office use.

28 Mr. Dupaix thinks they should take into consideration the office and light industrial uses to
29 the south and west. He has not seen a lot of retail businesses yet in the planned areas. The
30 city doesn't have a lot of shopping in this area to begin with. He believes that people will be
31 going up to State Street because that type of retail business isn't in this area.

32 Mr. Olsen explained that this was the purpose of granting the higher densities, more of those
33 traditional retail uses would locate here also. They would be pulled into the area by high
34 density residential, that is how it was sold to the council.

UNAPPROVED MINUTES

1 Mr. Dupaix understands, but it sounds like the Phase 1 was proposed to be office anyway,
2 which negates retail functionality.

3 Mr. Olsen added that the intent for Phase 1 was to supply an office use with shared parking,
4 not the light industrial use. The light industrial use exists already to the south and the west.

5 Mr. Swaney agreed that that was the intent and reiterated that the COVID situation has
6 forced them to reconsider their plans.

7 Mr. Olsen asked Mr. Swaney if they are planning to reduce the number of units in Phase 3.
8 This phase has already been approved. Approval was granted under a lower standard for
9 required parking based on the understanding that there would be shared parking available.

10 Mr. Swaney replied that there is an upper and lower section of Phase 3, the lower portion is
11 still in review. He explains that there is new context. They originally thought that section
12 would be 50 units per acre, now there is less demand and the development is smaller with an
13 associated smaller demand for shared parking.

14 Chairman Woffinden asked for input from other commissioners.

15 Mr. Hunter is trying to understand where Phase 3 is at and what has been approved. He
16 thought that the original approval was around 1350 parking stalls, now it looks like it will be
17 significantly fewer. He knows that the market has changed and nobody knows the long-term
18 ramifications. He asked where on the map the proposed office designation would go, and
19 what would be to the left (northwest) of it on the map.

20 Mr. Swaney replied that right now it will stay agricultural. The proposed office building will
21 be oriented to maximize the cross-hatched bank of shared parking.

22 Mr. Hunter asked if there will be a road through the parking area.

23 Mr. Swaney affirmed and said that there is a driveway access down the left side through
24 Phase 3 and into the cross-hatched portion. He feels that there are significant high-quality
25 accesses to the parking.

26 Mr. Hunter expressed that his position is somewhere in between Ms. Anderson and Mr.
27 Dupaix. If the proposal was slated to be a 5-story office tower then it wasn't going to
28 walkable anyway. Phase 1 wasn't intended to be like walking to Walmart, he thinks it fits in
29 with the other office/industrial uses as long as the parking needs are being met.

30 Mr. Olsen added that the importance of Phase 1 was that it was supposed to have been a
31 buffer between residential and more industrial use.

32 Mr. Hunter asked when the shared parking component was supposed to be put in.

UNAPPROVED MINUTES

1 Mr. Olsen said it wasn't necessarily going to be at the beginning of the development, but in
2 the annexation agreement an amount of residential was specified as required, then a certain
3 amount of commercial before more residential was built.

4 Mr. Swaney added that as he heard it, Mr. Hunter was asking if there was a commitment for
5 when the shared parking amenity was going to be built. It will be built along with each site
6 plan to honor the commitment for the residential overflow parking.

7 Mr. Hunter wanted to know how many parking stalls will be netted, he wants to have the
8 parking numbers confirmed. He also wants the environment with the shops for the high-
9 density living but this Phase 1 project was not going to be that kind of environment anyway.

10 Mr. Olsen confirmed that Phase 1 was always intended to be office use.

11 Mr. Swaney indicated that they recently ran a market study, the economic consultant said the
12 area would be perfect for village-type retail. Since then, investor discussions have been
13 uniformly positive when the targeted residential is done in Phase 4.

14 Mr. Dupaix thanked him for the discussion, he added that these are hard decisions but it has
15 been informative and well-stated by Mr. Swaney.

16 Ms. Anderson asked Mr. Swaney to clarify what Phase 5 will consist of.

17 Mr. Swaney indicated that it will be left as commercial for the time being. The upper part is
18 boundaried by the house on the corner of 860 East in the northern quadrant of the master plan
19 and the lower part is boundaried by Hadco. His group likely will not be involved in the
20 planning unless they can acquire the corner house. If they have allowed density left-over in
21 the project, they may put some residential on the upper Phase 5 parcel with some coffee-shop
22 style retail on bottom.

Public Hearing Opened

25 No comments were received.

Public Hearing Closed

28 **Ms. Anderson moved to deny the proposed Lake City Row master plan amendment, with a**
29 **finding that conversion of office-commercial to office-warehouse does not follow the original**
30 **intent to create a mixed-use community and the removal of "office" from Phase 1 will reduce**
31 **availability of parking intended as shared parking (as identified in the original master plan).**

33 **There was no second for the motion.**

35 **Mr. Dupaix moved to table action on the proposed Lake City Row master plan amendment.**

UNAPPROVED MINUTES

Mr. Hunter would like more concrete numbers regarding parking and density before he makes a decision on the proposed amendment.

Ms. Anderson asked if the proposed office warehouse is oriented north and south, Mr. Swaney confirmed. He added that high-quality architectural finishes would be on the sides visible to residents. She expressed that she does not like the idea of truck traffic in the area and she is not thrilled about the proposal, but she indicates it may not be an insurmountable problem.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

Mr. Swaney agreed that he should clarify the effect on the parking and provide a more detailed master plan drawing showing landscaping details and architectural materials on the horizontal sides. He also can further address walkability concerns, truck traffic and noise, loading docks, etc. He will have necessary materials available for the next meeting.

8. Hearing, review and action on amendments to Section 17.4.401 entitled CC-1 Central Commercial zone of the American Fork Municipal Code regarding variability of road cross-sections.

Ms. Andrus indicated that the applicant will not pursue this amendment given the negative recommendation by city staff. She gave the Engineering response from American Fork City Code 17.4.401:

Intent. The intent in establishing the CC-1 central commercial zone is to provide a place where retail and service uses can be constructed and maintained which will serve the needs of the citizens of American Fork City and surrounding areas. It is the further intent in establishing this zone to maintain the central business district as the "heart of the city" allowing residential units to be located therein while maintaining street level commercial uses. The uses characteristic of this zone are retail stores, banks, office buildings,

UNAPPROVED MINUTES

1 *theaters, hotels, a wide variety of specialty shops, restaurants, and higher density*
2 *residential uses. Conversely, uses which tend to create business dead spots, cause undue*
3 *scattering of business and generally tend to thwart the use of the land for its primary*
4 *purposes shall be excluded from the zone.*

5 The essence of the requested code text amendment change is to reduce the right-of-way on
6 Barratt Avenue by eliminating the park strip. City Staff has reviewed alternatives for reducing
7 the park strip. Staff has determined that it is reasonable to decrease the width of the park strip in
8 downtown areas, but only in conjunction with increasing the sidewalk to allow better pedestrian
9 access. It is not recommended to reduce the right-of-way.

10 In the cases of Church Street, Center Street, and Merchant Street the rights-of-way have not been
11 reduced. While eliminating the park strip, these roads have various combinations of angled
12 parking, bike lanes, and widened sidewalks to facilitate access to the businesses on those streets.
13 Future planning for the downtown area includes increased transit and trails to provide better
14 connectivity to and from the rest of the City and beyond.

15 As stated in the Rationale for Code Amendment, the existing cross-section of Barratt Avenue
16 does not meet the standards for a local street cross-section. On the south side, near Main Street,
17 there are no roadway improvements on the east side. The west side of the road does not have a
18 park strip, but it does have a setback behind the sidewalk that could be utilized later for widening
19 the road to meet the standard.

20 The property owner of the southeast side of Barratt Avenue has been in discussion with City
21 Staff, and has been informed that as he develops, they will be required to install full local street
22 improvements per City Code, and there is adequate room to allow for these improvements. The
23 proposed Lake City Flats development is 100+ studio apartment units on the northeast side of
24 Barratt Avenue directly south of 100 North/Pacific Drive. Currently, there are no improvements
25 on either side of the northern section of Barratt.

26 The developer's intent is to place the building frontage right at the property line. If the park strip
27 were to be eliminated, this would place the building only five feet (the sidewalk width) behind
28 the curb and gutter. The proposed project is a high intensity residential use, which requires
29 strong connectivity for all modes of transportation. An effective downtown streetscape should
30 include room for many things behind the curb and gutter. These items include a Curb Space,
31 Amenity Space/Utility Corridor, and Pedestrian Space defined below.

- 32 - Curb Space provides room for vehicles parked parallel to the curb to open their doors and
33 allow pedestrians to exit the passenger side of the vehicle. The clear space needed is
34 typically 2.5'.
- 35 - The Amenity Space/Utility Corridor provides room for street trees, streetlights, fire
36 hydrants, utility boxes and meters, bike racks and other features that provide an
37 aesthetically pleasing and necessary component of the streetscape. In Utah, this area and
38 the Curb Space is also used for snow storage when snow is removed from the street. The

UNAPPROVED MINUTES

Amenity Space is typically at least 5' wide and can overlap somewhat with the curb space if clear space requirements are met.

- Pedestrian Space provides for free flow of people to and through the site. In downtown areas, sidewalks are typically wider to allow for comfortable and free flow of people going both directions. An effective downtown sidewalk is often 8' or wider.

Reducing the required 13' wide area behind the curb will significantly reduce the safety and usability of the streetscape and will not set up the area for future success. Providing some flexibility within the required right of way as explained above, could enhance access and ensure that the CC-1 zone remains the "heart of the city."

Public Hearing Opened

No comments were received.

Public Hearing Closed

Mr. Dupaix moved to deny the code text amendment.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

9. Hearing, review and action on a zone map amendment located at 1155 East 300 North from the RA-1 Residential Agricultural to the R1-9,000 Residential zone

Mr. Olsen stated that the applicant proposes a zone map amendment for property located at 1155 East 300 North to the R1-9,000 zone. The property is adjacent to a partially built street/cul-de-sac (1160 East). If approved, the applicant proposes to finish the west side of the street and subdivide the property. The property is approximately 1.26 acres. The request conforms with the underlying Land Use Plan designation of "Low Density Residential".

Mr. Uyema stated that additional right of way would be required on 300 North, the Engineering Division has been working with the applicant.

UNAPPROVED MINUTES

Public Hearing Opened

No comments were received.

Public Hearing Closed

Mr. Hunter moved to approve the zone map amendment.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Geoff Dupaix	Aye
Harold Dudley	Aye
Ryan Hunter	Aye

The motion passed.

10. Discussion on the Northampton House Historic Building Conservation Project located at 190 West 300 North in the R2-7,500 Residential/Historic Building Conservation Project zone

Mr. Olsen indicated that this is a discussion item only, no vote will be taken. This item has been before the commission previously, staff have received a number of public comments for tonight's meeting. As with previous discussions regarding this site, public comments are overwhelmingly in opposition. Because this is only a discussion item, the comments will be part of the written record but will not be read at the meeting.

The applicant is intending to change the use of the historical building, an old church that has also functioned as a reception center. He feels it is necessary to add additional buildings next to the church. A formal plan has never been submitted to the city. While the development code does allow uses to be expanded that may not be in compliance with the underlying zone, Mr. Olsen feels that what the applicant has been trying to do probably stretches the code beyond its intent. The applicant would like the opportunity to speak to you. When a formal plan is submitted, you will be provided a report with staff's thoughts and concerns.

Chairman Woffinden expressed that opposition is largely due to traffic, density, etc.

Mr. Kirt Yingling addressed commissioners. He explained that after the last time he gave a presentation to them, he went back to the drawing board and took their feedback into consideration. Since most concerns were about density, he has reduced the density in this

UNAPPROVED MINUTES

1 proposal. The costs to rehabilitate the old building are daunting, the only way to make it cost-
2 effective is to build new development around it. He needs the new development to be able to
3 keep the building cost-effective. He will be making a decision by the end of the year. Studies
4 from the University of Utah show that additional new housing raises property values, he
5 believes that this satisfies the concerns regarding the impact on the neighborhood. The
6 proposed density is between 14 and 15 units per acre. One phase consists of the old building
7 itself, and one phase is the new development of 15 or 18 units. Due to the high costs, he can't
8 afford to renovate the old building by itself. Mr. Yingling indicated that he wants to create a
9 beautiful master plan and not just put duplexes out in the back. The church is at the end of its
10 life cycle, it needs hundreds of thousands of dollars of work. The reception center is going
11 away and the community can help to decide what they would like it to be. He will keep the
12 density as low as possible, the current proposal is just shy of 40 units total. He wants the
13 apartments to be stately and show off architectural features. He wants to bring in the neo-gothic
14 and Victorian touches from the old building. The building has to move into a use that is a 100
15 year use, which is probably some kind of residential housing. He anticipates that it will be like
16 some of the higher end apartments in Salt Lake City that are managed well and highly sought
17 after. He hopes for increasing valuations for decades to come. He believes this is the only way
18 to keep the building and is committed to making a decision this year. He hopes the community
19 will want to keep it, he believes that this will increase property values and he doesn't believe
20 that traffic will be a huge concern because of reduced density. It will be a quiet development
21 and cater to a specific segment. It will not be low-income housing.

22 Mr. Dupaix expressed that meeting the code is the biggest challenge. He understands that
23 residents can be resistant to change, but from where he sits, any proposal should fit within the
24 code and not push the edges.

25 Mr. Hunter concurs, a proposal has to meet the code. Commissioners need an actual application
26 so they can really discuss it. The intent of the code is to preserve historic buildings, not create
27 a new development.

28 Chairman Woffinden pointed out that the code says a use cannot be detrimental to the
29 surrounding area.

30 Mr. Dudley expressed his view that this is an improvement over what they have seen before,
31 at this point he would like to see a formal application.

32 Ms. Anderson agreed, she is not necessarily against the look and appreciates the work that has
33 gone into it. She believes that he loves the building and feels that he is going in the right
34 direction by lowering the number of units. She feels that this look is better and it coordinates
35 well with the original building, but they need to see a formal submittal. She has read all the
36 comments and she appreciates the neighbors' willingness to speak up and engage in their
37 community. She wants to offer some of her perspectives about housing – who would the people
38 be who would move into a neighborhood if there were duplexes or apartments? She believes

UNAPPROVED MINUTES

1 it would include residents' grown children or aging parents. She hopes that as residents we
2 remain open to options besides single-family housing, she doesn't necessarily believe that
3 allowing these uses into our neighborhoods will ruin their character. Multi-family homes don't
4 belong only in industrial areas, young families should be able to access the benefits of stable
5 residential neighborhoods as well. We as staff are committed to honoring the property rights
6 of everyone involved. She asked that neighbors stay open-minded and open-hearted to sharing
7 our communities.

8 Chairman Woffinden would like to see cost estimates, he thinks it will probably be more
9 expensive to do a seismic upgrade than Mr. Yingling expects.

10 Mr. Yingling thanked commissioners and stated that he will move forward with a formal
11 application.

12 13 **Public Comments Received**

14
15 Debra Aston wrote:

16 Dear Planning Commission:

17 Please consider our neighborhood before allowing high density housing to be approved on the
18 Northampton House property. There are many areas of the city where this is appropriate and has
19 become the norm, but please don't bring this to our neighborhood.

20 As you are aware, there is a lot of traffic on 300 North. School children cross at 200 West several
21 times daily. Adding more traffic to that intersection makes their crossing even more dangerous.
22 There are already too many accidents at that corner from unobservant drivers running the stop
23 sign.

24 I am truly sorry that the building owner has had financial difficulties, but that is not a good reason
25 to make my neighborhood unsafe.

26 Thank you for your consideration, Michael, Debra, Brandon and Camila Aston
27

28 LaRee Finch wrote:

29 Just would like to address my concern to the proposed plans for the Northampton property. I am a
30 resident that lives on 400 N. We live in a neighborhood where single family dwellings are the
31 majority. The area also has Shelley school just down the road 2 blocks. On the same block as the
32 Northampton house there is also the Jaycee Park which several months of the year is the Baseball
33 League playing field which has games going on during the weekend and on Saturdays. During that
34 time there is a severe parking and safety situation. 300 North is a main east west corridor which

UNAPPROVED MINUTES

has constant traffic. I am concerned about adding to the congestion that is already there. Bringing in the additional high density residency will add to the congestion and threaten safety for the residents that have lived in the neighborhood. Many have lived here for 40 plus years. We do not have services nearby that are easily accessible for the new residents to access. This area has been zoned for residential living not high density living and it is my hope that we keep it as it is currently zoned. Thank you for your time and willingness to listen to the local neighbors in the area of the Northampton property.

Sincerely, LaRee Finch, American Fork resident

Kaden and Mardi Gubler wrote:

Dear Planning Commission Committee,

I am writing in opposition of the changes to the Northampton House property as currently proposed. Moreover, due to the overwhelming impact on the community surrounding the property, I ask that further discussions be postponed until all parties can be represented in-person.

Here are the primary reasons for my opposition:

1. **Current zoning for the area** – the current zone is an R-2-7500; a zone that is “established for the purpose of providing a place where one and two-family dwellings on individual lots can be constructed having attractively landscaped yards and a favorable environment for family life”. . . **“High-density apartment houses and commercial and industrial uses are not permitted in this zone.”** I ask that the committee **decline to entertain** any future proposals that do not fall within the currently established zoning requirements.
2. **Safety** – The proposed plan would increase auto and pedestrian traffic in an area with existing safety concerns. I ask that the committee require Mr. Yingling to provide a third party traffic study to help us understand the impact of his proposal.
3. **American Fork City Master Plan** – Allowing this development would be far outside the scope of the masterplan for the city of American Fork. This plan would create an island of development density not provided for in the masterplan. This proposal exceeds the masterplan for American Fork City that the planning commission is sworn to protect.

We are sympathetic to Mr. Yingling’s situation and his need to change the property and building to make it economically viable. However, we are not supportive of him asking us to pay for his changes in the form of decreased property values, higher traffic, higher density, and huge infrastructure changes.

Thanks, Kaden and Mardi Gubler, 383 N. 150 W.

UNAPPROVED MINUTES

Heather Gray wrote:

We live in the cul-de-sac adjacent to the Northampton house on 351 N. 150 W. This proposal being submitted, if approved, will be a huge infringement on my property and our privacy. This is proposing large town-home like structures to be built on this very small space, allowing tenants/residents to peer directly into my yard and home as these structures would be much larger and taller than my actual house.

The resale value of our home and neighborhood would drop considerably with an establishment of this size right next to us in a space that is definitely not big enough. We are very concerned about our quiet neighborhood and property being ruined by this!

I also worry about the care and maintenance of these facilities. This parking lot that is adjacent to our culdesac has had noxious weeds and dirt mounds that have been unkept for quite some time. What will happen when there is more to maintain?

We are kindly asking that this proposal be rejected in regards to all of the surrounding neighbors and our privacy. We feel that this sort of proposal would be best suited for a commercial area, not an area that is surrounded by long time American Fork residents!

Thank you, Heather and Kurt Gray

Jennifer Harrison wrote:

Hello,

I see that you are once again discussing the hopes of Mr. Yingling to convert his Northampton house historic property into high density multi-family housing. I would like to share a few thoughts.

I quote from section A of Section 17.7.801 Historic Building Conservation Projects in American Fork City Municipal Code, which states the INTENT of the overlay code that applies to this building:

The intent of this section is to facilitate the preservation of structures of historic significance within the city. As a means of providing economic incentives for the preservation of the community's historic structures, the provisions of this section allow the placement and operation of certain commercial and residential activities within historic structures and the construction of appurtenant structures and facilities determined to be essential to the preservation of the historic structure, which may be at variance with the provisions of the underlying zone, but under controlled conditions which are not inimical to the quality of the residential environment in the territory surrounding the project area.

In reading this intent, I have a few comments based upon two specific items in this section:

UNAPPROVED MINUTES

1. The provisions of this overlay code are intended to provide options for what operations take place WITHIN historic structures, and additional construction is allowed for only when it is deemed to be “essential to the preservation of the historic structure.”
2. All these provisions are to be under controlled conditions “**which are not inimical to the quality of the residential environment in the territory surrounding the project area.**”

I think that the words “which are not inimical to the quality of the residential environment in the territory surrounding the project area” are the words that all the overlay incentives hinge upon. The definition of inimical is “tending to obstruct or harm; unfriendly; hostile.”

I believe that the proposal continues to be inimical to the residential environment surrounding the project area. Mr. Yingling stating that it is not inimical does not make it so. While these proposals come with new photographs and drawings each time, they are all slightly different representations of the same thing: high density housing in an area that is not zoned for it.

The residential area surrounding this historic building is one that merits special consideration from the city to ensure that the single family residential properties will be maintained and enhanced through updating and renovation, and thereby assist in guaranteeing the long-term livability of the neighborhood.

Currently you have a community of residents that are motivated to continue in this pattern of enhancing their single family properties. Dropping a high density multi-family housing project in the middle of it -even under the cloak of historic preservation - would in fact be inimical to the motivation and incentive of local residents to continue this pattern, as well as being incongruous with and inimical to the quality of the residential environment in the surrounding territory.

The phrase “essential to the preservation of the historic structure” is NOT, and should not be, interchangeable with something being deemed “essential to the business owner’s projected revenue.”

I believe that this proposal, quite obviously, sits OUTSIDE of the confines of the Historic Preservation overlay code, as it makes a historic building a mere appendage to a project that is clearly inimical to the area. The simple answer is that this location is NOT an appropriate location for a high density housing project of any kind.

Thank you, Jennifer Harrison

UNAPPROVED MINUTES

1 Timothy Holley wrote:

2 Hi Adam,

3 I, along with many others, are concerned with the potential rezoning of the Northampton House to
4 allow high density housing. I know many of my neighbors have already contacted you, and you
5 have told them it is not a public hearing (merely a discussion item).

6 I still want to make my voice known that I am 100% against this proposal as a resident who lives
7 across the street. I also don't want this to become a trend that anyone with a little bit of extra land
8 to get it rezoned for townhomes or apartments.

9 Thank you for your continued service, Timothy Holley

10

11

12

13 Carla Nielsen wrote:

14 Hello!

15 Thank you for allowing this opportunity to express ideas and concerns regarding proposed
16 changes that will impact our neighborhood and community.

17 The architect's rendition of the proposed changes are beautiful and maintain the aesthetic of
18 the historic building. I appreciate the effort and financial cost required to produce these plans.

19 My concerns are primarily traffic and utility infrastructure.

20 TRAFFIC: In past meetings, it has been requested that a traffic study be completed. Have any
21 resources been dedicated to this study? The proposal material does not seem to indicate any
22 progress on that information. The information that would be provided by this type of study is
23 foundational to any decision regarding the zoning of this area. It is one of the major concerns
24 repeatedly voiced by the community but seems to be falling on deaf ears. This intersection is
25 already busy and difficult to cross. Adding additional dwellings will only make the problem
26 worse. The argument has been made that the reception center has brought in as much traffic as
27 this development would bring in. However, the reception center sees this traffic in the evening
28 and on 2 maybe 3 nights a week. Residences would create this traffic 24/7.

29 UTILITY INFRASTRUCTURE: There is also concern about the existing infrastructure
30 limitations. 81 additional dwellings would significantly stretch the existing capacity for water,
31 both culinary and irrigation, as well as sewer and power. Would the current system need to be
32 upgraded to accommodate these dwellings? Who would be responsible for that cost? Would it
33 be the community or the developer? Even with the infrastructure updates, is there enough of

UNAPPROVED MINUTES

1 the natural resource, i.e. water, to meet the demand? Would this deprive current users of
2 resources simply because they live further “downstream?”

3 I believe there are some basic considerations that need to be accounted for before we worry
4 about aesthetics and architectural plans. Regardless of what the buildings look like, can this
5 property sustain that many people?

6 Thanks, Carla Nielsen, 364 N. 300 W.

7
8
9
10 Mark Nielsen wrote:

11 Mr. Olsen:

12 As a member of the neighborhood near the Northampton House, I have some concerns about
13 the development plans being presented.

14 This is a lot of development. The plan is for 41 units in that space. That is almost as many
15 homes as we currently have in two blocks from 100-300 W between 300-400 N. I am not sure
16 what the average is for each block in American Fork, but I don’t know that this area is equipped
17 for that number of cars and amount of traffic.

18 Has there been a third party contracted to do a traffic study to project the impact of this many
19 cars? I felt like the last meeting I attended where this was a topic, someone talked about it, but
20 there was no real data. I don’t think someone’s rough guess is good enough (not even those
21 people living here in the neighborhood and especially someone who does not live and drive
22 here daily).

23 I think it may be a good idea for someone in the decision making group to visit with someone
24 who is currently living in a home owned by this developer/owner. I do not live in one of his
25 homes, but I would be interested in how he treats those tenants and how he maintains the
26 properties. Maybe he is a great landlord and that would be wonderful, but if he cannot manage
27 a couple properties/households, expecting him to maintain 20 times that many may be a
28 challenge that we might want to avoid.

29 This is a long term change that some of us will have to deal with every day for as long as we
30 live here. I hope that the decisions made will take into account the long term impact of such a
31 development.

32 Thank you, Mark Nielsen

UNAPPROVED MINUTES

1 Sarah Osmond wrote:

2 As a 15 year resident of American Fork located across the street from the Northampton house,
3 I have enjoyed the beautiful view of this historic building. Occasionally during the spring and
4 summer months we see wedding ceremonies take place and the accompanying traffic.

5 As beautiful as this proposal is, I do not support adding this many residential units to the
6 property. That would create so much more traffic on an already busy street! This street is home
7 to a ballpark that sees so much traffic during spring baseball seasons as well as an elementary
8 school that already receives extra morning and afternoon traffic during the school year. I would
9 also like to suggest that this is a residential neighborhood and we are not looking to live
10 amongst high density living. It isn't zoned for that and it would do nothing to help add to our
11 property value or community. I understand the nostalgia behind the building itself, but I would
12 prefer to see the building torn down and single family residences built instead of high density
13 units. Thank you for your time and attention to my concerns.

14 Nathan and Sarah Osmond, 335 N. 200 W.

15
16
17
18 Royce Shelley wrote:

19 To All Concerned:

20 Finding nothing but pictures on the Agenda/Packet I will address the concerns I have with the
21 pictures and previous submissions to the Planning Commission:

22 I am concerned since this is entirely out of character with the surrounding neighborhood.

23 This is definitely High Density Housing in an R2-7500 zone. This level of density is
24 inconsistent with the prevailing standards of the current residences in the area, and I do not
25 favor a zoning change to benefit a single property owner (even if that owner owns 3 properties).

26 If this is still being proposed as 55+ housing, my personal set of 55+ knees would never survive
27 ownership of a home in this development. If it is still being proposed as 55+ housing, the
28 project should be denied based solely on the basis of it being inappropriate for that market.

29 Royce S. Shelley, 165 W. 500 N., Resident of this neighborhood for 60+ years
30
31
32

UNAPPROVED MINUTES

11. Other Business

Mr. Olsen told commissioners that he would keep them informed on the status of in-person meetings.

There will be a special city council meeting on April 29 to select a replacement for Barbara Christiansen. Her funeral will be held on Friday and there is a zoom link for those that would like to participate.

Mr. Dupaix remarked that he had had the opportunity over the span of his career to have several conversations with Barbara. He served in PR capacity for UDOT and she was a reporter. Though some discussions were difficult, she was always warm and kind in her interviews. She was a tremendous soul and left a good legacy in the community.

12. Site Plan Committee Report

Mr. Knobloch reviewed the items for the upcoming Planning Commission meeting to be held on Wednesday, April 21, 2021. The Lake City Row master plan will be repeated, as well as a final plat for Autumn Crest Plat E subdivision, an annexation agreement in the TOD area, and a code text amendment.

13. Review and action on the minutes of the March 17, 2021 Planning Commission Regular Session

Mr. Dupaix moved to recommend approval of the minutes of the March 17, 2021 Planning Commission Regular Session.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Harold Dudley	Aye
Geoff Dupaix	Aye
Ryan Hunter	Aye

The motion passed.

UNAPPROVED MINUTES

1 14. Adjournment

2
3 **Mr. Hunter motioned to adjourn.**

4 **Ms. Anderson seconded the motion. All voted in favor.**

5
6 Meeting adjourned at 9 pm.

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10
11
12 Lisa Halversen

13 Administrative Assistant