

APPROVED MINUTES

AMERICAN FORK CITY PLANNING COMMISSION MINUTES MARCH 16, 2022

The American Fork City Planning Commission met in a regular session on March 16, 2022, at the American Fork City Hall, 31 North Church Street, commencing at 7:00 pm.

Present: Chairman Woffinden
Chris Christiansen
Harold Dudley
Bruce Frandsen
Jenny Peay

Absent: Christine Anderson

Staff Present: Patrick O'Brien, Development Services Director
Rebecca Andrus, City Engineer
Cherylyn Egner, City Attorney
Micah Hunsaker, Fiber Optic Manager
Lisa Halversen, Administrative Assistant

Others Present: Ginger Romriell, Chad Maughan, Vivek Patel, Pravin Kansagra, Curtis Leavitt, Linda Bethers, Ted Frandsen, Cinda Hirl, Kelly Jayne Brady, Ken Berg

Chairman Woffinden led the "Pledge of Allegiance."

He then announced that items 1,2 and 3 will be discussed together but voted on separately.

1. Hearing, review, and action on an amended plat for Edgewater Plat 1A located in the area of 300 South 1160 West, in the TOD zone

Mr. O'Brien stated that the applicant proposes to amend a previously approved plat. The purpose of this approval is to create common area and HOA from the already approved plats. Staff's recommendation is that Plats 1A and 2A have some access issues and they recommend denial. Plat 3A is satisfactory and we recommend approval.

Ms. Egner said that there are issues over ownership of 1100 West. Some land was supposed to have been dedicated to the city that was not, and the concern from a legal perspective is that the amended plat would reaffirm something that was questionable from the beginning. This problem of legal access was probably unbeknownst to the property owner as well. We would ask that these items be tabled to allow more time to resolve the property dispute. She thinks that the issue is close to being resolved.

Ms. Peay clarified that the access to Plat 3A is acceptable. Ms. Egner confirmed.

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Ms. Krisel Travis of D. R. Horton said that this is a dilemma, and they are actively working to resolve this issue. They found two quit-claim deeds that had an error by the county, the first one can be cleared up very easily. The second problem deals with vesting, and the lawyer of the family trust is working to track down the problem. Once they have that it will be deeded directly to American Fork City. What they are asking approval for tonight isn't a roadway plat. This plat doesn't come with any right-of-way, it does front 1160 West but with no right-of-way needed. They have the building permits, have built homes, and people will be moving in on April 19. The city has a bond in place from the developer, D. R. Horton is just the builder. The only portion missing is the last 20 feet, there is a currently a passable road. She indicated that as the homebuilder they want commissioners to consider that there are people moving in that have nowhere else to go. They can fix the issues with the plat. It would be better for both them and the city to have this go forward. They are working to resolve an issue that wasn't theirs.

Mr. Frandsen asked how soon they can get the quit-claim deeds. Ms. Travis said that the first one could be recorded by the end of the week, but it only gives up a little corner. The second deed is a little more complicated, they have the cooperation of the landowner's attorney and he will help them. She can't control the situation and hates to make a commitment that she can't keep. They are currently chasing down vesting and getting signatures.

Mr. O'Brien added that tabling is an option, but staff is also fine with conditioning approval upon the builder recording the deeds.

Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Dudley motioned to recommend approval for the plat amendment of Edgewater Plat 1A located in the area of 300 South 1160 West, in the TOD Zone with the findings listed in the staff report, and subject to any findings, conditions and modifications found in the engineering report, and conditional upon the applicant resolving the property dispute along 1160 West prior to recording the plat.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Bruce Frandsen	Aye
Harold Dudley	Aye
Jenny Peay	Aye

The motion passed.

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2. Hearing, review and action on an amended plat for Edgewater Plat 2A located in the area of 300 South 1160 West, in the TOD zone

Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Dudley motioned to recommend approval for the plat amendment of Edgewater Plat 2A located in the area of 300 South 1160 West, in the TOD Zone with the findings listed in the staff report, and subject to any findings, conditions and modifications found in the engineering report, conditional upon the applicant resolving the property dispute along 1160 West prior to recording the plat.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Bruce Frandsen	Aye
Harold Dudley	Aye
Jenny Peay	Aye

The motion passed.

3. Hearing, review, and action on an amended plat for Edgewater Plat 3A located in the area of 300 South 1160 West, in the TOD zone

Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Dudley moved to recommend approval for the plat amendment of Edgewater Plat 3A located in the area of 300 South 1160 West, in the TOD Zone with the findings listed in the staff report, and subject to any findings, conditions and modifications found in the engineering report.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Bruce Frandsen	Aye
Harold Dudley	Aye
Jenny Peay	Aye

The motion passed.

Chairman Woffinden said that items 4 and 5 together will be discussed together and voted separately.

4. Hearing, review and action on a request for variance from the required front and rear setbacks of lots located in the Stonecreek Plat G Development, located in the area of 840 South 250 West, in the PR-3.0 zone

Mr. O'Brien informed commissioners that Stonecreek Plat G is a 25-lot phase of an overall 143-acre development. Plat G is located at the southern portion of the overall development.

Conservation Subdivision Projects within the PR-3.0 zone must adhere to certain parameters. Subdivisions must have a minimum project area of five (5) acres, and a maximum density of 3 units per acre. Plat G is the seventh phase in a 143-acre development, with an overall density of 3 units per acre; falling within the parameters of a Conservation Subdivision project in the PR-3.0 zone. The overall project area provides for 26% open space upon buildout. Plats A, B, C, D, E, F, and G provided dedication of land.

This proposal seeks a recommendation of approval from the Planning Commission for a variance of the required setback in the PR 3.0 (Planned Residential) Zone. Section 17.7.503.H.6(f) of the Development Code allows setback variances upon a recommendation and finding from the Planning Commission that "such variance is appropriate for the proper development of the lots and that such reduction will not result in the establishment of a hazardous condition". The applicant has provided a narrative for justification of setback variance, which is included in the appendix of this report. They propose a variance to the side setback, from 8' to 5' (to allow for a 3-car garage), and a variance to the front setback from 25' to 20' (for the house portion only; the garage still being held at 25'). The applicant feels these considerations will allow greater variety of architecture styles for homes, improving the streetscape scene and the reduction of on-street parking. The Planning Commission may, but is not required to, approve such variance. For items that fall outside of a determination of conformity/non-conformity with the code, staff does not make a recommendation to the Planning Commission.

Ms. Peay asked what setbacks were changed as they look at the subdivision rendering. The diagram is shown of the proposed units.

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Mr. Frandsen asked if the fire marshal has looked at it, as the side setbacks are reduced also.

Mr. O'Brien confirmed and said that the crews have the ability to get back in there, so the fire marshal is OK with it. A fire truck wouldn't be able to get back there anyway.

Ms. Ginger Romriell, representing Woodside Homes, said that this is the 6th or 7th plat in the subdivision. The city required them to put in a minor collector so that reduced the available lot size. This proposal allows some architectural variance. There is a public utility easement ten feet from the front, and this just gives a little more flexibility. This increased flexibility will result in more variation of style and features such as a 3-car garage and a front porch.

Mr. O'Brien addresses concerns about accessing the rear of the property. Staff would support a condition that the 5 foot rear setback remains.

Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Frandsen moved to recommend approval for the request for reduction in setback requirements as outlined in the applicant's request, for Stonecreek Plat G Development, with the condition that no pop-outs extend into the 5-foot setbacks.

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

Chairman Woffinden	Aye
Chris Christiansen	Nay
Bruce Frandsen	Aye
Harold Dudley	Aye
Jenny Peay	Aye

The motion passed.

5. Hearing, review and action on a request for variance from the required front and rear setbacks of lots located in the Views at Lakeshore (Dixie Farms Plat C) Development located in the area of 900 West and Lakeshore Drive, in the PR-3.0 zone

Mr. O'Brien stated that this proposal seeks a recommendation of approval from the Planning Commission for a variance of the required setback in the PR 3.0 (Planned Residential) Zone. Section 17.7.503.H.6(f) of the Development Code allows setback variances upon a recommendation and finding from the Planning Commission that "such variance is appropriate for

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the proper development of the lots and that such reduction will not result in the establishment of a hazardous condition”. The applicant has provided a narrative for justification of setback variance, which is included in the appendix of this report. They propose a variance to the side setback, from 8’ to 5’ (to allow for a 3-car garage), and a variance to the front setback from 25’ to 20’ (for the house portion only; the garage still being held at 25’). The applicant feels these considerations will allow greater variety of architecture styles for homes, improving the streetscape scene and the reduction of on-street parking. The Planning Commission may, but is not required to, approve such variance. For items that fall outside of a determination of conformity/non-conformity with the code, staff does not make a recommendation to the Planning Commission.

Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Frandsen moved to recommend approval for the request for reduction in setback requirements as outlined in the applicant’s request, for Views at Lakeshore Development, with the stipulation that no pop-outs extend into the 5-foot setbacks.

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

Chairman Woffinden	Aye
Chris Christiansen	Nay
Bruce Frandsen	Aye
Harold Dudley	Aye
Jenny Peay	Aye

The motion passed.

Mr. Dudley appreciates that this change will also require less landscaping.

6. Hearing, review and action on a preliminary plan and final plat for Timp Hollow Plat E, located in the area of 1190 East 1000 North, in the R1-12,000 zone

Mr. O’Brien told commissioners that this item relates to lots 63-69 of the Timp Hollow Development. The development is accessed from 1100 North, and the lots within this plat are directly accessed from the Candy Lane (1070 North) Cul-de-Sac.

Ms. Andrus said that when the packets were put together the Engineering Division recommended denial, since then they have received updated plans and now recommend approval with conditions.

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1 The developer hasn't provided a percolation test yet, and the drainage design may need to be
2 adjusted for that. On the north side there is a side path that shows as 8 feet, this will need to be
3 adjusted to show as 10 feet, and the cul-de-sac needs to be corrected to meet standards.

4 Mr. Frandsen asked if there is any irrigation or runoff water or if is all detained onsite.

5 Ms. Andrus stated that staff will make sure that all drainage is addressed satisfactorily.

6 Mr. Ryan Bybee, developer, indicated that this is the last phase of the Timp Hollow subdivision.
7 The initial plat of the project was approved around four years ago. The current engineering review
8 requests that we move the fence, this would result in reduced lot sizes. We would like the fence to
9 match what was previously approved. There is also a review issue with the cul-de-sac, as well as
10 the park strip which ends up at five feet. We want that also to match what was previously approved.
11 Both of these issues reduce the buildable size of the lot.

12 Mr. Frandsen asked why staff is recommending the additional three feet, is it a code change?

13 Ms. Andrus said the right-of-way has not changed, and for the cul-de-sac issue there was a design
14 change a few years ago.

15 Chairman Woffinden said that the commission has to abide by the code. If the plat was approved
16 three years ago that approval has already expired.

17 Mr. O'Brien said that an original preliminary plat is only valid for one year. Anything approved at
18 the previous time would have expired.

19 Mr. Bybee said that they can't match the design of the cul-de-sac, and there's nothing on the city
20 website that shows the code change. The design on the website is what they designed to previously.
21 All they are asking is to match what was done previously. If they are being asked to build a fence
22 that is three feet off, that doesn't make sense. He showed on the diagram what he wants to match
23 from the previous plat. He asked if they can request a variance.

24 Mr. O'Brien replied that this is a design issue that wouldn't apply to a board of adjustment.

25 Mr. Dudley expressed his disappointment that the code doesn't seem to make sense, he would
26 rather see the two plats match.

27 Mr. Bybee reiterated that they can't find the new design on the website, he thinks it makes more
28 sense to match what's on the east and the west.

29 Ms. Peay asked if the current proposal matches the design standards.

30 Ms. Andrus replied that the revised plans do not match code. Our job as city staff is to determine
31 if the design meets the code requirements or not. We can't arbitrarily say they don't have to meet
32 code.

33 Ms. Peay again asked if this proposal matches the new design standards. Ms. Andrus indicated that
34 it does but Mr. Bybee is asking to go back to the old standards.

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Chairman Woffinden said that city council can make the ultimate decision, but commissioners have to follow the code as written today.

Mr. Frandsen clarified that city council can grant this request.

Ms. Egner said that the council is also bound by the code, but they are the ones that can change the code and there may be a provision for filling in gaps. Another potential way to move forward is a code change or amended plat down the road.

Public Hearing Opened

No comments received.

Public Hearing Closed

Ms. Peay moved to recommend approval of the final plat for Timp Hollow Plat E, subject to any findings, conditions and modifications found in the engineering report, conditional upon applicant following up with engineering to meet design qualifications and missing items.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Bruce Frandsen	Nay
Harold Dudley	Aye
Jenny Peay	Aye

The motion passed.

Chairman Woffinden indicated that items 7 and 8 will be discussed together but voted separately.

7. Hearing, review and action on a preliminary plan and final plat for Krishna Complex, located in the area of 80 North 996 West, in the GC-2 zone

Mr. O'Brien stated that this project is adjacent to I-15 in the General Commercial 2 (GC-2) zone and is located in the vicinity of 80 North and 1020 West. The proposal includes 2 hotels—one an 86-room facility and the other an 80-room facility. The parking requirement for this proposal is 208 stalls (166 rooms x 1.25 parking stalls).

After reviewing, staff found that it does not meet the parking standards of the code, but the site plan does meet the other requirements. Applicant is requesting a reduction in parking. From a staff perspective we must go with what is in the code, we recommend denial.

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There are no concerns from the fire marshal, they have all been addressed.

Chairman Woffinden asked how the proposed flyover affects the proposal.

Ms. Andrus believes that the project accommodates the trajectory of the proposed future flyover and the right-of-way was anticipated. Staff are still working with UDOT to determine the exact design. All of the utilities are in.

Mr. Pravin Kansagra is the operator for La Quinta. He stated that they believe the 1.55 ratio is good for parking. If needed, they will consider making suites to reduce the number of rooms, most of the rooms are under \$80. The number of required parking stalls is 208, they have 184.

Mr. O'Brien said that this change in room design would require a new design submittal.

Mr. Kansagra expressed frustration that this was approved in 2019, everything has taken a long time to complete.

Mr. O'Brien replied that our new procedures are cutting down on review times. If they want to revamp their room counts to meet parking requirements, that is our only issue. He commits that he will help them get through this faster than before.

Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Christiansen moved to deny the preliminary plan and final plat for the Krishna Complex, located in the area of 80 North 1020 West, in the GC-2 Zone due to parking requirements not being met.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Bruce Frandsen	Aye
Harold Dudley	Nay
Jenny Peay	Aye

The motion passed.

8. Hearing, review and action on a site plan for the Krishna Complex, located in the area of 80 North 996 West, in the GC-2 zone

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Public Hearing Opened

No comments received.

Public Hearing Closed

Mr. Christiansen moved to deny the site plan for the Krishna Complex, located in the area of 80 North 1020 West, in the GC-2 Zone, due to parking requirements not being met.

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

Chairman Woffinden	Aye
Chris Christiansen	Aye
Bruce Frandsen	Aye
Harold Dudley	Nay
Jenny Peay	Aye

The motion passed.

Chairman Woffinden indicated that items 9 and 10 would be discussed together but voted separately. Since a member of the commission is affected by this item, that member will be unable to join the discussion or the vote.

9. Hearing, review and action on a land use map amendment from the Resort, Very Low Density Residential, General Commercial and Shoreline Protection designations to the Design Industrial designation, located in the area of 1100 South and the Utah Lake Shoreline east and west of 100 West

Mr. O'Brien stated that introducing Design Industrial development into areas that already possess recent residential development (e.g., Harbor Village) will negatively impact existing dwellings and will also be incongruent with the growth of the Boat Harbor and the Shoreline Protection designation, therefore planning staff recommends denial of the application as presented at the time of this writing.

He indicated that in the long-range plans for the growth of American Fork, everything west of the roadway will be residential. This change would make it harder to control industrial growth by losing the hard boundary of the road.

The property is currently zoned PR-3, the challenge is to contain the industrial development. Having industrial and residential development right beside each other is not desirable and the hard boundary of the road stops that from happening.

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Chairman Woffinden asked which side will be which.

Mr. O'Brien indicated that the west side will be residential and the east will be industrial based on current zoning and the land use plan. The applicant is requesting that the current parcel on the west of the road would become industrial. He confirmed that the whole proposal is for property on the west side that is currently zoned residential.

Ms. Andrus clarified that in her understanding both Lakeshore Drive and Boat Harbor Road will be widened.

Chairman Woffinden asked if the lift station will be moved.

Ms. Andrus believes it will be moved a few blocks.

Public Hearing Opened

Mr. Ted Frandsen, applicant, believes that this property isn't ideal for residential use. There is an addiction recovery home next to the property and he believes that the Vineyard Connector is scheduled to go in to the north. There is a current road to the south, Lakeshore Drive, which isolates the industrial development and separates it from the residential. The lift station is also problematic for people to live next to.

Chairman Woffinden pointed out that the path of the Vineyard Connector is not established in stone yet.

Public Hearing Closed

Mr. Frandsen says that he owns property at the north edge of this area. TSSD talked to them about buying more land for a newer lift station, they try to keep it clean but it smells bad. Their thought was that the boundaries would be fairly enforced by Lakeshore Drive.

Mr. Christiansen asked what other residential facilities are in the area. Mr. Frandsen replied that there is a farm and an addiction facility. Mr. Christiansen can see the applicant's point, but he hates to change the current zoning based on something that is still not set in stone.

Ms. Peay would be concerned with residential in such a small area, it doesn't seem like it flows the way it should.

Chairman Woffinden is concerned that this proposal would make an island of county property in the city with a land use as industrial in a residential area.

Mr. O'Brien said that if the property was being annexed, it would be zoned in as some form of residential since it falls on the west side of the road.

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1 **Mr. Dudley moved to recommend denial of the land use map amendment with a finding that**
2 **the proposed land use designations are incongruent with adjacent existing development and**
3 **the existing Shoreline Protection designation.**

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

5	Chairman Woffinden	Nay
6	Chris Christiansen	Aye
7	Bruce Frandsen	Abstain
8	Harold Dudley	Aye
9	Jenny Peay	Aye

10
11 **The motion did not pass with a quorum**

12
13 A discussion was held where it was noted that if the intent was to send this item on to city
14 council, it would need to go with the vote from a quorum of four. A revote was held.

15
16
17 **Mr. Dudley moved to recommend denial of the land use map amendment with a finding that**
18 **the proposed land use designations are incongruent with adjacent existing development and**
19 **the existing Shoreline Protection designation.**

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

21	Chairman Woffinden	Aye
22	Chris Christiansen	Aye
23	Bruce Frandsen	Abstain
24	Harold Dudley	Aye
25	Jenny Peay	Aye

26
27 **The motion passed.**

28
29
30 10. Hearing, review and action on a zone map amendment from the PR-2.0 Planned Residential
31 to the PI-1 Planned Industrial zone, located in the area of 1100 South and 100 West

32
33 **Mr. Dudley moved to recommend denial of the zone map amendment with a finding that**
34 **the proposed zone changes are incongruent with adjacent existing development and the**
35 **existing Shoreline Protection zone.**

36
37 **Mr. Christiansen seconded the motion. Voting was as follows:**

38	Chairman Woffinden	Aye for the same reason as noted previously
39	Chris Christiansen	Aye
40	Bruce Frandsen	Abstain

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Harold Dudley Aye
Jenny Peay Aye

The motion passed.

11. Other Business

Mr. O'Brien stated that there will be no meeting the first week of April, it conflicts with spring break. The next meeting will be held April 20.

Mr. Frandsen asked if the parks plan covers trails, Mr. O'Brien replied that it does.

There will be upcoming training and a new commissioner, Rod Martin, will be at the April 20 meeting. Ms. Egner and Mr. O'Brien will be putting together training that will cover some of their qualification requirements. He believes there is a requirement of 7 training hours, including 2 hours of formal training. He is going to a planning conference and will report back.

The commission also needs to set a date for dinner, we'll be supporting a local business. He asked for date and location suggestions. Wednesday, April 27 seems to work for most.

12. Discussion on Upcoming Projects/Concept Plans (formerly Site Plan Meetings)

Mr. O'Brien gave a report of items which will be ready for the next agenda. Site plan meetings are booked out until April with lots of projects in the pipeline. There are some interesting things coming. A variety of developments, a master plan, a new Accessory Dwelling Unit ordinance, and an Annexation ordinance will be in upcoming agendas.

13. Review and action on the minutes of the March 2, 2022 Planning Commission Regular Session

Mr. Christiansen moved to recommend approval of the minutes of the March 2, 2022 Planning Commission Regular Session.

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

Chairman Woffinden	Aye
Christine Anderson	Aye
Chris Christiansen	Aye
Bruce Frandsen	Aye
Harold Dudley	Aye

The motion passed.

14. Adjournment

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- 1
- 2 **Mr. Dudley motioned to adjourn.**
- 3 **Ms. Peay seconded the motion. All voted in favor.**
- 4
- 5
- 6 Meeting adjourned at 8:30 pm.
- 7
- 8 *Lisa Halversen*
- 9
- 10 Lisa Halversen
- 11 Administrative Assistant