

# APPROVED MINUTES

## AMERICAN FORK CITY PLANNING COMMISSION MAY 18, 2022 REGULAR SESSSION AMENDED AGENDA

The American Fork City Planning Commission met in a regular session on May 18, 2022, at the American Fork City Hall, 31 North Church Street, commencing at 7:00 pm.

### Present:

John Woffinden Chairman

Rodney Martin

Bruce Frandsen

Chris Christiansen

David Bird

Absent: Jenny Peay, Christine Anderson, and Harold Dudley

### Staff:

Patrick O'Brien Development Services Director

Cody Opperman City Planner

Ben Hunter Engineer

Jeff Mortimer Engineer

George Schade IT Director

Stephanie Finau Deputy Recorder

Also Present: Ken Berg, Dennis Beck, Maeta Beck, Linda Beck, Shiree Kitchen, Shauna Beck, Ed Grampp, Gerald Anderson (Anderson Development), Joe Garlington (Anderson Development), and 2 associates from Anderson Development

John Woffinden: led the "Pledge of Allegiance".

Patrick O'Brien introduced the new City Planner, Cody Opperman and asked for him to introduce himself to the Planning Commission.

### **1. Hearing, review, and action on a code text amendment, amending Section 15.01.100 of the American Fork City code, titled Streets**

Ben Hunter: This code text amendment is about new developments coming in that are approved by city council. It is not applicable to any existing developments that are already in the review process, it is for what is in place currently. There are a lot of the modifications and updates to this code text amendment. There is some clean ups and various areas that were not consistent with the right-of-way widths based upon the master transportation plan. It also allows for, in limited circumstances to match the road cross sections in areas where the rest of it is developed and a small stretch that isn't developed. For example: park strips that are not as wide as what

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1 current code requires. It will allow, with limitations and certain criteria at the recommendation of  
2 the City Engineer, the City Council to be able to approve something different than the current  
3 adopted cross-section standards. Those are the majority of the changes and some of it was  
4 clarification of some sections code that weren't as clear on what the requirement was or was not.  
5 Those were all of the modifications we made to this proposed text amendment.

6 Rodney Martin: Section 1E talking about dead end streets, saying that they are required to be a  
7 cul-de-sac? Is that a new thing? I've seen developments where the street just ends because there  
8 is planned future development. Is that eliminating that?

9 Ben Hunter: It clarifies some of that section of code. Previously that was the only adopted  
10 reference was that the dead-end street could be a cul-de-sac. Which was the allowance that was  
11 permitted in the code previously that will continue to be the only allowance that's permitted.

12 Patrick O'Brien: This wouldn't impact anyone that is already vested in our current code.

13 Rodney Martin: Yeah, but it says permanent or temporary, greater than 150 feet would have to  
14 be a cul-de-sac at the end of it. Which doesn't make sense for the future plan use beyond that  
15 where it can tie in.

16 Ben Hunter: With some of those where you have a dead end for a future tie in, you may have  
17 instances of a development that will come in phases and a future section will be continued. They  
18 would tie into that dead end as part of the overall development. Those instances with the 150-  
19 foot spacing requirement, that is clarified to meet fire code. When it is part of a 2<sup>nd</sup> phase of the  
20 same development there's been a temporary cul-de-sac allowed for the construction of a future  
21 phase and a continuation of the road.

22 Rodney Martin: And that's to facilitate turning?

23 Ben Hunter: Correct, for fire, for maintenance, for snowplow removal, and a lot of other  
24 instances.

25 Rodney Martin: So, we don't have to have a cul-de-sac with homes built there, its just for the  
26 road and turning around?

27 Ben Hunter: Correct.

28 Bruce Frandsen: Is this the one that talks about half width streets? Can you explain if this  
29 different from what we've had in the past?

30 Ben Hunter: We've had a partial width street since before I started working here. It has had  
31 various allowances for some of those partial widths to be constructed as part of a development.  
32 It does have all of the partial width street, section 17.8.304 B2? All of that is what we had  
33 previously for items A-E. So, nothing of the partial street is being modified on the bullet items.

34 Bruce Frandsen: As I understand you do half width plus ten feet is that still the standard?

35 Ben Hunter: There isn't anything specific in our code that clarifies a half width plus ten. There  
36 are a lot of other jurisdictions that have that in their code. Our section is just what's listed in

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those five bullet items underneath the partial width streets. If you meet these criteria, you may be allowed to construct a partial width street that meets this.

Bruce Frandsen: Can we see those bullets? We do have a few good partial width streets in the city that I feel are dangerous. I don't know if we would need to have a half plus ten.

Ben Hunter: Usually in those instances you have a couple combinations within that much. There are certain boundaries requirements like the minimum width of right of way is 35 feet. Will include construction of all required street and utility improvements according to the city's standards. There is also the reduced width right of way, which that section is being modified. So, is it the partial width or the reduced width that you were questioning on that? Because the reduced width talks about meeting fire code. Which you have a minimum hard surface depending on the circumstances of either twenty-four or twenty-six feet wide, to make sure fire trucks can pass through there. That would be close to what other jurisdictions do which is a half width plus ten. In our instance a half width would be 16 feet wide for a local road plus ten feet. That verbiage is not specific in our code, this is the criteria they must meet for that.

Bruce Frandsen: They can only be a maximum of four hundred feet long?

Ben Hunter: Correct

John Woffinden: Any other questions or comments?

**Public Hearing opened.**

No comments made.

**Public Hearing closed.**

**Rodney Martin motioned to recommend approval of the Hearing, review, and action on a code text amendment, amending Section 15.01.100 of the American Fork City code, titled Streets. David Bird seconded the motion.**

**Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chairman Woffinden</b> | <b>Aye</b> |
| <b>Chris Christiansen</b> | <b>Aye</b> |
| <b>Bruce Frandsen</b>     | <b>Aye</b> |
| <b>Rodney Martin</b>      | <b>Aye</b> |
| <b>David Bird</b>         | <b>Aye</b> |

**The motion passed**

## **2. Hearing, review, and action on a code text amendment, amending Section 17.08.304 of the American Fork City Code, titled Project Streets and Sidewalks.**

Ben Hunter: This item entails a bunch of housekeeping items and clarifying sections of code. As we accommodate with some of the other code texts amendments that you just recommended

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approval on. There are a couple things that are added to this as far as sidewalks and what minimum improvements are required. So, it's just making this section of code consistent with the previous section we just discussed.

John Woffinden: So, it just matches up and fills in the voids. Any questions for Ben on this one?

David Bird: So, there is no variance between the two sections?

Ben Hunter: It talks about a couple of different things. In subsection B, streets to conform to the city standards, because of the previous code amendment. We had to modify this allowing for exceptions. So, we have different things that are discussed as they reference each other. We had to make sure that it clarified that there are exceptions as in the previous section we discussed. As different sections talk about different components of the street and referenced each other we just have to make it consistent and make sure it didn't have any conflicting codes.

David Bird: That what I wanted to know was if there were any conflicts with developing that.

Rodney Martin: Is a 5' wide sidewalk in EDA compliance?

Ben Hunter: Yes.

Bruce Frandsen: Does this address park strips also?

Ben Hunter: I don't think this one talked about the park strips. This one just talked more sidewalks, asphalt, and some of those components with it.

**Public Hearing opened.**

No comments made

**Public Hearing closed.**

**Chris Christiansen motioned to recommend approval of the Hearing, review, and action on a code text amendment, amending Section 17.08.304 of the American Fork City Code, titled Project Streets and Sidewalks. David Bird seconded the motion.**

**Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chairman Woffinden</b> | <b>Aye</b> |
| <b>Chris Christiansen</b> | <b>Aye</b> |
| <b>Bruce Frandsen</b>     | <b>Aye</b> |
| <b>Rodney Martin</b>      | <b>Aye</b> |
| <b>David Bird</b>         | <b>Aye</b> |

**The motion passed**

**3. Hearing, review, and action on the preliminary and final plat for Beck Hillside Estates, located in the area of 757 North 200 East, in the RI-9000 Residential Zone.**

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1 Patrick O'Brien: This is on our agenda because the applicant requested to be on it when they  
2 submitted revised plans after the initial review by staff. We put it in the agenda but have not had  
3 the chance to review their initial comments after their request to go on the agenda. Our  
4 comments are actually included in the packet. This is the first time the Planning Commission is  
5 seeing these sets of plans as the applicant had previously submitted an application for a Planned  
6 Unit Development or a PUD. This proposal differs from that past application, as it is just a  
7 regular subdivision in the R1-9000 zone. The proposal consists of 12 lots intended for single  
8 family use. The entire development parcel consists of 5.49 acres. It also includes a proposed  
9 demolition plan for demolishing existing structures on site to accommodate that future  
10 development. Based on when we did our reviews, I did my review before engineering and fire  
11 finalized their plan, it met the planning elements of the code. I would now revise my  
12 recommended approval based on some of the outstanding comments that need to be addressed by  
13 colleagues.

14 Rodney Martin: You're just saying engineering is recommending denial because of the changes?

15 Patrick O'Brien: Correct, as we look through the code there is fire, planning, and engineering  
16 elements of the code. Each of the respective groups take a different section, its not a majority  
17 moves on it. We need to meet all three sections of code before staff can recommend an approval  
18 on it. I did not see comments come in from any of the other staff member before I finalized my  
19 review and report, so I withdraw that recommendation and follow the recommendation of the  
20 engineering team to deny the application.

21 Rodney Martin: So, there are still outstanding TRC comments that need to be addressed?

22 Patrick O'Brien: That's correct.

23 Ben Hunter: There are a couple of outstanding comments, it does not meet the road standards  
24 and the cul-de-sac standards that are vested as part of this subdivision approval, it does not meet  
25 that section of code. There are also a couple of utility elements to it that we are confirming and  
26 making sure the appropriate utilities are buried or not. Until they meet those sections of code,  
27 we recommend denial until we can make sure they meet code.

28 Bruce Frandsen: Can you be a little more specific on the concern of the cul-de-sacs and roads?

29 Ben Hunter: One of the outstanding comments is per road and cul-de-sac standards. The confines  
30 of this development reach the limits that you see in this project. It would require a permanent  
31 cul-de-sac turn around in order to meet it because there isn't anything to prevent future phases.  
32 They had some pieces that did not meet the minimum local road standards of right of way. Those  
33 are some components that also did not meet code.

34 Rodney Martin: How deep is this parcel from the beginning to where it ends? From the edge of  
35 the roadway.

36 Ben Hunter: They would be tying in to 200 East on the East side. The roadway along the center  
37 line you have 220 feet and then a curve and then an additional 400 feet. Which they're not  
38 showing the cul-de-sac so combined between that you're in essence 600 feet long.

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1 Rodney Martin: So far too long, and there is not plan development North of that that would tie  
2 in?

3 Ben Hunter: Correct.

4 David Bird: So, there is only one entrance into this subdivision off 200 East? You go in and  
5 come out the same way? Does that fit within city standards?

6 Ben Hunter: I would have to defer to fire code. I know there is a certain number of units that  
7 once you exceed them you must have at least two access points. This one had few enough units  
8 that it is allowable, but it needs to conform to the turnaround standards which is a cul-de-sac.

9 John Woffinden: Is the applicant here? Would you come forward, state your name for the record,  
10 and tell us about the project please.

11 Gerald Anderson: I am the Principal of Anderson Development. I created Vineyard, bought  
12 Geneva Steel, and put 2100 North in between I-15 and Redwood Road. I've been a developer in  
13 Utah for a little over 40 years. In that time, I've developed over 35,000 houses, apartments,  
14 single family and multi family. This is a project we are going to both develop and build. I have  
15 recently started a company called Oakcrest Homes. Its always difficult to build on a hill you  
16 have slopes grades and all kinds of issues. In addition to that you have landowners that want  
17 things a certain way. We've been on this project over 2.5 years trying to work our way through  
18 it. In that time, we've run into a lot of issues about what your code means. One of your codes  
19 was because of us talking about dead end streets and cul-de-sacs. Your planning group came in  
20 and approved it and then your engineer said it wasn't in compliance. But if you read the  
21 document, by law they have to define why we are not in compliance. They have not defined that  
22 in the past or tonight. This is a 5<sup>th</sup> time I've submitted a plan and spent over 100,000 dollars to  
23 meet code. If it gets to that point, I will document the 5 previous submittals. Quite truthfully, it's  
24 hard. It's a little bit like the Old Testament you can probably prove anything out of the Old  
25 Testament. Sometimes Isaiah is a little bit hard to read and I would say your ordinances are a  
26 little bit hard to read like Isaiah. We are creating a project, that is an upgrade in the area. This is  
27 the plat and to this day I don't have comments back from engineering that defines what we are  
28 not in compliance of. It is a little difficult to get a project approved when you can't understand  
29 what you're not in compliance of. The city understands well enough to write a draft amendment  
30 that you guys passed today that says it's a plain language and that is our argument as our attorney  
31 met with your attorney. Beck Hills Estates is on a hillside, its pretty difficult. Hillside are very  
32 hard to develop, you have to make sure you use the ground effectively. The Becks have been  
33 very understanding that we cannot utilize 100% of the land because it is a hill. We are proposing  
34 12 units, one of which the Becks will be building, we will be building 11 of the units. (Refer to  
35 Hand Out 1). I have a legal opinion as far as what your code says. and I think your attorney  
36 agrees because you are proposing a change. Your code says if I come into a project I need to stub  
37 to the adjacent property and that is what we are proposing that we do. If we stub to the adjacent  
38 property, it's a temporary stub. The landowner to the North says, "I don't want development to  
39 occur on my property, so don't let them stub." Your administrator then changed his opinion and  
40 now we're told we can't stub there. The landowner has since passed away. As Planning

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1 Commission members, you are responsible by charge by the state for the orderly plan of your  
2 community. What we are proposing to the North is exactly according to your code, we are  
3 stubbing into that property. We don't think it is a permanent stub, the landowner to the north  
4 does not plan on having that developed. The master plan with the trail almost always follows  
5 your roads. It shows clearly that your plan would have a trail come down through the  
6 landowner's property to the North, he happens to be a cousin to the Becks who we are buying the  
7 property from. We are following the master plan and putting in a trail through the north on their  
8 property as was envisioned on your master plan. North of the property it turns and comes back to  
9 the East. There is a road that's part of the master plan that comes back at 1120, so this does  
10 follow your master plan. It would be Merrill Beck to the North, and it would come down and we  
11 would be stubbed in. What we would propose according to international fire plan which you  
12 have adopted would accommodate a hammerhead. The hammerhead would be dedicated to the  
13 city, but it wouldn't be part of the plat, it would be separate. We show that and the way it would  
14 be striped etc. That's where we are in disagreement with some of the city staff is if a  
15 hammerhead a viable turnaround. You adopted the international fire code and didn't exempt  
16 anything on it and a hammerhead is part of the international fire code. This hammerhead meets  
17 that, and the Fire Marshall said it needs to be modified to meet code. We are doing all that we  
18 feel we can do in order to develop this property. Stubbing it and a hammerhead meets your code.  
19 Since it is a longer cul-de-sac that ordinance only comes into effect if you argue that this will  
20 never ever be extended to the North. In most cities I would not be allowed to have a protective  
21 strip between my property and the property adjoining me because that would stop development.  
22 At this point the city is saying, we want you to put a cul-de-sac, we won't be building on the end  
23 of it, but it creates a protective strip. We are arguing that we're following your code. We're  
24 trying to do everything you've asked.

25 Patrick O'Brien: Do you own the property to the North?

26 Gerald Anderson: No, we do not.

27 Patrick O'Brien: There is not any guarantee that you will be the developer of the property. So,  
28 you would not be able to offer any guarantees to the city that the road meets code.

29 Gerald Anderson: The code says you will stub it to the adjacent property. Is that correct?

30 John Woffinden: It doesn't comply to the code because you have 400 feet and 200 feet. The code  
31 only allows for 400 feet total, and you've got over 600 feet. So, you already don't match up to  
32 code on just the length of your street.

33 Gerald Anderson: I disagree.

34 John Woffinden: How can you say 200 and 400 is code?

35 Gerald Anderson: This is temporary, is it not?

36 John Woffinden: It's got to have a cul-de-sac on the end of that area. Right now, you have no  
37 plans for a cul-de-sac, you don't own the property to the North, your road is longer then 400 feet  
38 which is required by code. This does not meet code. Discussion is over.

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1 Gerald Anderson: That's not correct.

2 John Woffinden: 400 and 200 make 600, that's more than 400, period. It doesn't match code.

3 Gerald Anderson: Its temporary.

4 John Woffinden: You have no guarantee you're going to own the property to the North to stub  
5 into that piece of property.

6 Gerald Anderson: Does your code require me to stub to the adjoining properties? It does, I  
7 guarantee it, if you want me to read it I can.

8 John Woffinden: Never mind all that what about the 400 and 200, you don't meet code there to  
9 start with.

10 Bruce Frandsen: Is the 600 only applicable when we have the cul-de-sac or is it applicable when  
11 we have a road that is being stubbed to the neighboring property?

12 Ben Hunter: The only description we have in the code allows a cul-de-sac to be 400 feet from  
13 certain measuring points as shown in our details. It doesn't differentiate whether its temporary or  
14 permanent. That's when you have that 400-foot requirement. The code text amendment that we  
15 had previously, was not specifically related because of this project. It was at the direction of City  
16 Council that was looking at modifying the code where you have existing development. It wasn't  
17 stemmed from this project. One of the other things that is challenging is you have the section of  
18 code talks about roads connecting to adjacent properties. You still have to meet all the sections  
19 codes and right now it does not meet the section regarding the cul-de-sac. Although the fire code  
20 has a hammerhead that's allowed in our city code, the only street cross sections that allows for a  
21 turnaround is a hammerhead. A hammerhead may be applicable in instances other than streets  
22 where it would be allowed for a fire turnaround. The only thing adopted in our code that related  
23 to public streets is a cul-de-sac for turnarounds.

24 Bruce Frandsen: I'm struggling trying to decide if this is a cul-de-sac, this does not look like it to  
25 me. In my experience cul-de-sacs are in the middle of a hundred-acre development where you  
26 cul-de-sac into your interior of your development. It doesn't look like a cul-de-sac to me it looks  
27 like a street that's stubbed in. I agree that we need to stub to the adjacent properties otherwise the  
28 property to North is landlocked. I'm struggling to see if what I'm looking at is a cul-de-sac.  
29 Does our code say that's a cul-de-sac or does it say, well that's a road? That's a partial road that  
30 is stubbed into the neighbor and someday its going to keep going North.

31 John Woffinden: Maybe, there is no guarantee.

32 Bruce Frandsen: We can't prevent people from the North, at some point, to go North.

33 John Woffinden: And how do you handle the problem of a fire truck, garbage truck, or  
34 snowplow getting in and coming back out?

35 Rodney Martin: That's where my question about the hammerhead comes in. Because if the  
36 hammerhead is allowed, I know its not specifically written in the code, but if a hammerhead is  
37 put in there and meets fire code, when the north property gets developed that hammerhead can be

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1 taken out when the road goes in. It would seem to me that that would solve both problems for  
2 turnaround. And for future development where when that road goes through you can take out the  
3 hammerhead because its really hard to take out a cul-de-sac, when you've cut up people's  
4 property especially the lots that aren't that big to begin with.

5 Gerald Anderson: We were asked to stub to the South, the masterplan to the South proposes a  
6 new road. So, we are thinking what purpose does is solve to stub to the South when you're taking  
7 a sliver of road and you're not going to want this road to connect?

8 Rodney Martin: What Road is that? Is that where the 740 connector is going in now?

9 Gerald Anderson: If we stub to the South, that would be stubbed into that. We look at this as  
10 going to the North, you have trail plan that envisions that there is going to be at least a trail. That  
11 trail follows all of the roads, it goes to the North, and we envision it would connect to these two  
12 properties. I don't think anyone should have to sell or develop their property. But all a stub  
13 coming to your property does is create a parcel. I have a piece in Sandy, and I have two stubs  
14 coming in, when or if I sell that property, Sandy will be able to complete that road.

15 John Woffinden: I have to remind the Commission we are bound by current code as it stands  
16 right now. Our crystal ball doesn't forecast ten or even one year down the road. We have to abide  
17 what's on the books today. This has got 600 feet of road with no turnaround is that what we want  
18 to have in there?

19 Rodney Martin: First 200 feet isn't really considered because it has that bulb there for  
20 turnaround on the first 200 feet. I would say you've got 400 feet with those first 200 feet being  
21 kind of a half cul-de-sac with that bulb there. What would it take for them to do a hammerhead  
22 or something like that? I know we can't change code right now, but it makes sense to me to do  
23 that.

24 Ben Hunter: That first 200 feet, our detail whether there's a curve in the cul-de-sac or not, the  
25 initial bulb doesn't meet the cul-de-sac standard. Having the ability to make a full turnaround  
26 doesn't meet that standard. The way we understand it is from the street you are tying into, from  
27 the beginning of the curve to the back of the right of way is 400 feet. You would still have to  
28 include that first 200 feet as part of that dimension. The parcel to the North of them if they  
29 develop in the future or not it would not create a landlock because they have access onto 200  
30 East. They would still be able to develop it conforming to code, and how they design it to  
31 conform to code. In this instance where its not part of another phase or anything like that if the  
32 cul-de-sac were to be shortened to meet cul-de-sac standards, you would probably have homes  
33 within that so it would not create a spike strip or anything like that.

34 Rodney Martin: Looking at the map we are not going to landlock them, you're right.

35 Gerald Anderson: I guess shame on us for not knowing all of your rules. There's a reason why  
36 this Planning Commission passed an ordinance to run a trail where we are putting in a road. You  
37 must have thought why would you put a trail through the middle of the property. He doesn't  
38 want it developed so why would you propose as part of your master plan, a trail? We have gone  
39 through your ordinances and tried to comply. I don't enjoy drawing and redrawing, submitting

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1 and resubmitting because five applications is quite a bit. Every time it seems like you come up  
2 with a new reason why we can't do what we're going to do.

3 John Woffinden: Either you go with the code, or you don't go with the code and right now you  
4 don't go with the code. If it takes you five times to figure out you are not going with the code,  
5 we are bound by the code we don't know what's going to happen in the future.

6 Gerald Anderson: Tonight, you changed your code, you voted to approve and pass on to the City  
7 Council. With your previous text amendment tonight, it only affected permanent stubs temporary  
8 stubs were not limited. There's a reason why you changed it to say this does not affect things that  
9 have already stubbed. The reason they did it was because of our project. What was changed? The  
10 word temporary. Which means if this is a temporary stub the length is not calculated, same as a  
11 permanent. I will sit down any day and compare your ordinance to what we submitted. I've got  
12 thousands of dollars in legal fees from sitting down with your attorneys and you keep changing  
13 the ordinance, why?

14 Bruce Frandsen: Is there not a way to put a cul-de-sac at the end of that? With the trail extending  
15 through the north end of the cul-de-sac and stubbing into the neighbor to the North? I have the  
16 same question why are we running trails through the middle of people's property?

17 Patrick O'Brien: That was provided to us by the applicants engineer when we were going  
18 through additional concepts, to help them overcome some of the issues. In relation to the trail  
19 issue, trails don't always have to run adjacent to a road. We have a lot of them in the city that run  
20 along streams and other areas. It can continue as a dedicated trail without following a roadway  
21 North.

22 John Woffinden: We should be more considerate about the roadway and not the trails at this  
23 point. The trails can go anywhere the roads are much more restrictive.

24 Gerald Anderson: If you pull up your trails map you will see what you guys envisioned.

25 David Bird: When we envisioned that it is not a commitment. It's a possibility down the road  
26 master plan that can be adapted and adjusted. The trail can be moved, it's not a commitment at  
27 this point to put a trail in there. So, to justify a road because the trail is potentially there, I don't  
28 see that.

29 Bruce Frandsen: Did that submittal have the cul-de-sac?

30 Patrick O'Brien: It wasn't a formal submittal. At one point we sat down with the applicant, and it  
31 was an idea on the table in relation to other ideas out there.

32 Bruce Frandsen: Do you think that would meet the 400 feet?

33 Patrick O'Brien: I'm not aware because we didn't do a full review since it wasn't a formal  
34 submission.

35 John Woffinden: I still want to go over the length of the road. We've got a 200-foot section and a  
36 400-foot section, that to me violates the code right there.

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- 1 Bruce Frandsen: If you had a cul-de-sac at the end to reduce that by 200 feet does that meet the  
2 code?
- 3 John Woffinden: What I see is the 200-foot section is still the same road. It goes to a cul-de-sac  
4 or a hammerhead it's still 600 feet of roadway, no matter what's at the end of it, it only allows  
5 400 feet.
- 6 Bruce Frandsen: But you only measure to the start of the cul-de-sac and that could be 200 feet  
7 South of that North boundary.
- 8 John Woffinden: If you did that you might be dividing half the lots.
- 9 Bruce Frandsen: We can't guarantee lots.
- 10 John Woffinden: To me it doesn't match code right now. Its got 600 feet of roadway, the code  
11 says 400 feet max.
- 12 Joe Garlington: I think planning and engineering needs to figure this out or you'll get a street  
13 with a weird bulb. A cul-de-sac to me is you end with a cul-de-sac bulb and you have contractors  
14 build around that cul-de-sac.
- 15 Patrick O'Brien: We have instances where that has occurred where both areas have been taken  
16 away even back into to property lines.
- 17 Joe Garlington: That's a hardship for the property owner.
- 18 Patrick O'Brien: I understand, but as things are planned out there is no guarantee that  
19 development will occur. We are following what our standard is or how the development will  
20 occur at that point.
- 21 Interruption about property owner to the north being present
- 22 John Woffinden: Lets have the public hearing and then we will have more information about the  
23 property to the north developing. Everything is up for sale if the price is right, right now they  
24 don't want to sell it but they may want to later who knows.
- 25 Joe Garlington: Can I just point out one thing within the city code? Because the city adopted the  
26 international fire code it allows for hammer heads. It also allows for dead end streets up to 750  
27 feet therefore it does meet your code.
- 28 Gerald Anderson: Generally, a code says what you can and can't do it doesn't give you rights.  
29 Generally, you assume you can do whatever you want except what's limited by code. Because  
30 your code doesn't say I can because it says I can't, that makes a difference. So, If your code says  
31 you can't have a hammerhead then we wouldn't be able to have one. your code doesn't say that
- 32 John Woffinden: If we don't have a turnaround at the end of this road, whether it be 600 feet or  
33 200 feet. Are we going to have the people that build their houses there cart their garbage cans  
34 down to 200 East all the time? The garbage trucks will not go up to the end of the road because  
35 they can't turn around.

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1 Gerald Anderson: We have an exhibit ready to show for you.

2 Patrick O'Brien: What is provided in the plan set is not the approved standard that our  
3 engineering department requires per code.

4 John Woffinden: So, it doesn't meet code on multiple items.

5 Gerald Anderson: Your engineer says we recommend you deny because we have deficiencies.  
6 Quote me one ordinance, scripture verse, we have told you where we meet you show me where  
7 we haven't. I can't comply with a red line where we violated that we haven't seen.

8 Patrick O'Brien: Mr. Chairman part of the reason it is difficult for them to comply is this was  
9 requested to go on the agenda before staff had a chance to conduct a review and provide  
10 comments back to see if it met the code.

11 John Woffinden: This has been a common problem that we've had more often than not the last  
12 year or year and a half. That applicants demand they come to this commission; we are a  
13 recommendation body we recommend it goes to City Council. If we deny it you can always  
14 appeal to City Council, that's your right. But I'm getting sick and tired of applicants coming here  
15 and demanding to be on the agenda. I've talked to the mayor several times and if the applicant is  
16 not 100% ready to be here, then they better not be here. I'm getting sick and tired of coming in  
17 here and wasting everybody's time for an hour talking about stuff and rehashing it. If you're not  
18 ready to come before this commission don't accept the application. That's what I'm going to tell  
19 the mayor again tomorrow. This has been going on far too long. We had applicant that we tabled  
20 seven times before they finally figured out, we were serious. After the seventh time they finally  
21 did what were telling them to do and now their project is up and running.

22 Gerald Anderson: If we meet the code according to our attorney and you're wrong then we're  
23 worthy. We're ready the question are we right or are you right?

24 John Woffinden: As far as I'm concerned 200 feet and 400 feet violates the code right to start  
25 with. Its that issue and you shouldn't have been here to begin with.

26 Ben Hunter: Both this plan set and the previous one gives specific code references on them of  
27 where they do not meet the code. It has been provided to applicant.

## 28 **Public Hearing Opened.**

29 Linda Beck: I own the land to the North. My husband passed away two and half months ago. I  
30 would rather feed horses and sheep rather than take my money and try to reinvest it at my age. I  
31 really like the property and the land more than a lot of homes.

32 John Woffinden: So, you have no desire to develop at this time or any time in the near future?

33 Linda Beck: Not in the future I'm not sure how long I'm going to live, and I don't know what  
34 my children are going to do but my children live that land too. Some of them have expressed that  
35 they do not want to sell that land. Our concern is the fence, we live in farmland and agricultural  
36 land. The neighbors that move in are going to mow their lawns and throw their grass clippings  
37 over the fence. It's not good for horses because they spray their lawns. I would really like a

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1 privacy fence between the development and the agricultural land. They are building next to  
2 existing farmland.

3 John Woffinden: So, you need a stronger fence to keep the horses on their side of the fence?

4 Linda Beck: And the grass and the children. It can't be a vinyl fence because they will not hold  
5 in horses. That's what I'm here for is the fence. That's our concern is a good 6' privacy fence.

6 David Bird: Have you talked the developer?

7 Linda Beck: Yes, I did I talked to them on the phone and expressed that it's the fence I'm  
8 concerned about. I didn't know about a trail, and they said they will be in compliance with what  
9 the city said. I'm here to tell you if you haven't got that you ought to consider it.

10 Maeta Beck: I'm Dennis Becks wife my father-in-law is her husband's brother. The reason why  
11 we are selling is because my husband's hip is going out. He was out there everyday weeding and  
12 making that land beautiful. It's been going on 2 years to try and get this project through.  
13 Honesty needs to be here I always believe in being honest and compliant. On behalf of the land,  
14 we'd like to see this go through, our financials are depleting because of this argument. I know  
15 they have complied 5 times, there was one with a cul-de-sac that was denied.

16 Sherie Kitchen: I am Merrill Beck's daughter; I live adjacent to their property. We would prefer  
17 not to have a cul-de-sac, someday my grandkids would like to develop. The dead end would  
18 probably be better for us then the cul-de-sac.

## 19 **Public Hearing Closed.**

20 John Woffinden: Commission what do we want to do? We need a motion on the preliminary and  
21 if doesn't go through the final is dead in the water.

22 Rodney Martin: As it sits now it doesn't comply. That is between engineering and planning and  
23 the developer to get us something we can vote on that does meet code. We cannot move forward  
24 at this point, that's my opinion.

25 David Bird: I agree with Rodney. I can't see leaving it as a dead-end road or stub in where  
26 there's no outstanding in the future of that road.

27 Rodney Martin: We're told that it doesn't comply and if they can prove that it complies and  
28 planning, and engineering agree that's fine. But we don't have the power to say yeah this is ok.

29 John Woffinden: That's what I said earlier we have to go by the code that is in place as of now.

30 **Bruce Frandsen motioned to recommend denial of the Hearing, review, and action on the**  
31 **preliminary and final plat for Beck Hillside Estates, located in the area of 757 North 200**  
32 **East, in the RI-9000 Residential Zone. David seconded the motion.**

33 **Voting was as follows:**

34  
35 **Chairman Woffinden                      Aye**  
36 **Chris Christiansen                        Aye**

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1           **Bruce Frandsen**           **Aye**  
2           **Rodney Martin**       **Aye**  
3           **David Bird**           **Aye**

4                           **The motion passed**  
5

6   John Woffinden: Do we still need to go with the final plat?

7   Patrick O'Brien: No, we cannot pass the final until the preliminary is passed

8   John Woffinden: The preliminary has been denied if you folks feel like you were unjustly  
9   treated, you have the legal right and obligation to take it to city council as an appeal. They will  
10   make the final decision we are just a recommendation body. We are more or less handcuffed by  
11   the present code as it is written. City council will be in 3 or 4 weeks.

12   Patrick O'Brien: The next meeting will be on June 14<sup>th</sup> and they will have to request that with  
13   the city recorder.

14           **4. Hearing, review, and action on an ordinance creating an Annexation Policy for**  
15           **American Fork City**

16   Patrick O'Brien: This is a staff-initiated change that will create a more straightforward  
17   annexation process for the city and the applicants' benefits. It complies with state code and  
18   instances where there is a conflict, state code would supersede the city ordinance. The policy  
19   ensures that annexations are consistent with our general plan which is what we're seeing. The  
20   policy specifies the annexation requirements, general plan and zoning designations, application  
21   requirements and procedures. Staff would recommend a motion for approval.

22   **Public Hearing opened.**

23   No comments made

24   **Public Hearing closed.**

25   **Chris Christiansen motioned to recommend approval of the Hearing, review, and action on**  
26   **an ordinance creating an Annexation Policy for American Fork City. Bruce Frandsen**  
27   **seconded the motion.**

28   **Voting was as follows:**  
29

30           **Chairman Woffinden**       **Aye**  
31           **Chris Christiansen**       **Aye**  
32           **Bruce Frandsen**           **Aye**  
33           **Rodney Martin**           **Aye**  
34           **David Bird**               **Aye**

35                           **The motion passed**  
36

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1       **5. Review and action on a final plat for Autumn Crest Plat F, located in the area of 950**  
2       **East Circle 1060 North, in the RI-9000 zone.**

3 Patrick O'Brien: The applicant is applying for final plat for Autumn Crest plat F in the R1-9000  
4 zone. It will be for 11 lots for single family residential purposes, it is just under 4 acres. Our  
5 average lot size the applicant provided in their details will be 12,200 sq foot per lot will be  
6 accessed from 1100 North. There were no planning issues that came up in the staff review of this  
7 and we recommend the motion of approval.

8 Ben Hunter: All of the public infrastructure shown on the plans comply with code and  
9 specifications. We recommend approval.

10 David Bird: Do you have a plat map for that?

11 **David Bird motioned to recommend approval of the Review and action on a final plat for**  
12 **Autumn Crest Plat F, located in the area of 950 East Circle 1060 North, in the RI-9000**  
13 **zone. Bruce seconded the motion.**

14 **Voting was as follows:**

|    |                           |            |
|----|---------------------------|------------|
| 16 | <b>Chairman Woffinden</b> | <b>Aye</b> |
| 17 | <b>Chris Christiansen</b> | <b>Aye</b> |
| 18 | <b>Bruce Frandsen</b>     | <b>Aye</b> |
| 19 | <b>Rodney Martin</b>      | <b>Aye</b> |
| 20 | <b>David Bird</b>         | <b>Aye</b> |

21                               **The motion passed**

22  
23       **6. Other Business**

24 John Woffinden: There will be no meeting on Wednesday the First. The next one will be the 8<sup>th</sup>  
25 of June.

26 Patrick O'Brien: Generally, we send out the email the night after planning commission. Where  
27 we have a gap, we have the ability to wait and still meet our noticing requirements. We have  
28 pothier applicants that are really close to the end of the process, and we can try and get them on to  
29 the next agenda.

30 John Woffinden: This happens a few times a year when the first day of the month falls on a  
31 Wednesday. But if we hold it that first Wednesday it messes up city councils schedule too. We  
32 usually fall back one week so it doesn't mess up their schedule.

33       **7. Review and action on the minutes of the May 4, 2022, Planning Commission**  
34       **Regular Session.**

35 **Chris Christiansen motioned to recommend approval of the Review and action on the**  
36 **minutes of the May 4, 2022, Planning Commission Regular Session. David Bird seconded**  
37 **the motion.**

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**Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chairman Woffinden</b> | <b>Aye</b> |
| <b>Chris Christiansen</b> | <b>Aye</b> |
| <b>Bruce Frandsen</b>     | <b>Aye</b> |
| <b>Rodney Martin</b>      | <b>Aye</b> |
| <b>David Bird</b>         | <b>Aye</b> |

**The motion passed**

**David Bird motioned to Adjourn the meeting. Rodney Martin seconded the motion.**

**Voting was as follows:**

|                           |            |
|---------------------------|------------|
| <b>Chairman Woffinden</b> | <b>Aye</b> |
| <b>Chris Christiansen</b> | <b>Aye</b> |
| <b>Bruce Frandsen</b>     | <b>Aye</b> |
| <b>Rodney Martin</b>      | <b>Aye</b> |
| <b>David Bird</b>         | <b>Aye</b> |

**The motion passed**

## **8. Adjournment**

**Meeting adjourned at 8:15 pm**