

APPROVED MINUTES

AMERICAN FORK CITY

PLANNING COMMISSION REGULAR SESSION

September 07, 2022

The American Fork City Planning Commission met in regular session on September 7th, 2022 at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

Present: Chairman John Woffinden

Christine Anderson

Rodney Martin

Chris Christiansen

Bruce Frandsen

Absent:

David Bird, Jenny Peay, Harold Dudley

Staff Present:

Patrick O'Brien Development Services Director

Travis Van Ekelenburg Senior Planner

Cody Opperman Planner 1

Ben Hunter Engineer

George Schade IT Director

Melissa White Admin Assistant

Others Present: Ken Berg, Ginger Romriell, Stephanie Herrera, Chris Heartel, Michael Mirabile, Linda Hill, Mirian Monnahan, Kelly Jayne Brady, Adam Anderson, Linda Bethers, Thatiam Falls

REGULAR SESSION

Chairman Woffinden led the "Pledge of Allegiance"

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Minutes of the August 17, 2022 Planning Commission Regular Session were approved with the edit that David Bird was present as an alternate. He was allowed to take part in the discussion but was not allowed to vote as an alternate.

PUBLIC HEARINGS

1. Public hearing and recommendation of American Fork General Plan to adopt the American Fork Moderate Income Housing Plan as a component of the General Plan.

Patrick O'Brien reviewed the background of the agenda item: The Utah State Legislature requires all cities above a certain size to include a moderate-income housing element within their general plan. The inclusion of this element demonstrates that the jurisdiction desires to create an opportunity for a variety of housing in order "to meet the needs of people of various income levels living, working, or desiring to live or work in the community" while also allowing "people of various incomes to benefit from and fully participate in all aspects of neighborhood and community life."

Staff has prepared a draft moderate-income plan which fits with the overall future direction of the City, and has selected 7 strategies outlined in the Utah State Code which they believe meets with the future vision for American Fork, and to promote moderate-income housing throughout the community through sustainable development and community partnerships.

Patrick O'Brien: The Moderate-Income Housing Plan is a statutory required plan that all cities above a certain size throughout Utah need to prepare. As the name would suggest, it's to try and alleviate affordable housing or moderate-income issues throughout the cities. There are a number of certain criteria that need to be met in the formation of these plans. It's an analysis of current housing needs in our community and an analysis of what stock we have existing and what stock is available at different area median income levels. The State looks at 80% which is considered to be moderate income, and then the whole way down; 60%, 50%, 45%, and 30% of our median income. That will be our very bottom end in desperate need of affordable housing. The plan outlines a number of narrative points of why we need a plan and how the plan came about. The State outlines in code a number of different strategies that a city needs to adopt. Depending on the size of the city, a certain number of these strategies need to be adopted. We have

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1 proposed to adopt a number of our policies. Additionally, because we have a fixed
2 transit line in our community, our front runner, we must add one or two additional
3 strategies to include the need for a Station Area Plan. We have proposed seven
4 different strategies which are based on staff research and analysis. We selected
5 seven out of a list of just over 20 based on the direction that American Fork is
6 growing as well as some direction of different things that have come from our
7 Planning Commission and our City Council meetings. This relates largely to our
8 TOD zoning because that will be a major factor in addressing moderate income
9 housing in our community. One of the requirements as a part of the plan
10 preparation is to outline an implementation plan that outlines what years we're
11 looking to do. The plan itself was meant to be a five-year plan. It's meant to be
12 flexible so as our community changes we can determine if we need to amend the
13 timelines of different things. We have that ability as a community which would
14 require us to do a minor amendment. There's a number of policies that will be
15 implemented based on these strategies. Some of the strategies require us to
16 implement different programs. The funding for that will come from our community
17 reinvestment area down in our TOD which was adopted by our Council recently.
18 That will go into a number of those programs related to down payment assistance
19 and rental assistance programs that the City is going to work on preparing and
20 implementing in the next couple of years. The CRA operated through our
21 redevelopment agency will be a major funding mechanism. We also are hoping to
22 partner with other housing agencies that operate in American Fork and throughout
23 northern Utah County to see what we can do together to try and address the issue
24 of Moderate-Income Housing.

25
26 John Woffinden: How did they determine the number of residents who own and
27 those who rent?

28
29 Patrick O'Brien: We take all that information from the 2020 census. We also look
30 at the American Community Survey which does annual projections based on those
31 numbers to get a more precise number from the census tract.

32
33 Mr. Christiansen notes that his name is misspelled in the report.

34
35 Bruce Frandsen: References Strategy #6, "Create or allow for reduced regulations
36 related to, internal or detached accessory dwelling units in residential zones."
37 We're putting that out to address three years from now. I think could be done much

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1 quicker. That's one I think we could implement now and with very few changes to
2 some of our zones.

3
4 Patrick O'Brien: I'm happy to bring that forward if that's your recommendation.
5 We've looked at it recently at the City Council work session and had an in-depth
6 discussion about it. The consensus wasn't very strong that it was important to move
7 forward immediately, because there is a lot more research needed. Would we allow
8 it in all of our single-family residential zones? Would we allow it in residential
9 zones that were of a certain lot size in terms of square footage? Particularly for the
10 external units. The internal units are required by State already, and we allow for
11 those. If you want to bring that item forward in years, we're happy to do that.

12
13 Bruce Frandsen: I think there is pushback in some areas in the city where they
14 don't want to have it, and they are more willing to put it in other areas. It's another
15 one of the "not in my backyard" scenarios. If we're getting serious about what we
16 ought to do, and how we ought to spread it, we ought to spread that throughout the
17 community. If we're going to have it, it should be everywhere, and then people can
18 decide themselves whether they want to do it or not. I think we could push that up.

19
20 Patrick O'Brien: Would you be okay if we moved to that from year three to year
21 two? Year one is based on what we need to do. We have our Station Area Plan that
22 takes precedence because there's a trigger on that and we have less than 12 months
23 to get it done. *References Strategy #6* We have started, but year two would be
24 ideal for that one. It may get done sooner.

25
26 Christine Anderson: I agree with Bruce, I would like to see it done earlier and it
27 should be across all zones.

28
29 John Woffinden: Does the October 1st State deadline come back to this?

30
31 Patrick O'Brien: We need to have this adopted by October 1st, but on top of that
32 we need to do our current report and also outline our implementation strategy to
33 the Department of Workforce Services Affordable Housing Division.

34
35 Rodney Martin: I agree with what's been said about the accessory being used.

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1 Patrick O'Brien: Is everyone in the Commission satisfied with year moving it from
2 year three to year two with the understanding that if we can get to it sooner, we
3 will move on that?

4
5 The Commissioners stated their agreement.
6

7 Christine Anderson: I feel like this effort is one of the most important things that
8 I've done in my whole time on the Commission. We know that where people live
9 affects their opportunity for upward mobility and benefits from the community. I
10 feel like allowing for more diverse and inclusive housing options across different
11 zones really gives people of all incomes the benefit of a thriving community. As
12 we age, we want to be able to choose the size of home we want to live in without
13 having to uproot into a different community. As our children leave the house and
14 start their families, we want them to be able to be close.
15

16 Patrick O'Brien: Moderate Income Housing is extremely challenging, especially
17 when the market is the way it is right now. We understand the challenges in that.
18 The Down Payment Assistance Program will help people in some of those more
19 challenging situations. Our TOD Zone is central to the success of addressing
20 moderate-income housing - and housing in general - for our community. It's our
21 largest green field area in the city. We have the ability to increase our densities
22 there and have a more diverse range of housing stock for people at different points
23 in their life. As we flesh out a plan it will be an aging-in-place approach with the
24 idea that you can spend all different points of your life in the same community.
25 That's the ultimate goal of proper planning, to have a place for people at all points
26 in their life.
27

28 Christine Anderson: As we're making advancements in attainable housing, I want
29 to accentuate how important it is that we dovetail transportation into these denser
30 areas. I think it's important for us to focus on how we can increase smart
31 transportation to all these areas.
32

33 Patrick O'Brien: I think as we grow as a community we will have the volume of
34 people to support that. It will come in time.
35

36 **Public Hearing Opened**

37
38 No public comment

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Public Hearing Closed

Rodney Martin motioned to recommend approval of the amendment to the American Fork General Plan, and to adopt the American Fork Moderate Income Housing Plan as a component of the General Plan.

Christine Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	AYE
Christine Anderson	AYE
Rodney Martin	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE

The motion passed

2. Public hearing and recommendation of a code text amendment to Section 17.7.503, titled Planned Unit Developments – Conservation Subdivision Project amending the lot size requirements for corner lots.

Cody Opperman reviewed the background of the agenda item: The applicant, Mr. Ken Berg, is requesting a code text amendment to Section 17.7.503. The specific request deals with the minimum sizes for corner lots with the PR-3.0 Zone. The applicant seeks a recommendation of approval to amend part H(4) of the specified section of code to allow for single-family detached structures to be placed on corner lots, and not just semi-detached duplex style units.

The staff does not have any specific objections to the proposed amendment, however, it is important to highlight that a reduced lot size requirement may impact the overall size of units that can be placed on a lot, while still being required to meet certain sight triangle requirements.

Christine Anderson: Right now it applies for semi-detached duplex-style units, but not for single-family detached units?

Cody Opperman: Yes, it's only applicable to the two-family duplex style.

***References the current code in the presentation* In the current code it doesn't go**

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1 into specificities for the single-family, so we want to amend the text to be more
2 specific. If it's going to be a single-family on the corner lot, we want to make sure
3 that it's not less than 7,500 square feet. If a proposed two-family is going to be on
4 there then 12,000 to 15,000 square feet will be required.

5
6 Rodney Martin: What is the normal corner lot sizes on single-family units in our
7 city right now, is it comparable to ones that have already been built?

8
9 Patrick O'Brien: Some of the other developments are similar enough to that
10 requirement. The main issue is that the way the language of the code reads is that if
11 you have a corner lot and you're building something on it, it has to be a duplex.
12 This would allow the flexibility to have that corner lot and it's comparable with
13 some of the neighboring developments around to have those single-family lot
14 sizes. The internal lots have a maximum square footage of 7,500 square feet. This
15 would be a minimum of 7,500 which will allow them to go a little bit larger and it
16 depends on how the applicant wants to design it.

17
18 Bruce Frandsen: I don't recall too many of our codes which say it has to be 12,000
19 square feet, but it can't be any more than 13,000 square feet. Why would we say a
20 corner lot can't be any larger than 15,000 square feet? When somebody might say,
21 "if I had 20,000 square feet on that corner I'd have a better site triangle, I'd have a
22 bigger home, a larger outbuilding." What is the reasoning to say this is the largest
23 the lot can be?

24
25 Patrick O'Brien: Some of our zones, PR-3.0 in particular, have an average lot size
26 requirement. Having something that goes too large impacts the ability to meet the
27 average lot size, so it's placing some level of restrictions on it. I'm not sure why
28 they settled with this to start with, or how they came up with those numbers, as that
29 decision was made before our time. I can do a little bit more research if you want
30 to find out where it came from.

31
32 Ken Berg: The code that we're changing is in the conservation development within
33 the PR-3.0 Zone. That conservation subdivision says a typical lot is 6,000 square
34 feet - 60 feet wide and 100 feet deep. They want you to create smaller lots because
35 you're giving 25% open space somewhere else. In this type of development, we
36 want the lot smaller because we want to congregate that open space, whereas, in
37 the same PR-3.0 Zone in the flexible lot subdivision, there aren't those rules. You
38 get credit for the large lots. You have to have a certain percentage, but you only get

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1 credit for the average lot size of up to 20,000 square feet. You could have five
2 acres to count as your lot, but for the lot size, that's how we're giving you credit. In
3 this case, the way the code is written now, every single corner lot within your
4 development must be 12,000 to 15,000 which makes you say, "then it has to be that
5 size." Then I'm forcing my clients to build duplexes or twin homes. But the code
6 also says you can only have a certain percentage of those. So, you're trying to
7 develop a conservation community, and then you have these odd lots on the
8 corners that don't make much sense. That's why we're proposing 7,500. Typically,
9 when I designed corner lots, we make them at least 10 feet wider. Because you tilt
10 from a 10-foot side yard setback to a 20-foot side yard corner lot setback. That
11 extra 10 feet allows you to build the same home as you would going down the
12 street. In this case, since we already established that internal lots have to be a
13 maximum of 7,500, it made the most sense to say the corners need to be 7,500 as
14 well as that maximum, so they are big enough to account for house size.

15
16 Bruce Frandsen: I don't have a problem with the 7,500. I just think it's superfluous
17 to have a maximum.

18
19 Ken Berg: In most zones you're right, but in this zone to denote that this is a
20 conservation. This zone is meant to have the majority of them be small 6,000.
21 There are some lots that I have to work to meet all the other frontage requirements
22 to keep it under 7,500 in the middle and I have to get a little creative on some of
23 them to get it to work with just road layouts. In the conservation subdivision, it's
24 worthwhile. It has a purpose to have those minimum lot sizes.

25
26 Christine Anderson: Bruce, are you just asking why wouldn't the developer just
27 keep it under that for his benefit in the conservation areas? And does it really need
28 to be stated? Is that what you're saying? Just in case someone wants to go over
29 that?

30
31 Bruce Frandsen: Yes, you might lay it all out and you might come out with 13,842
32 square feet left and you might not be allowed to put it on the corner. I think what
33 we're doing is putting a stipulation here that really doesn't need it. And it would
34 probably only come into play once in a great while. Fewer regulations are usually
35 better.

36
37 Ken Berg: They are usually better. The way the code is written, if you buy a corner
38 lot, you're buying two houses. You're not buying what your neighbor can buy, you

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1 have to buy a duplex. Most of my clients don't have that product. When the code
2 was written a while ago, it was set up so it looks like two houses. It was a great
3 idea, but in application it just didn't work. That is why we are asking for this. This
4 is what Planning Commission does, you guys get to set the rules. We've been
5 interpreting it differently over the years, and now we're just asking you guys to set
6 the rules.

7
8 Patrick O'Brien: Those PR Zones, our Planned Residential Zones, are our only
9 zones in the city that actually have a cap on their lot sizes, whether it's been
10 conservation lots or for flexible lot sizes with some other projects. This is because
11 you've got to average a certain range. It is a little bit different to the traditional
12 single-family home development that you have a minimum lot size. If it's a 9,000
13 square foot minimum lot you could still build a 20,000. This is a little bit different.
14 Largely they're just trying to make the best use of available space and pass some of
15 that back in open space for the benefit of that community.

16
17 Christine Anderson: Is this for all the 3.0 residential in the city?

18
19 Patrick O'Brien: Yes, that will be correct for all of the conservation lots of PR 3.0.
20 There are three different options in our PR 3.0 There's just a regular PR 3.0 which
21 follows the R1-12,000 regular zoning requirements. We have our flexible lot which
22 is similar to some other lots that have come through where you've got the ability to
23 have varying lot sizes and meet an average lot size. Then there's this which is more
24 uniform and in some of the lot sizes and more traditional but placing a cap on how
25 large some of them can be. To some extent, it's a density tool.

26
27 Christine Anderson: That makes me feel a little better. This isn't all of the 3.0
28 residential, it's like a subset of that. That works well with this kind of residential
29 plan.

30
31 **Christine Anderson motioned to recommend approval of the code text**
32 **amendment to Section 17.7.503, titled Planned Unit Developments –**
33 **Conservation Subdivision Project amending the lot size requirements for**
34 **corner lots.**

35 **Chris Christiansen seconded the motion. Voting was as follows:**

36
37 **Chairman Woffinden AYE**

38 **Christine Anderson AYE**

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1 **Rodney Martin** **AYE**
2 **Chris Christiansen** **AYE**
3 **Bruce Frandsen** **AYE**

4
5 **The motion passed**

6
7 **3. Public hearing and recommendation of a Final Plat for Stonecreek Plat**
8 **K, requesting approval for 55 lots in Plat K of the overall Stonecreek**
9 **Development, located in the area of 1000 South 380 West, in the PR 3.0**
10 **Zone.**

11
12 Travis Van Ekelburg reviewed the background of the agenda item: The applicant
13 is applying for a Final Plat approval for Stonecreek Plat K, located in the area of
14 1000 South 400 West in the PR-3.0 Zone. The proposal consists of 55 lots intended
15 for single-family homes. The entire development parcel consists of approximately
16 19.78 acres.

17 Travis Van Ekelburg: We're recommending tabling this because of the item that
18 you were just discussing. This is in the same zone and the same application. When
19 we can get this issue resolved, we can move forward with this particular plat.
20 Additionally, we have some other adjustments that need to be made on it as well
21 for revision. Nothing that can't be overcome.

22
23 Christine Anderson: Are you saying we have to wait until the previous item goes
24 through City Council and gets finalized before we can approve it?

25
26 Travis Van Ekelburg: Yes, and the applicant is aware of that as well. We are
27 tabling it right now so we can keep things moving forward.

28
29 Bruce Frandsen: Are there other things that would lead you to want to table this
30 other than the corner lot discussion we just had?

31
32 Travis Van Ekelburg: Engineering and Planning have some general revisions to
33 be made on the plat that needs to be taken care of before approval.

34
35 Bruce Frandsen: These are the red lines that are already on it?

36
37 Travis Van Ekelburg: Yes.

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Ben Hunter: There are a couple of minor things on their construction plan, notes confirming that some of the review items are addressed and differentiating a couple of existing versus proposed items. But once those are cleaned up with those remaining items, we don't see any concerns or problems.

Public Hearing Opened

No public comment

Public Hearing Closed

Chris Christiansen motioned to table action on the Final Plat for Stonecreek Plat K, located in the area of 1000 South 400 West in the PR-3.0 Zone, and instruct the developer/staff to complete the revisions required.

Rodney Martin seconded the motion. Voting was as follows:

Chairman Woffinden	AYE
Christine Anderson	AYE
Rodney Martin	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE

The motion was tabled

4. Public hearing and recommendation of a code text amendment to Sections 15.16.250, 15.16.260 and 15.16.270 within the Floodplain Management Title related to construction within flood hazard areas and enforcement of the amendment.

Ben Hunter stated reviewed the background information of the agenda item: American Fork City Staff is requesting a code text amendment to Sections 15.16.250, 15.16.260 and 15.16.270. The specific request deals with construction of development and public improvements within areas of special flood hazards to ensure that said improvements are constructed above base flood elevations.

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Ben Hunter: We are clarifying some verbiage in the floodplain code to clarify that any road improvements would need to be above floodplains as identified by FEMA on the floodplain maps, as well as any structures or anything like that, that all of these types of improvements would be at least one foot above the identified floodplain as shown on FEMA flood paths. A lot of it is clean up, and clarification of exactly where those elevations need to be set.

John Woffinden: This is all based on the FEMA floodplain maps. As they change these things with time, do we need to keep changing this ordinance?

Ben Hunter: Yes. Part of the most recent time that we adopted an ordinance change for this specific section was when FEMA came out with new floodplain maps a couple of years ago. It was basically recertifying, re-adopting the new floodplain maps and in conformance with that. One of the other things that FEMA has been working on with the State is they've been doing a Utah Lake study that there may be some of those elevations that may change based on this Utah Lake study. So any of those updates that FEMA requires has a trickle-down effect that impacts any developments that are changed based on those FEMA maps or flood studies that are done within the City.

John Woffinden: Does FEMA take liquefaction into consideration when they do these maps, or do we need to be concerned about that?

Ben Hunter: A lot of time FEMA is mostly only looking at flood elevations, 100-year storm events, dirt based on rainfall, that type of a thing. The Utah Lake study also started to incorporate wind velocities, so wave action that may occur on the lake that may change what that normal base flood elevation would be. But it's all just based on rainfall flood elevations, not necessarily liquefaction because they're looking at under the ground. They're looking to surface flood levels.

Public Hearing Opened

No public comment

Public Hearing Closed

Chris Christiansen motioned to recommend approval of the code text amendment to Sections 15.16.250 Specific Standards, 15.16.260 Residential Construction and 15.16.270 Nonresidential Construction within the

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Floodplain Management title amending construction requirement within special flood hazard areas.

Rodney Martin seconded the motion. Voting was as follows:

Chairman Woffinden AYE

Christine Anderson AYE

Rodney Martin AYE

Chris Christiansen AYE

Bruce Frandsen AYE

The motion passed

5. Public hearing and recommendation of a code text amendment to Section 15.01.140, titled Sewage System amending the elevation drop in a manhole.

Ben Hunter reviewed the background information of the agenda item: American Fork City Staff is requesting a code text amendment to Section 15.01.140. The specific request reduces the minimum allowed drop through a sanitary sewer manhole from 0.40 feet to 0.20 feet.

Ben Hunter: There are two specific sections within our code that identify the manhole elevation drop through a sewer manhole. The pipe that's coming in and on the other end of the pipe that's going out. Our code is currently required 0.4 feet of difference in the elevation points from the upstream side to the downstream side. Industry practice has actually been 0.2 feet. The reason that you even have some of that slope through there is where you have solids that are also within the sewage that's running down the pipes and the manholes. We want to make sure you don't have blockages that pile up within the manholes. This code amendment is to conform to already accepted practices within other cities within the engineering world allowing that minimum drop to be 0.2 feet. It still provides sufficient slope for the solids to continue passing through. We're updating our code to amend that.

Bruce Frandsen: Are we at 0.2 coming in and at the exit?

Ben Hunter: The inflow would be 0.2 feet above the outflow.

Bruce Frandsen: You're saying the pipe that's coming in is already laid at 0.2?

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Ben Hunter: It depends on the pipe size. Depending on the manhole size, the 0.2-foot drop would be a 4% slope. A five-foot manhole, which is also fairly standard within the City, I believe would end up being approximately a 3% drop. In an eight-inch minimum pipe size, the mainline slope is approximately 0.4%. It's a larger percentage across there, but part of that is that there may be multiple inflow pipes coming into the outflow side and so the slopes within that are still above what the minimum standard is for the pipes coming in.

John Woffinden: This is all based on fluid dynamics within the pipes?

Ben Hunter: Yes, the bigger the pipe size, the flatter the slope that you can do just because you've got more flow that's coming through a larger pipe size that's continuing to carry the sewage downstream. All dynamics are based on the elevations and slopes.

Bruce Frandsen: So there's no need to have a different slope depending on the inlet side? All I wondered is if you have a steep slope coming in, then it levels out and it takes off again with maybe a little less of a slope, it could have the opportunity for build-up in the manhole?

Ben Hunter: We have code sections that require minimums. It's possible to go steeper, but we have concerns about that. For example, as the Kelton apartments were constructing their commercial building, they identified that the flows and elevations were somewhat different and proposed a slope of approximately 25% in the pipe. It introduces additional concerns when it's too steep, so we have various parameters that would keep it so it's not too steep and not too flat and should function appropriately.

Ms. Anderson and Mr. Hunter had a brief discussion about the meaning of the different colors used in the staff report. Mr. Hunter confirmed that the colors are dependent on who edited the report.

Ben Hunter: Generally speaking, if something is crossed out, it has been removed. If it's underlined, it's being added. It's to differentiate between information that's being added versus being removed.

Public Hearing Opened

No public comment

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Public Hearing Closed

Bruce Frandsen motioned to recommend approval of the code text amendment to Section 15.01.140 titled Sewage Systems amending the allowed drop through a manhole.

Chris Christiansen seconded the motion. Voting was as follows:

Chairman Woffinden	AYE
Christine Anderson	AYE
Rodney Martin	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE

The motion passed

6. Public hearing and recommendation of a code text amendment to Section 15.01.610.C, titled Manholes amending the elevation drop in a manhole.

Ben Hunter stated the background information for the agenda item: American Fork City Staff is requesting a code text amendment to Section 15.01.610.C. The specific request reduces the minimum allowed drop through a sanitary sewer manhole from 0.40 feet to 0.20 feet.

Ben Hunter: We have one section of code that specifically talks about manholes and another section that talks about the overall sewerage system. These are the same changes and just two different sections of code.

Public Hearing Opened

No public comment

Public Hearing Closed

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Rodney Martin motioned to recommend approval of the code text amendment to Section 15.01.610.C titled Manholes amending the allowed drop through a manhole.

Christine Anderson seconded the motion. Voting was as follows:

Chairman Woffinden	AYE
Christine Anderson	AYE
Rodney Martin	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE

The motion passed

7. Public hearing and recommendation of a code text amendment to Section 15.01.100, titled Streets and Standard Drawing 15.7 (Section 15.01.1430) amending various elements related to dead end streets and dwelling units on a single access.

8. Public hearing and recommendation of a code text amendment to Section 15.01.100, titled Streets amending various elements related to subdivision connection to public streets and adjacent properties and creating Standard Drawing No. 15.7b (Section 15.01.1435) consistent with the amendments.

John Woffinden notes that numbers 7 and 8 on the Public Hearing agenda have been pulled.

ACTION ITEMS

1. Hearing, review, and action on site plan for the Mira Vista Development, seeking a recommendation of approval for a 21-unit development, located in the area of 530 South 1040 East, in the R3-7500 Zone.

Travis Van Ekelenburg stated the background information for the agenda item: The applicant is applying for a Commercial Site Plan approval for the Mira Vista Phase 4 development, located in the area of 530 S 1040 E in the R3-7500 Zone. The

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1 proposal consists of a 21-unit, 3-story Elderly Housing development located on
2 approximately 0.63 acres.

3 Travis Van Ekelburg: This application has been in process for quite a while, and
4 it's gone through some revisions. We had a recent revision process, and the
5 applicants have turned around and resubmitted everything to us today, so we'll be
6 doing another revision on it. As far as Planning goes, I've got some landscaping
7 issues and some other things that need to be revised, so we feel at this time that we
8 recommend tabling this item.

9 Ben Hunter: Similar to the Planning Department, the Engineering Department has
10 several comments that have previously been made. The submittals that we've
11 received and had time to review thus far have not addressed all those comments.
12 Some of them relate to site triangles to make sure the vehicles can turn out of
13 access points without any safety hazards. Some of it has been percolation rates that
14 would determine what size stormwater retention or detention would be required.
15 There are some other minor things such as text amendments. Some were minor
16 notes, but they are repeat comments that they have still not fully addressed. Once
17 they fully address the comments and we can make sure that they've fully addressed
18 all our comments then we'd be able to move forward. Until that point, we
19 recommend tabling.

20 Chris Heartel: I'm the developer. This is phase four of a project that was built
21 around 2000, and we resubmitted it in 2019. Shortly after COVID hit and
22 everybody shut down. We've been through quite a few things. There were a lot of
23 things that were unknown related to stormwater retention. As those came to light,
24 we've addressed them. We've gone to a storm tech system that will go underneath
25 the parking lot. The percolation test was a new requirement that was brought up
26 approximately about a week and a half ago. We ran through that quickly and got
27 that from the Geotech. There was an area that needed some clarification that a
28 certain area is a fire lane and not a parking spot. I know that change has been
29 made. There were some other changes with Engineering that we're addressing, and
30 those were submitted today.

31
32 Mr. Woffinden noted that the Fire Marshall needs to be updated on the applicant's
33 paperwork.

Public Hearing Opened

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1 Mr. Woffinden notes that those commenting will have two minutes to speak.

2
3 Michael Mirabile: *Refer to the attached map presented by Mr. Mirabile* I am a
4 resident of the Mount Timpanogos Village. I want to point out that the parking lot
5 and the retention basin that they want to build is on land that they do not own. It is
6 owned by Mount Timpanogos Village. They own the L-shaped part which is
7 basically the footprint of their building.

8
9 Per her request, Mr. Mirabile shows Ms. Anderson where Mount Timpanogos
10 Village is on the map provided.

11
12 Michael Mirabile: I'd like to point out that there was a lawsuit that was filed
13 between the former owner of the property and the condo association and there was
14 a Memo of Understanding that was drawn up between them and that allows them
15 to have construction access to their property so they can cross our property for
16 construction access, but there is nothing in the memorandum understanding that
17 grants them the right to build any permanent structure on land owned by Mount
18 Timpanogos Village. Furthermore, the HOA committee cannot grant them
19 permission because according to the CC&Rs, homeowner approval is required for
20 any improvements made to common areas. There would have to be a vote of
21 homeowners to approve them using our property.

22
23 Linda Bethers: One of my concerns is the parking. We have a 2006 plat map from
24 the County buildings that was printed off for us showing that the parking strip is
25 not included in that property. They [the applicant] now say that those end slots are
26 theirs. It is our slot. That plat map is from 2006. In 2007, the C building was
27 completed, and there were just enough parking slots for the residents of the C
28 building. That slot is being used by someone and has been used for 15 years. At
29 first, we were told there were two and I looked up to see who those two people
30 were. I haven't looked since it was narrowed to one to see which one it is now. But
31 regarding the two people, one is an 80-something-year-old man who pushes his
32 wife in a wheelchair. For him to have to go down much further to one of their
33 covered parking is unacceptable in our opinion. He already has to push her from
34 there, down the hall to the elevator, and back down to their unit. To add that many
35 more feet is not something that we're willing to entertain. Another thing that we are
36 very bugged about is that we were told it would be two stories in the agreement
37 that they have. It's three. It's within feet of our building and they have balconies on
38 each unit that look out into our rooms. They're approximately 20 feet away from

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1 some of our units, I believe. We already have that on the West with the apartment
2 buildings that were built and approved there. The West fence is the boundary
3 between high-density and low-density. We don't want it on the other side of our
4 building. We will be totally surrounded by something that would be really
5 unpleasant.

6
7 Chris Heartel: The differentiation of Timpanogos and this, this is phase 4 of what
8 used to be Mira Vista, and they've changed it, the name of the other project and
9 Timpanogos. I don't know the whole history between the previous
10 landowner/developer, but they had some issues with each other. They came to an
11 agreement that we had to move the building and not have it attached to the
12 clubhouse. It was always supposed to be a 21-unit. The code allows us to go to a
13 three-story building. It's not something that we've ever represented that this was a
14 two-story building. The code allows us three.

15
16 Cindy Jones: Regarding the Declaration of Understanding of the lawsuit, the
17 building was under "similar building", which means similar to our two-story
18 condominiums. Not a three-story building. Going back into the common areas, we
19 do own that, and they have a legal pass for the right of way during construction.
20 We can't find anywhere that states the legal right of way or legal easement after
21 construction.

Public Hearing Closed

22
23
24
25 Bruce Frandsen: Has the City Council reviewed the whole legal determination on
26 this? I was trying to look on the County plat maps and couldn't quickly determine
27 parcel ownership. If we're not sure who owns the property, there's a problem. I
28 think we need to find out if they are permanent easements or if they are
29 construction easements.

30
31 Patrick O'Brien: We have a list of easements in some of the supporting documents
32 the applicant has provided. We also have a letter from Western Management with
33 the HOA that outlines permissions that have been given to the applicant in relation
34 to construction. Particularly pertaining to the parking lot which is an extension of
35 that common open space that was outlined on the map that Mr. Mirabile showed on
36 his attachment. From a staff perspective, there are still some issues that we need to
37 address. We're happy to work with the applicant in an expedited manner and get

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information ready so that they just come back to the next Planning Commission meeting as well as get some determination from the City Attorney in relation to what Commissioner Frandsen is alluding to.

John Woffinden: This seems to me to be a good example of tabling and giving the parties time to finalize all the question marks that came up.

Rodney Martin motioned to table action of the Commercial Site Plan for Mira Vista Phase 4, located at 530 S 1040 E, in the R3-7500 Zone, and instruct the developer and staff to take care of any items that are still outstanding and take into account the current residents' concerns having been raised tonight.

Bruce Frandsen seconded the motion. Voting was as follows:

Chairman Woffinden	AYE
Christine Anderson	AYE
Rodney Martin	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE

The motion was tabled

2. Review and action on a residential accessory structure over 1,000 square feet requesting Planning Commission approval located in the area of 154 North and 100 West, in the R4-7500 Zone.

John Woffinden noted that number 2 on the Action Item agenda has been pulled.

Concept Plan Report & Upcoming Projects

Other Business

Mr. Woffinden notes that he will not be present on the 09/21/2022 Planning Commission meeting. Ms. Anderson will run the meeting. Ms. Anderson thanked the Development Services team for the dinner held the previous week.

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Adjournment

Christine Anderson motioned to adjourn the meeting. Bruce Frandsen seconded the motion.

Meeting adjourned at 08:04

Melissa White

Administrative Assistant II

The order of agenda items may change to accommodate the needs of the commissioners, public and staff.



Identify Results

Parcel	Tax District
Found 1 Parcel(s)	
Serial:	46:587:0101 (Show) Land Info
Subdivision:	9338 Scanned Subdivision Map
Owner:	COMMON AREA
Address:	94003
Value:	\$0
Acreage:	3.068