

APPROVED MINUTES

02.22.2023

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

February 22, 2023

The American Fork City Planning Commission met in a regular session on February 22, 2023 at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m.

Commissioners Present: Christine Anderson, Chris Christiansen, David Bird, Jenny Peay, Rodney Martin, Harold Dudley, Bruce Frandsen

Absent:

Staff Present:

Patrick O'Brien	Development Services Director
Travis Van Ekelburg	Senior Planner
Cody Opperman	Planner 1
Jeff Mortimer	Engineer
JJ Hsu	Engineer
Melissa White	Admin Assistant

Others Present: Ryan Salter, Dan Ford, Adam Anderson, Reid Shelley, Robert Gibbons, Jesse Shelley, Laura Shelley, Matthew Harper

REGULAR SESSION

Christine Anderson led the "Pledge of Allegiance"

Roll Call

COMMON CONSENT AGENDA

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1. Minutes of the February 08, 2023 Planning Commission Regular Session.

Chris Christiansen motioned to approve the minutes. Rodney Martin seconded the motion.

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE
Bruce Frandsen	AYE

PUBLIC HEARINGS

1. Public hearing and recommendation on a proposed code text amendment of the American Fork Municipal Code amending Section 17.5.105 titled Area of Accessory Building, to amend language related to structure size, and to clarify language related to the approval procedure to be followed.

Patrick O'Brien reviewed the background information for public hearing item number 1: The code text amendment looks to amend the language of size to an accessory structure. Rather than an accessory structure being two times the size of the footprint (foundation) of the primary structure, it will now be decreased to an area the size of the footprint (foundation) of the primary structure. Adding in the language for RA-1 and RA-5 agricultural zones, there may be an accessory building larger than the footprint (foundation) of the primary structure if it is related to agricultural activity. Additionally, if the area of the accessory structure is 1000 square feet or greater it will be reviewed and submitted as a site plan and follow the requirements of Section 17.6.101 as well as the original three factors that planning commission has been reviewing accessory structures under. One change to the original three factors is that the applicant will need to provide an

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agreement to be recorded on the property that provides neither the accessory building nor any portion thereof will be used or converted for use as living or sleeping quarters or for the conduct of a business.

Mr. Frandson recommended adding additional language to the code text amendment which would indicate that the prohibition for dwellings and business use would not apply if the code changed in the future. Mr. O'Brien stated that staff had discussed that option with legal counsel, and that it was something that would be clarified in the agreement; if the code were to change, the agreement would become void. Mr. Frandson felt it would be better to include the language directly in the code instead of clarifying it in the agreement.

Bruce Frandson: If our plan is to eventually let everyone clarify it in their agreement, why do we not just clarify it in the code?

Patrick O'Brien: Because it may not be city wide. The attached accessory structure for habitation may not be a city wide, every zone type of permission. It may be restricted to certain zones.

Bruce Frandsen: Maybe we say as long as it's in accordance with current code at that moment, or something similar. Maybe we can address the RA-1 and RA-5 separately. I hate to pass a code which says when each and every individual comes in they're going to have to specifying each individual agreement. I think it'd be easier to be in the original code.

Patrick O'Brien: We sent this through for legal counsel to review. If it was approved that accessory structures would be permitted for habitation in different areas of the city, it would be zone dependent. So if you came in and fell into a specific zone and you had that agreement, that agreement is an enforcement mechanism that the city has to say the applicant has signed an agreement recorded on their property. They can't argue that they were not aware that they could not do that [use the accessory building as a dwelling or for business purposes] because

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they didn't look at another certain section of code. They have signed the documents that state they will not utilize it.

Chairwoman Anderson: Is it was clear which code would trump the agreement?

Patrick O'Brien: We are going to do a full city code rewrite. If we do address allowing external ADU's and detached ADU's in the city, we will be going back and doing a code text amendment to clarify everything and ensure it was cleared up across the code at that point in time.

Jenny Peay: To me if you put it in each zone as a permitted use and clarify it there, then it will supersede this code text amendment. Not every zone has a permitted use. If you get into agricultural it is going to be in a gray area there. I think if you clarify in the zone it will be better.

Patrick O'Brien: In what way, for the ADUs?

Jenny Peay: Yes, for ADUs as a permitted use or a conditional use to clarify it as that portion and to permit it for that.

Patrick O'Brien: The way we look at it is similar to how we deal with internal ADUs. We would have an actual standalone section for external ADUs to use within our code. It would address it in its own section of code rather than within the permitted use section of different zonings.

Bruce Frandsen: The other thought I had is once you record it down at the county against that property, now there's an additional process to release that landowner

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from that requirement that's been recorded on that property. I don't know how you release them from that once it's a recorded saying someone can never do business on that property.

Patrick O'Brien: One of the reasons we're adding that in right now is because that is something that has been occurring with projects in the past. There's a section of code in there regarding adequate assurance; that adequate assurance is the signing of this document. We're just outlining it so it's explicitly stated. This is how you provide adequate assurance that you're not going to do it. The handshake doesn't work anymore.

Chairwoman Anderson: Would there be a negative effect if we did add that clause to say, "Unless it is allowed in the zone?"

Patrick O'Brien: We can add that language into the existing agreement that it won't be utilized for habitation or for the purpose of running a business unless zoning permits it at a subsequent time.

Bruce Frandsen: I like that, it clarifies that and removes the ambiguity.

Patrick O'Brien: Agricultural use is very different to residential. That's why we've tried to incorporate that language in the code as well. We are going to be more explicit in what we're saying and we are happy to incorporate that language into the agreements.

Jenny Peay: How would you address a grandfathering clause on specific properties?

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Patrick O'Brien: We would do our research and see if it has been permitted prior to when that has been the case, and we would deal with it on a case-by-case basis. If someone's grandfathered in but they look to add an extension to an existing structure, they would then need to meet the requirements of the current code.

Public Hearing Opened

No public comment

Public Hearing Closed

Bruce Frandsen motioned to recommend approval for the proposed code text amendment of the American Fork Municipal Code, amending Section 17.5.105, relating to the area of accessory buildings with additional language indicating that the prohibition for dwellings and business use would not apply if the current codes allowed it as a permitted or conditional use, or if the code changes in the future.

Jenny Peay seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

2. Public hearing and recommendation on a proposed code text amendment of the American Fork Municipal Code creating subsection 17.6.101 (E) of the American Fork City Municipal Code relating to expiration of site plan approvals.

Patrick O'Brien reviewed the background information for public hearing item number 2: The code text amendment looks to amend Section 17.6.101 to create subsection "E." Subsection "E" will provide a two-year expiration date to site plans and will provide a 12-month extension following an extension fee. There is currently not an expiration date on a site plan approval which has been problematic as city codes and vision for areas of the city have changed.

Jenny Peay: Does the state code reference site plan reviews or is it municipalities?

Patrick O'Brien: It is municipalities. Site plans are administrative functions and cities can set what they would like to happen, unlike plats which are handled more stringently in Utah code. We're looking to ensure that some restrictions are put in place because we received a permit application for someone who had a site plan approval from 1998. It was a problematic situation as City, Fire, and Building codes had changed.

Public Hearing Opened

No public comment

Public Hearing Closed

David Bird motioned to recommend approval for the proposed code text amendment of the American Fork Municipal Code creating subsection 17.6.101 (E) of the American Fork City Municipal Code relating to expiration of site plan approvals.

Chris Christiansen seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

3. Public hearing and recommendation on a proposed code text amendment of the American Fork Municipal Code amending Section 17.4.608 Sec. 6 Part E titled Lot Plans, to amend language related to minimum densities in the Transit Oriented Development zone.

Patrick O'Brien reviewed the background information for public hearing item number 3: The code text amendment looks to amend Section 17.4.608 Section 6 Part E to create a minimum density requirement for projects located in the Transit Core-Mixed Use Core of the TOD zone. The minimum density requirement shall be 55 units per gross acre.

Mr. O'Brien: This is in line with some of the recommendations that were recommended for approval by Planning Commission and City Council towards the end of last year in our Moderate Income Housing Plan. We're looking to zone for densities that can help promote more moderate income or more affordable housing. Generally, that's deemed as being something that's higher density. We're also looking at the potential in the future for an HTRZ (Housing and Transit Reinvestment Zone). That requires a minimum of 50 units to the acre. We have always had the vision of Transit Core-Mixed Use Core. If you're familiar with the

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TOD map, it's the immediate red area and it is going to be our hotspot of development. We're asking that the minimum density be 55 units to the acre down in that area. That's to drive that "live, work, play" dynamic that we're looking for to support all the other mixed-use elements in the area. I've worked with our city manager on this to see what all of the different densities are. You'll see there is a red line in the packet that outlines what we're looking to change and clarify. It's not a whole lot that we're looking to do, and it's specific to that area. While we could do lower, we're requiring that you actually meet the 55 units as the minimum number. Outside of the Transit Core-Mixed Use Core, depending on what percentage of lot types you can implement, you can go below or above whatever is permitted. However, this is a critical area, and it is vital for the success of our TOD. From a staff and administrative perspective, we'd ask that you recommend it for approval.

Bruce Frandsen: What is the current minimum?

Patrick O'Brien: It's dependent on the percentages of lot types that you implement. You must utilize a certain percentage of lot type nine, lot type eight, lot type seven, etc. Lot type nine is 65 units to the acre as a max. You can end up with higher than that if you utilize lot types seven, eight, and nine which are 50 units, 55 units, and 62 units, respectively. We're looking to put some guardrails up for the future vision of the city so we do not rule out the ability for us to do an HTRZ overlay in that area and to ensure that we meet that minimum density requirement. An HTRZ allows us to capture tax increment and a portion of sales tax. It is similar to a Community Reinvestment Agency (CRA) which is meant to be a driving force behind some developments. The Community Reinvestment Agency requires us to get all of the different taxing entities buy-in, and the HTRZ does not. You don't get as much of a tax increment, but you still get a significant amount. It really is a development and redevelopment tool. Because of certain constraints such as high density and the area of the city that it's in, the HTRZ is something useful in terms of a development tool that the city can have to help further enhance development. We're trying to utilize it as both a community development tool as well as an economic development tool.

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Christine Anderson: I am in favor of utilizing the space that we have right next to transit by raising the density in order to make it work as a TOD zone. It will allow for less cars on the road by creating this "live, work, play" idea that works really well for higher density. Are there any Engineering requirements?

Patrick O'Brien: There were a few things discussed in terms of infrastructure impacts, but it's not going to change the overall result of what the community is. We're ensuring that we put that floor in place that allows us to say, "You could have got 48 units to the acre, but for us to do the HTRZ we need this amount, and you've undershot us by this much." We want to make sure that we're getting in at what the limit is for the State. The State is the one who has put that in place, so if we want to meet the HTRZ we need to meet those requirements.

Public Hearing Opened

No public comment

Public Hearing Closed

Jenny Peay motioned to recommend approval for the proposed code text amendment of the American Fork Municipal Code amending Section 17.4.608 Sec. 6 Part E titled Lot Plans, to amend language related to minimum densities in the Transit Oriented Development zone.

David Bird seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	NAY
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE

David Bird

AYE

The motion passed

4. Public hearing and recommendation on a proposed Annexation Agreement for the Shelley and Aston properties, located in the area of 830 E 30 N, American Fork, UT, 84003

Patrick O'Brien reviewed the background information for public hearing item number 4: The applicant is requesting to annex into American Fork City from Utah County Territory. There are two parcels requesting to be annexed in and both parcels equal out to be approximately 1.07 acres. The land use designation is Residential Low Density and the surrounding zones around the two parcels are R1-9000 and RA-1. If the annexation is approved the zoning designation for the two parcels will be the R1-9000 Residential Zone.

Jesse Shelley: In 2020 we purchased the lot at approximately 830 East 30 North and we are planning to build there. We cannot build in the county because of the zone restrictions and the size. We've been trying to get annexed in for the past 15 months and we're just waiting.

Jenny Peay: Do you own both parcels?

Jesse Shelley: We do not. The Astons own the parcel on the east. This will be for our primary residence.

Public Hearing Opened

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No public comment

Public Hearing Closed

David Bird motioned to recommend approval for the proposed Annexation Agreement for the Shelley and Aston properties, located in the area of 830 E 30 N, American Fork, UT, 84003, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal.

Harold Dudley seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion was approved

5. Public hearing and recommendation on a proposed Land Use Map Amendment at approximately 6595 N 6000 W, on approximately 8.15 acres; changing the Land Use Map from the Residential Low-Density designation to Design Industrial Land Use designation.

Travis Van Ekelenburg reviewed the background information for public hearing item number 5: The applicant is applying for a land use map amendment for the property located at approximately 6595 N 6000 W from the Residential Low-

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Density designation to the Design Industrial designation. There is one parcel with this request that consists of 8.15 acres in total.

The proposed Design Industrial Land Use designation is being requested prior to an annexation for this property. 100 West has been determined to be the dividing line between the Design Industrial Land Use on the east of Boat Harbor Road and the Low-Density Residential Land Use for residential development on the west side of Boat Harbor Road. Staff recommends denial of this Land Use Map Amendment to preserve the future residential land use to the west of Boat Harbor Road.

David Bird: The applicant wants to develop this into low-income housing?

Travis Van Ekelburg: The proposal was for Design Industrial.

David Bird: Are the people who want to develop this the current owners or someone else who wants to develop the property?

Ryan Salter: I'm the owner of the property. We currently own a business that's a residential treatment program. The county, which we're in now, requires a minimum of five acres to have that licensure. We don't use much of the property in the south of that and we're looking to possibly utilize that for different development purposes such as industrial or potentially multi-family. I was thinking with the Vineyard connector potentially in there, and with that road already planned for a pretty good expansion on that frontage, it doesn't seem like the most optimal space to put half acre lots right on that busier road. A lot of times when I've seen developments and they have these major thoroughfares, there's more of a buffer of the zoning being on both sides of the road and the road not being the exact demarcation so you don't have one side of the road that is light industrial and one side of the road that is relatively rural half acre lots. That was my thought, and the fact that the light industrial does already bump into that. Between the Vineyard connector coming in and some of the what's already been talked about tonight just north of us with the high-density piece, some reconsideration around the half acre piece seems to be in line with some of the general planning. I'm most interested in the potential to reduce some of the five acres with some light industrial usage. At a

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minimum it would seem to have it on both sides. My eight acres is the last piece of buildable land before you get to Boat Harbor. I think some usage, either with multifamily or light industrial, would serve that boat harbor purpose. It would also serve some of that traffic, especially all high-density pieces, just to the north that are going to be using that access to the lake. It would be an advantage to the community and would make it a little bit more seamless than just having half-acre lots on that one side. There's plenty of land there as you can see. It would seem that that having a high-density or a light industrial buffer on some of the major traffic arteries would be an aid to accentuating what would be the interior half acre lots and putting those right in the middle of the road.

Patrick O'Brien: From a staff perspective and from a future land use planning perspective as we look at future growth for the city, the main reason for the staff recommendation of denial is that Boat Harbor Road is a clear delineator between the east and west uses. We will have future applications for development on the east of the road to turn all of this into design industrial. But what's on the west of the road right now, if design industrial and planned industrial start to encroach on that, there is nothing to stop it from continuing to encroach further on and on. I understand that the color [the purple color indicating the PI-1 zone on the zone map] goes out into the road, but there will be no development on the road. Boat Harbor Road is a clear marker. If anything spills over that there is nothing to stop it from continuing to go further west. From the staff recommendation, we would ask that you look at denying that to preserve the future values of residential for that area of the city. You will see there are some design commercial notes scattered throughout, and that is to support residential uses. Some people don't want industrial in their backyard and having it across the road is challenging enough. There's nothing to stop it if it goes across Boat Harbor Road.

Christine Anderson: What is the classification of Boat Harbor Road?

Jeff Mortimer: It is a minor collector which would be three lanes and would most likely be a 72-foot right-of-way.

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Jenny Peay: How would they address the river that runs through that?

Jeff Mortimer: The river has been a border, so all of the right-of-way needed would be pushed west to keep the river on the east side to not encroach on the river as much as possible.

Chris Christiansen: We have two barriers with the road and the river. I support the staff and their recommendation. The roadways are a great way to contain these different zones.

Christine Anderson: I agree, I think I would prefer a land use difference across the street rather than in my backyard.

Public Hearing Opened

No public comment

Public Hearing Closed

Chris Christiansen motioned to deny the Land Use Map Amendment to Design Industrial, for the property located in the area of 6595 N 6000 W.

Harold Dudley seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE

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Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

ACTION ITEMS

1. Review and action on the Site Plan for Cost-U-Less Carpet, located in the area of 64 North 900 West, in the General Commercial (GC-2) Zone.

Cody Opperman reviewed the background information for action item number 1: The applicant is applying for a Site Plan approval for Cost-U-Less Carpet, for a new commercial development in the GC-2 Zone, located in the area 64 N 900 W. The proposal consists of 1 lot intended for commercial development. The entire development parcel consists of approximately 0.35 acres.

The required number of parking stalls for the development is 15, but the applicant has requested and provided 14 for the development. The applicant has provided a parking study and based on the study the Planning Commission may recommend to the City Council an increase or decrease to the number of off-street parking spaces herein specified upon a finding, made following a study on the matter, that the use characteristics of the proposed use warrant adjustment. The applicant submitted new plans on the 16th, but the staff did not have sufficient time to review the plans prior to the Planning Commission meeting. From the brief review staff was able to do, it does seem the applicant has met quite a few of the approval of conditions.

PROJECT CONDITIONS OF APPROVAL:

1. City Council approval for the reduction of parking spaces allowed on site to 14 rather than the required 15.
2. Resolve all Fire Marshall comments on the plan set.
3. Remove landscaping features and provide all weather maintainable surface for fire department and fire fighting access, as well as maintain the area open and unobstructed where it is mentioned by the Fire Marshall in the plan set.

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4. When landscaping features are removed, provide the required amount shrubs, trees, and species diversity for the site mentioned in Section 17.5.121 (C) of American Fork City Municipal Code.
5. Provide dumpster enclosure elevations that match the enclosure shown on the plan set.

Mr. Robbie Gibbons reviewed the parking study. He discussed the updates made to the plans to reflect the required dumpster enclosure as well as the Commission's preference of a parking adjustment at the December 12, 2022, Planning Commission meeting. (See attachment #1 to review the parking study.)

David Bird: Who would need to approve reduced landscaping?

Patrick O'Brien: We do not have a formal way to reduce landscaping. The city code defines how much landscaping needs to be provided in terms of open space or species diversity and decisions like that. In the past projects have been approved with less. I do not know if that was a conventional or an erroneous decision. As far as we are aware, there is no formal way to approve something with lower requirements in terms of landscaping. The Planning Commission does have the ability to make a recommendation of approval for reduced parking stalls.

Ms. Jenny Peay confirmed that there were two ADA-compliant parking stalls shown on the plans.

Mr. Robbie Gibbons stated his confidence that they have met the conditions required by the staff and that they will be fully resolved before going to City Council.

Rodney Martin motioned to recommend approval on the Site Plan for Cost-U-Less Carpet, in the GC-2 Zone, located in the area 64 N 900 W, with the approval of 14 parking stalls instead of the required 15 parking stalls and subject to any conditions found in the Staff Report, or recommended by the Fire Marshal

Jenny Peay seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE

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Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

2. Review and action on a Preliminary Plan for Axxess Accident Center, located in the area of 64 East 150 North, in the Central Commercial (CC-1) Zone.

Travis Van Ekelburg reviewed the background information for action item number 3: The applicant is applying for a Final Plat approval for Axxess Accident Center, for a new commercial development in the CC-1 Zone, located in the area 64 E 150 N. The proposal consists of two lots being consolidated into a single lot for a chiropractic medical office project. All development parcels consist of approximately 0.57 acres. Parcel IDs will include: 02:038:0008 and 02:038:0006. The Planning Commission will be the approval body for this Preliminary Plan. PROJECT CONDITIONS OF APPROVAL:

1. Cross Access Agreement for the property will need to be recorded with Utah County before permits are issued.

Adam Anderson: It's actually owned by the same person, which is my father. There's a reason we don't have an agreement right now, because the owner is the same guy that owns both properties and he agrees with himself. We can get that in writing. It's a co-owned project between he and I. Right now he is remaining the owner until we figure out how we want to create the paperwork that delineates everything. So we can have that drawn up. What happened was we originally had the two homes, and when we bought it we had two access points. We thought we could have our own access point. But when we presented it for the original site plan, we were told we could not based on traffic and based on everything else. So they've created joint access to the Anderson mortuary parking lot. Now what we're proposing is that there's access through the Anderson Mortuary parking lot because we could not have our own separate entrance on 100 North.

Jeff Mortimer: The access spacing requirements wouldn't allow for a main access.

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Patrick O'Brien: For clarification on the conditioning of the cross access, I understand that they are family, but they are two separate lots. If one was ever to change ownership, it ensures that the access and the parking is something that is permitted and required legally through the new owner of one or the other. It is a legal agreement that will be signed and recorded with the county.

Rodney Martin: You are allowing the mortuary to have access to your parking stalls and vice versa?

Adam Anderson: They will be separate; it is just an access point.

Harold Dudley motioned to approve the Preliminary Plan for Axxess Accident Center, located in the area of 64 East 150 North, in the Central Commercial (CC-1) Zone, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal.

David Bird seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

3. Review and action on a Final Plat for Axxess Accident Center, located in the area of 64 East 150 North, in the Central Commercial (CC-1) Zone.

Travis Van Ekelenburg reviewed the background information for action item numbers 2: The applicant is applying for a Final Plat approval for Axxess Accident Center, for a new commercial development in the CC-1 Zone, located in the area 64 E 150 N. The proposal consists of two lots being consolidated into a single lot for a chiropractic medical office project. All development parcels consist of approximately 0.57 acres. Parcel IDs will include: 02:038:0008 and 02:038:0006.

PROJECT CONDITIONS OF APPROVAL:

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1. Cross Access Agreement for the property will need to be recorded with Utah County before permits are issued.

Harold Dudley motioned to recommend approval for the Final Plat for Axxess Accident Center, located in the area of 64 East 150 North, in the Central Commercial (CC-1) Zone, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal.

Rodney Martin seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

4. **Review and action on a Site Plan for Axxess Accident Center, located in the area of 64 East 150 North, in the Central Commercial (CC-1) Zone.**

Travis Van Ekelburg reviewed the background information for action item number 4: The applicant is applying for a Site Plan approval for Axxess Accident Center, for a new commercial development in the CC-1 Zone, located in the area 64 E 150 N. The proposal consists of two lots being consolidated into a single lot for a chiropractic medical office project. All development parcels consist of approximately 0.57 acres. Parcel IDs will include: 02:038:0008 and 02:038:0006.

Due to the development being in the CC-1 zone, the Planning Commission is the approval body for the Site Plan.

PROJECT CONDITIONS OF APPROVAL:

1. Cross Access Agreement for the property will need to be recorded with Utah County before permits are issued.
2. Site Plan can be approved subject to the approval of Axxess Accident Center's Final Plat from City Council.

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Jenny Peay: What are the setbacks?

Patrick O'Brien: There are no setback requirements for the CC-1 zone.

Cody Opperman: One of the special provisions if they are fronting a street in the CC-1 zone is that the building has to be 10 to 15 feet away from the street.

Jenny Peay: How close to the road are they looking to place the building? And what is the height of the building?

Patrick O'Brien: It will be 10 feet. There is no maximum or minimum height requirement in the CC-1 zone.

Harold Dudley motioned to approve the Site Plan for Axxess Accident Center, located in the area of 64 East 150 North, in the Central Commercial (CC-1) Zone, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal and contingent upon the approval of the final plat by the City Council.

Bruce Frandsen seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

Chairwoman Anderson noted that action items numbers 5 and 6 would be discussed together and voted on separately.

- 5. Review and action on an Amended Final Plat for Standard Plumbing, located in the area of 552 East 620 South, in the Planned Commercial (GC-2) Zone.**

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Travis Van Ekelenburg reviewed the background information for action item number 5: The applicant is applying for an Amended Final Plat approval for Standard Plumbing, for a new commercial development in the GC-2 Zone, located in the area 552 E 620 S. The proposal consists of one lot being amended to provide for a storage canopy. The development parcel consists of approximately 0.61 acres. Parcel ID will include: 57:033:0002

The applicant has provided signatures of all affected party members involving the final plat, as required by Utah State Code Section 10-9a-608.

PROJECT CONDITIONS OF APPROVAL:

- A purchase agreement for the property deeded to the City is approved by council with the Amended Final Plat.

Jenny Peay: Will this change any parking requirements?

Travis Van Ekelenburg: It won't. It is just being used for storage right now.

David Bird motioned to recommend approval for the Amended Final Plat for Standard Plumbing, located in the area of 552 East 620 South, in the Planned Commercial (GC-2) Zone, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal.

Chris Christiansen seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

- 6. Review and action on a Site Plan for Standard Plumbing, located in the area of 552 East 620 South, in the Planned Commercial (GC-2) Zone.**

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Travis Van Ekelburg reviewed the background information for action item number 6: The applicant is applying for a Site plan approval for Standard Plumbing, for a new commercial development in the GC-2 Zone, located in the area 552 E 620 S. The proposal consists of one lot to provide for a storage canopy. The development parcel consists of approximately 0.61 acres. Parcel ID will include: 57:033:0002

Bruce Frandsen motioned to recommend approval for the Site Plan for Standard Plumbing, located in the area of 552 East 620 South, in the Planned Commercial (GC-2) Zone, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal.

Jenny Peay seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion was approved

7. Review and action on a Site Plan application for a pylon sign for Deer Park, located at 70 East 1100 S, in the Planned Industrial (PI-1) Zone.

Cody Opperman reviewed the background information for action item number 7: The applicant is applying for a Site Plan approval for a pylon sign for Deer Park, located in the area 70 E 1100 S. The proposal consists of a 350 square foot pylon sign for Deer Park's planned industrial park. The pylon sign can provide up to 9 tenants for the sign faces. The sign shall be placed on the northeastern portion of Parcel ID: 37:365:0001, adjacent to 1100 South. All development parcels of Deer Park approximately consist of 14.11 acres.

Harold Dudley: In the full code re-write, some of these things will be handled by staff?

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Patrick O'Brien: That will be up to the Planning Commission and City Council to what they would like to see happen.

Harold Dudley: We do not need a full discussion now, but let's put it in the minutes that we'd like to see more administrative signoffs for these types of projects.

Harold Dudley motioned to recommend approval for the Site Plan application for a pylon sign for Deer Park, located at 70 East 1100 S, in the Planned Industrial (PI-1) Zone, subject to any conditions found in the Staff Report, or recommended by the Fire Marshal.

Chris Christiansen seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

8. Review and action on an application for an Accessory Structure in excess of 1,000 square feet, located in the area of 145 West 640 North in the Residential (R1-9000) Zone.

Travis Van Ekelburg reviewed the background information for action item number 8: The applicant is applying for site plan approval for the development of an accessory structure in the R1-9000 Zone, located at 145 W 640 N. The proposal consists of 1 parcel for an addition to an existing accessory structure. The entire development parcel consists of 0.38 acres. The accessory structure exceeds the 1000 square foot requirement to be brought to the Planning Commission and Planning Commission will be the approval body for this structure. This particular accessory structure was previously approved at the June 5, 2002, Planning Commission meeting. In the minutes and on the approved plans it stated that the

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existing ADU would not be built in the easement at the back of the property. The existing structure was built into the PUE.

Matthew Harper: It only extends 10 inches into the PUE.

Jenny Peay: What is the height of the building?

Matthew Harper: From the bottom where the existing building is it is 32 feet. From the front of the building where the new addition is would be about half that at sixteen to seventeen feet.

Travis Van Ekelburg: The applicant did meet the height requirements.

Rodney Martin: That property there slopes off from the street like way down so much it could be used as a sledding hill. They're bringing that second story up to street level, and the drop down would be built below that and then go into the existing structure.

Jenny Peay: The front elevation will not be 32 feet?

Rodney Martin: No, the front elevation will be a single story from grade. In full disclosure, this is my neighbor and I will not be voting on this.

Patrick O'Brien: There are three current elements of the existing code for your review tonight: The accessory building will be incidental to the primary use of the parcel, (2) the applicant has provided adequate assurance that neither the accessory building nor any portion thereof will be used or converted for use as living or sleeping quarters (see Section 17.5.106) or for the conduct of a business (except when located in a commercial zone permitting such activity), and (3) the bulk, height, style and construction material of the accessory structure is compatible with dwellings in the immediate vicinity and will not result in an undue negative impact upon adjacent properties. If the Commission recommends approval, the condition will be to sign the disclosure agreement.

Travis Van Ekelburg: The applicant did acknowledge that they built in the easement on their drawings.

Patrick O'Brien: There is an option for an easement encroachment agreement that our city attorney has highlighted if that is something the Commission wants to

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approve. The document could be conditioned to be signed to address the existing structure built on the easement. Regardless of how much it is in the easement, it is still in it.

Chairwoman Anderson: Would that agreement be required to add on to something?

Patrick O'Brien: I think it would be good to have in place. Considering the original approved plans stated that it would not be built in the easement and it was built in the easement. This approval should cover all of that to bring the previous plans that do not meet the existing footprint and bring it all into conformity.

Chris Christiansen: Currently the structure is out of compliance. By having this agreement it would allow for the applicant to add on to the existing structure while bringing it back into compliance. It would have been nice to have that in place before we saw it. However, permits cannot be issued until the easement encroachment agreement is in place?

Patrick O'Brien: Correct, and as long as the assurance document has been signed.

Harold Dudley: I would hate for the applicant to get held up with the utility companies.

Patrick O'Brien: It would be good to have the agreement in place instead of trying to vacate the easement. There's also a significant easement that runs diagonally through the property that is about twenty feet.

Matthew Harper: It's an irrigation easement. We've talked to the irrigation company and they were trying to find it on their records. That is why it is on our site plan.

Rodney Martin: I can clarify on the irrigation easement as it runs through my property as well. It is an irrigation ditch that has been culverted into a twelve or sixteen inch pipe so it doesn't meet twenty feet in the first place. On my property it is approximately six to eight feet underground. There's a box on the drawings which is an access box to that culvert.

Jenny Peay: A utility company has the ability and the authority to go in and maintain their easement. Because you've encroached onto that property, if they

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were to come in and undercut at all it's going to compromise your building significantly.

Matthew Harper: Correct, and it is on the owner to deal with that according to Utah code. We state in the acknowledgment that the property owner knows that it is 10 inches into the easement and if Rocky Mountain Power, QuestStar, or Dominion Energy needs to go back there and do work then the owners are liable to repair their own building if needed, and not the utility company.

Patrick O'Brien: I do not believe it was the current owner who built in the easement. Regardless, there is a liability that exists, and it is best to have the agreements in place.

Matthew Harper: We are fine doing the agreement and putting it in place to go to City Council. But we would like to ask for the caveat that it's has to be done before the occupancy permit is issued rather than when the building permit is issued due to the essence of time for the construction and seasons that we are dealing with. The owner will be using the space for storage for his art materials. The exterior will be finished to match the existing accessory building which matches the house on the property.

Travis Van Ekelenburg: There is nothing that causes concerns for the use of the space.

Jenny Peay: I would rather see the easement agreements secure before the building permit is issued.

Chris Christiansen: I agree.

Harold Dudley: I disagree. Utility companies are a pain to work with and the easements are not a big issue unless there is a water line or something similar. I hate holding people up, and getting letter from the utility company saying they can encroach can take two months or longer.

Chris Christiansen: Part of the difficulty is that once we say go and they start building and a permit, the train has left the station. There are timings that are set with that. If there are delays, there is the opportunity for additional costs or other issues to be on the back end of the building permit waiting for this occupancy. I

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agree, I don't think it will be an issue, but we would still have that issue on the back end instead of the front end.

Harold Dudley: You have changed my mind and I agree with you. I want to protect the citizen and I think this is better protection.

Rodney Martin: To be clear, this is the encroachment agreement on the existing building to the west of the existing building, not on the new building.

Chris Christiansen: Once you attach it, it then becomes one and the same.

Patrick O'Brien: As far as I understand, I don't think there is an issue with the existing structure or the proposed addition, it is just the encroachment issue.

Chairwoman Anderson asked for clarification on how the building will look from the street as she is concerned it may not contribute well visually to the area.

Matthew Hunter: The view from the street will have a big double carriage house doors on the front. The applicant has requested that there are no windows on the south wall as that is where he would like to store his materials.

Rodney Martin: Shelley Elementary is to the south and so the structure will not be obstructing anything other than modular units.

Bruce Frandsen motioned to approve the Accessory Structure in excess of 1,000 square feet, located in the area of 145 West 640 North in the Residential (R1-9000) Zone, subject to any conditions found in the Staff Report and provided that an easement encroachment agreement is secured prior to the issuance of a building permit.

Jenny Peay seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE
Harold Dudley	AYE
Rodney Martin	ABSTAIN
David Bird	AYE

The motion passed

OTHER BUSINESS

Patrick O'Brien welcomed the new Development Services administrative assistant, Angela McKee. The Commission welcomed Angela.

Upcoming Projects

Patrick O'Brien: We have a few more annexations that will be coming before you. A couple of them are trying to solve issues with the county and they are moving forward with that. The property to the west of 70 East 1100 S is looking to annex in to the city. They are looking to do something similar to their existing projects and want to change the land use to planned industrial to change how they come into the community.

ADJOURNMENT

Chris Christiansen motioned to adjourn the meeting. Rodney Martin seconded the motion.

Meeting adjourned at 8:34 PM

Melissa White

Administrative Assistant II

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