UNAPPROVED MINUTES
01.18.2023

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 Ekelenburg	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

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 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 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 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?

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 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.

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

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-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 Ekelenburg: 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 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.

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**
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 of 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.
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**
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 Axcess 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 number 3: The applicant is applying for a Final Plat approval for Axcess 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.
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 Axcess 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 Axcess 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 Axcess 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:

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 Axcess 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 Axcess 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 number 4: The applicant is applying for a Site Plan approval for Axcess 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 Axcess Accident Center's Final Plat from City Council.

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 Axcess 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.**

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.**

Travis Van Ekelenburg 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?

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 Ekelenburg 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 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 Ekelenburg: 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 Ekelenburg: 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 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 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 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.

ATTACHMENT #1

CostULess Flooring

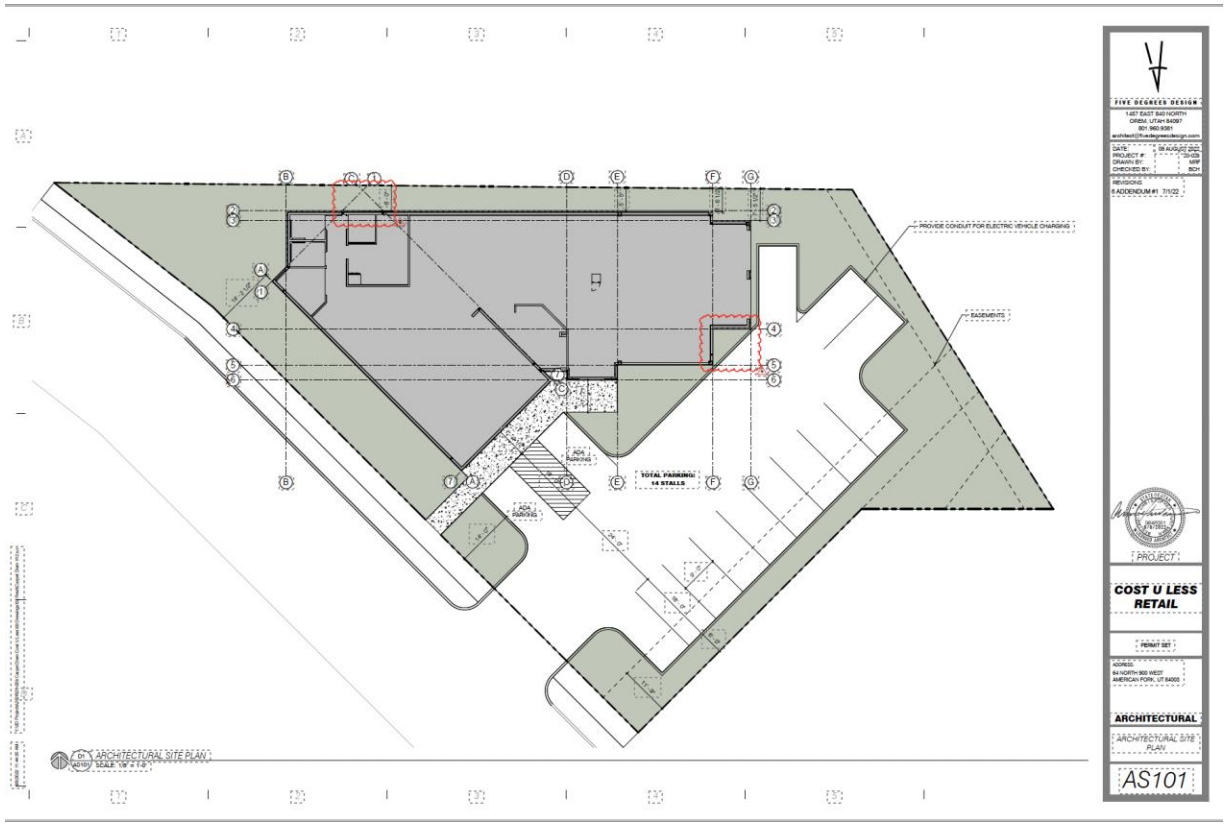
Parking Study for Retail Development

64 North 500 West

COSTULESS
FLOORING

Proposed Project:





Comment to be addressed from TRC

- ”The parking requirement is at 3.5 ksfGFA making 15.75 stalls. As stated in the architecture letter, (“due to the abnormal shape of the lot and required parking and setbacks there is insufficient room to permit the required parking for the intended building.”) This is not enough reasoning for a parking reduction.
- General retail off street parking Section 17.5.133(c)(6)
  - Off Street Parking Standards states: “General Retail” (not in shopping center) states that we are required to have 3.5 parking per ksfGFA.
- Costuless Flooring is designed to be 4438 sqft
- As currently engineered, we have 14 parking stalls
- City Requirement: 15.5 parking stalls for sqft

Option 1: Requesting Adjustment

- 17.5.133(d)(1)

  We are requesting an adjustment to allow for 14 stalls rather than 15.5
- CostULess Flooring Total Area: 4438sqft
- Parking Requirement as delineated by American Fork City:

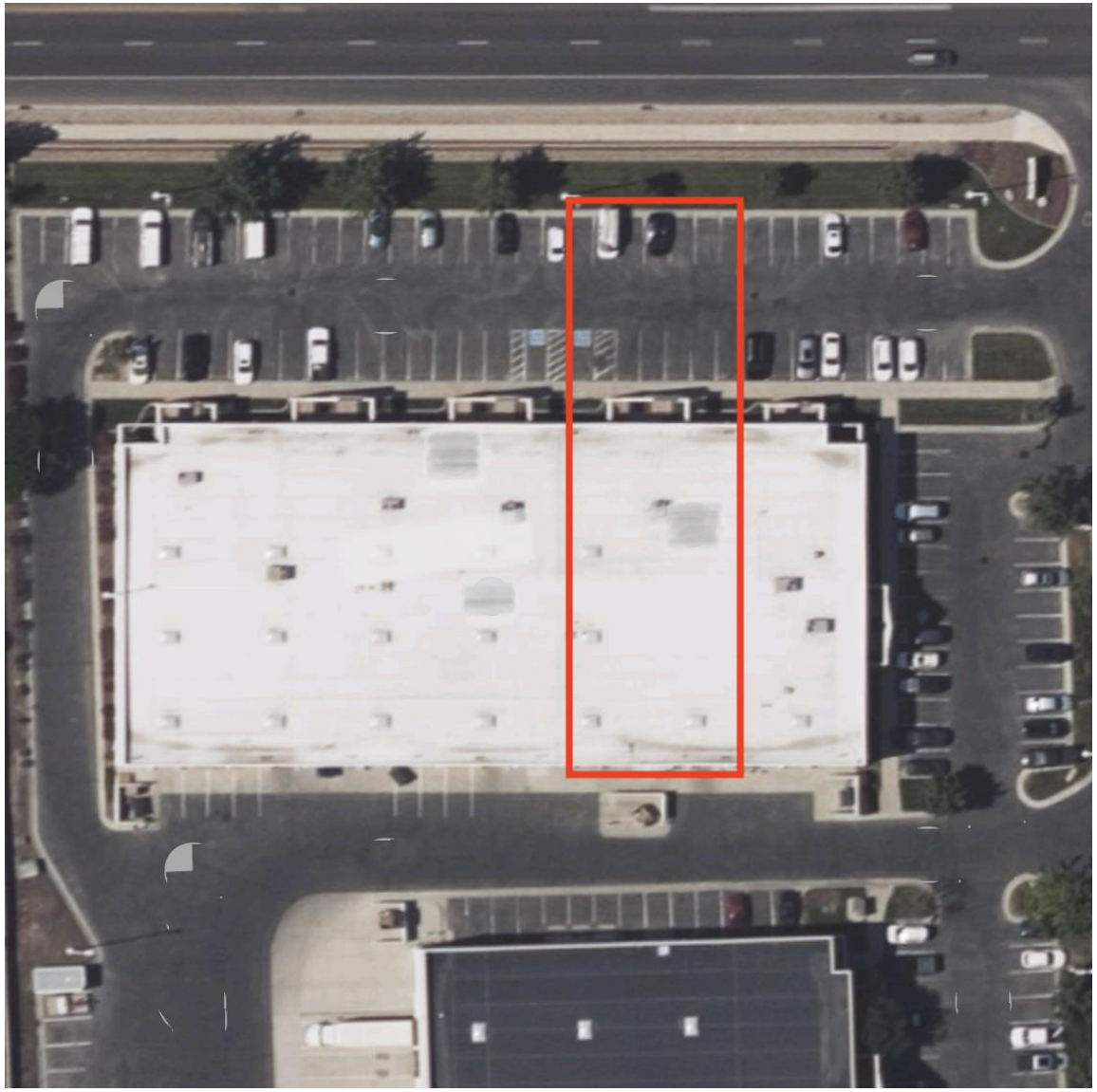
  3.5 per 1000sqft
- As currently designed:

  1.5 stalls short of the city requirement or 3.17 stalls per 1000sqft.

Understanding our Business

- Current Retail location: Draper UT
  - 20 Years
  - Revenue per year 6 Million
  - Employees: 3
  - Hours of Operation : 10-8pm
  - Closed Sundays and Major Holidays
  - Size of Show Room: 5,920 sqft

COSTULESS
FLOORING



Understanding our Business : Current Parking

- Parking Stalls at Draper Utah retail space: 13
- Daily Foot Traffic for business: 10.13 customers/day
- Approximately 0-5/hour throughout the day

CostULess Flooring Customer Traffic: July 2022

July 1-2	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
10:00					0	0	0
11:00					0	2	2
12:00					2	3	5
1:00					3	2	5
2:00					2	3	5
3:00					3	2	5
4:00					1	Closed	1
5:00					0	Closed	0
6:00					0	Closed	0
7:00					0	Closed	0
Total					11	12	23

July 4-9	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
10:00	Holiday	0	1	3	1	0	5
11:00	Holiday	0	1	0	2	0	3
12:00	Holiday	2	1	0	1	2	6
1:00	Holiday	2	1	0	2	3	8
2:00	Holiday	3	1	1	1	3	9
3:00	Holiday	2	1	0	0	5	8
4:00	Holiday	0	2	0	3	Closed	5
5:00	Holiday	1	0	0	1	Closed	2
6:00	Holiday	0	0	2	0	Closed	2
7:00	Holiday	0	0	2	1	Closed	3
Total	0	10	8	8	12	13	51

July 11-16	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
10:00	2	0	2	0	2	3	9
11:00	2	1	2	1	2	3	11
12:00	1	0	0	2	2	4	9
1:00	0	1	0	2	0	1	4
2:00	0	0	0	2	0	2	4
3:00	2	1	0	2	0	3	8
4:00	1	0	2	2	0	Closed	5
5:00	1	3	1	1	0	Closed	6
6:00	2	3	1	0	1	Closed	7
7:00	1	1	2	1	1	Closed	6
Total	12	10	10	13	8	16	69

July 18-23	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
10:00	3	0	1	3	1	0	8
11:00	3	0	1	0	2	0	6
12:00	1	2	1	0	1	2	7
1:00	1	2	1	0	2	3	9
2:00	1	3	1	1	1	3	10
3:00	0	2	1	0	0	5	8
4:00	0	0	2	0	3	Closed	5
5:00	0	1	0	0	1	Closed	2
6:00	0	0	0	2	0	Closed	2
7:00	1	0	0	2	1	Closed	4
Total	10	10	8	8	12	13	61

July 25-30	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
10:00	Holiday	1	0	2	1	3	7
11:00	Holiday	0	0	3	1	3	7
12:00	Holiday	0	0	3	2	3	8
1:00	Holiday	2	2	2	2	1	9
2:00	Holiday	1	2	1	2	3	9
3:00	Holiday	2	1	0	1	2	6
4:00	Holiday	2	0	0	0	Closed	2
5:00	Holiday	0	0	0	2	Closed	2
6:00	Holiday	1	4	2	0	Closed	7
7:00	Holiday	0	1	1	3	Closed	5
Total	0	9	10	14	14	15	62

Analysis of Foot Traffic Parking



1.08 customers per hour



Maximum of 5 customers in showroom at one time


Monday at 1:00pm
COSTULESS FLOORING
CARPET
HARDWOOD
TILE
LAMINATE
Baldwin
PIANOS


Tuesday at 12:00pm
COSTULESS FLOORING
CARPET
HARDWOOD
TILE
STONE
LAMINATE


Wednesday at 7:45pm
COSTULESS FLOORING
CARPET
HARDWOOD
STONE
LAMINATE
FAZIOLI

Thursday at 2:00pm



Friday at 11:00am & 5:00pm





Saturday at 1:00pm and 3:00pm



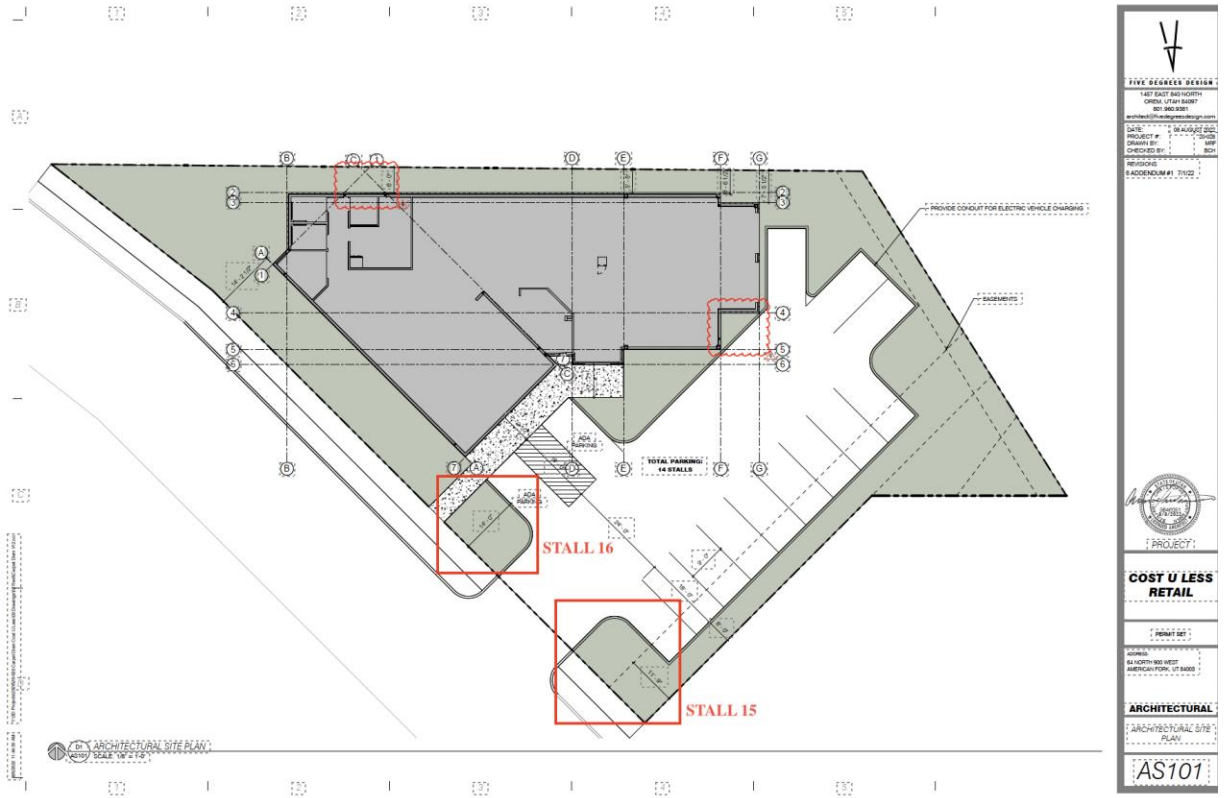


Appropriate amount of sqft

- Due the the amount of flooring samples and options of flooring to be stocked, the size of the building cannot be reduced.
  - 16 vendors with multiples samples and types of flooring to be displayed
  - Selling hardwood, laminate, carpet, tile, LVP
- CostuLess Draper location is 1600 sqft larger than what is being engineered and uses fewer than 8 parking stalls at a time.

Option 2: Reduce Greenspace





Reducing Greenspace

- By reducing greenspace and adding parking, the ratio of required greenspace on a commercial lot will not be aligned with code.
- Request a variance on the landscaping code
- Viable option based upon:
  - The amount of greenspace still available on the lot
  - The odd shape of the lot
  - Reduction of green watering space to decrease water consumption.

AMERICAN FORK CITY
NOTICE OF PUBLIC HEARING
&
PLANNING COMMISSION REGULAR SESSION
March 8th, 2023
7:00 p.m.

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on March 8th, 2023 at the American Fork City Hall, 31 North Church Street, commencing at 7:00 p.m. The agenda shall be as follows:

REGULAR SESSION

Pledge of Allegiance

Roll call

COMMON CONSENT AGENDA

(Common Consent is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda).

1. Approval of the February 22nd, 2023, Planning Commission minutes.

PUBLIC HEARINGS

1. Public hearing and recommendation on a proposed amendment to American Fork City's Bike and Pedestrian Plan to update the plan for future pedestrian infrastructure throughout the City.

2. Public hearing and recommendation on a proposed Land Use Map Amendment at approximately 9 W 1100 S, on approximately 4.35 acres; changing the Land Use Map from Residential Low Density to the Design Industrial Land Use designation.

ACTION ITEMS

1. Recommendation on an ordinance creating section 17.5.136 of the American Fork City Municipal Code relating to rock crushing and providing an effective date for the ordinance.

2. Review and action on a Site Plan application for the Children's Justice Center Project, located at 96 S 100 E, in the Central Commercial (CC-1) Zone.

OTHER BUSINESS

1. Upcoming Projects

ADJOURNMENT

Dated this 23rd day of February, 2023

Patrick O'Brien

Development Services Director

*The order of agenda items may change at the discretion of the Planning Commission Chairman

AMERICAN FORK CITY
PLANNING COMMISSION

MEETING DATE: March 8th, 2023
DEPARTMENT: Development Services

AGENDA TOPIC:

Public hearing and recommendation on a proposed amendment to American Fork City's Bike and Pedestrian Plan to update the plan for future pedestrian infrastructure throughout the City.

BACKGROUND:

As the Design Industrial Land Use continues to expand in the south of the City more adjustments needed to be made towards pedestrian infrastructure. Eliminating and redirecting routes was necessary as there were inconsistencies with the General Plan and developments throughout the City. The proposed amendment to the masterplan will terminate part of the linear park trail and redirect it to other areas of the community. In addition, some other amendments are being proposed to address issues with previously planned trails and what was or was not implemented.

The Parks and Trails Committee has been presented with the concept and is supportive of the changes.

STAFF RECOMMENDATION:

Approval

POTENTIAL MOTIONS:

APPROVAL

Madame Chairwoman, I move that we recommend approval of the amendment to the American Fork General Plan, and to amend the American Fork City Bike and Pedestrian Plan.

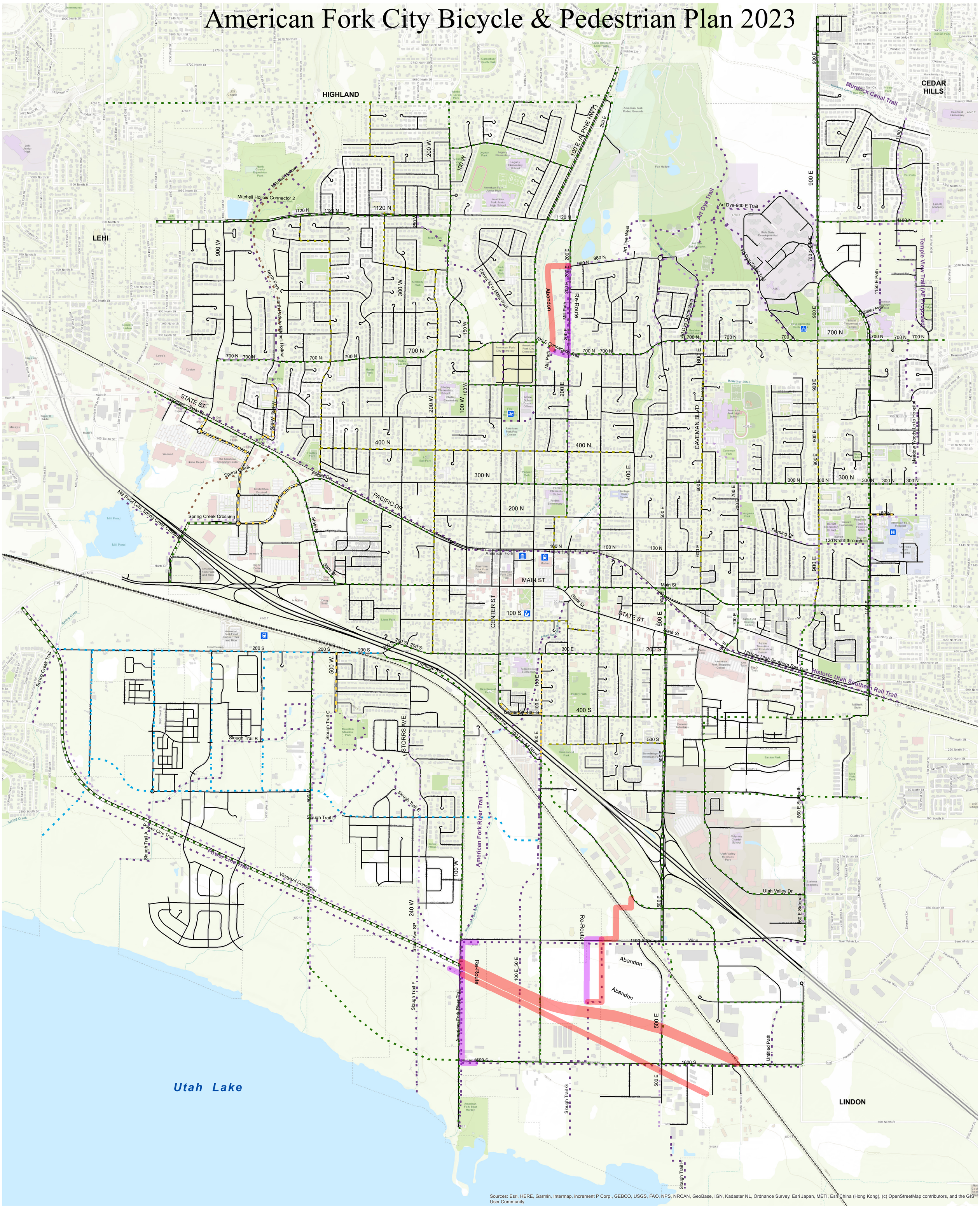
DENIAL

Madame Chairwoman, I move that we recommend denial of the General Plan Amendment.

TABLE

Madame Chairwoman, I move that we table action on the General Plan Amendment, and instruct staff to_____.

American Fork City Bicycle & Pedestrian Plan 2023



Existing Facilities

- Shared Use Path
- Sidepath
- Bike Lane
- Marked Shared Roadway
- Signed Shared Roadway
- Unpaved Trail

Recommended Facilities

- Shared Use Path
- Sidepath
- Bike Lane
- Marked Shared Roadway
- Signed Shared Roadway
- Unpaved Trail
- Bike Boulevard
- Buffered Bike Lane
- Cycle Track/Protected Bike Lane
- Undefined Future Bikeway
- Utah Lake Shoreline Trail (MAG Proposed)

Points of Interest

- Amphitheater
- Boat Harbor
- Golf Course
- City Hall
- Hospital
- Schools
- Library
- Swimming Pool
- Transit Station
- Parks
- American Fork City Boundary

AMERICAN FORK PLANNING

NOT TO SCALE

0 0.125 0.25 0.5 0.75 1
Miles

Document Path: S:\GIS\AFGIS_MAPS\PLANNING\Trails\2023 Proposed Changes\Bike&PedestrianMap_Existing.mxd

AMERICAN FORK CITY PLANNING COMMISSION **MEETING DATE:** March 8th, 2023

AGENDA TOPIC:

Public hearing and recommendation on a proposed Land Use Map Amendment at approximately 9 W 1100 S, on approximately 4.35 acres; changing the Land Use Map from Residential Low Density to the Design Industrial Land Use designation.

BACKGROUND INFORMATION		
Location:		9 W 1100 S
Applicants:		Deer Park LLC, Tyler Horan
Existing Land Use:		Residential Low Density
Proposed Land Use:		Design Industrial
Surrounding Land Use:	North	Residential Low Density
	South	Residential Very-Low Density
	East	Design Industrial
	West	Residential Low Density
Existing Zoning:		Unincorporated Territory
Proposed Zoning:		TBD
Surrounding Zoning:	North	Unincorporated Territory
	South	Unincorporated Territory
	East	PI-1
	West	Unincorporated Territory

BACKGROUND:

The applicant is applying for a land use map amendment for the property located at approximately 9 W 1100 S from the Residential Low-Density designation to the Design Industrial designation. There is one parcel with this request that consists of 4.35 acres in total.

The proposed Design Industrial Land Use designation is being requested prior to an annexation for this property. Staff recommends approval of this Land Use Map Amendment to continue to enhance planned industrial developments east of Boat Harbor Road.

PROJECT MAP



STAFF RECOMMENDATION:

Staff is recommending APPROVAL of the Land Use Designation change request.

<u>POTENTIAL MOTIONS – Land Use Map Amendment</u>

APPROVAL

Madame Chairwoman, I move that we recommend approval of the Land Use Map Amendment to Design Industrial, for the property located in the area of 9 W 1100 S, subject to any findings, conditions, and modifications found in the Staff Report.

DENIAL

Madame Chairwoman, I move that we deny the Land Use Map Amendment to Design Industrial, for the property located in the area of 9 W 1100 S.

TABLE

Madame Chairwoman, I move that we table action on the Land Use Map Amendment to Design Industrial, for the property located in the area of 9 W 1100 S and instruct the developer/staff to _____.



Figure 1. Land Use Types.

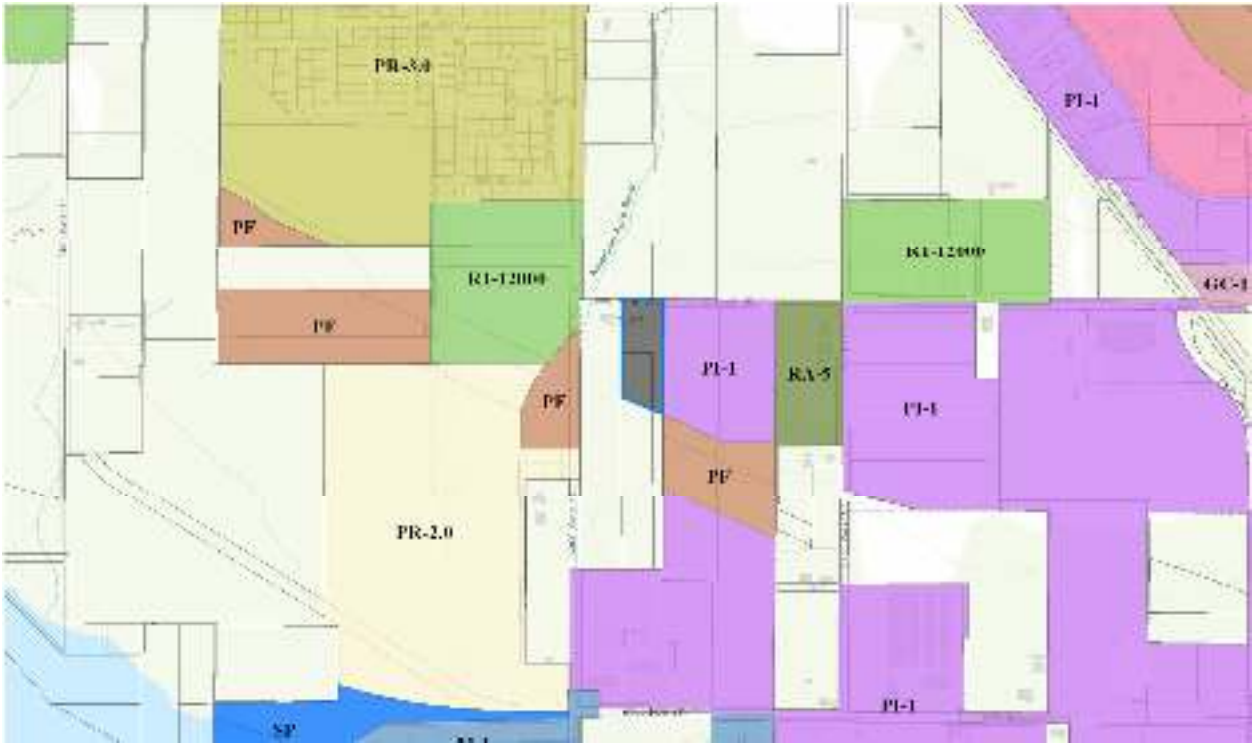
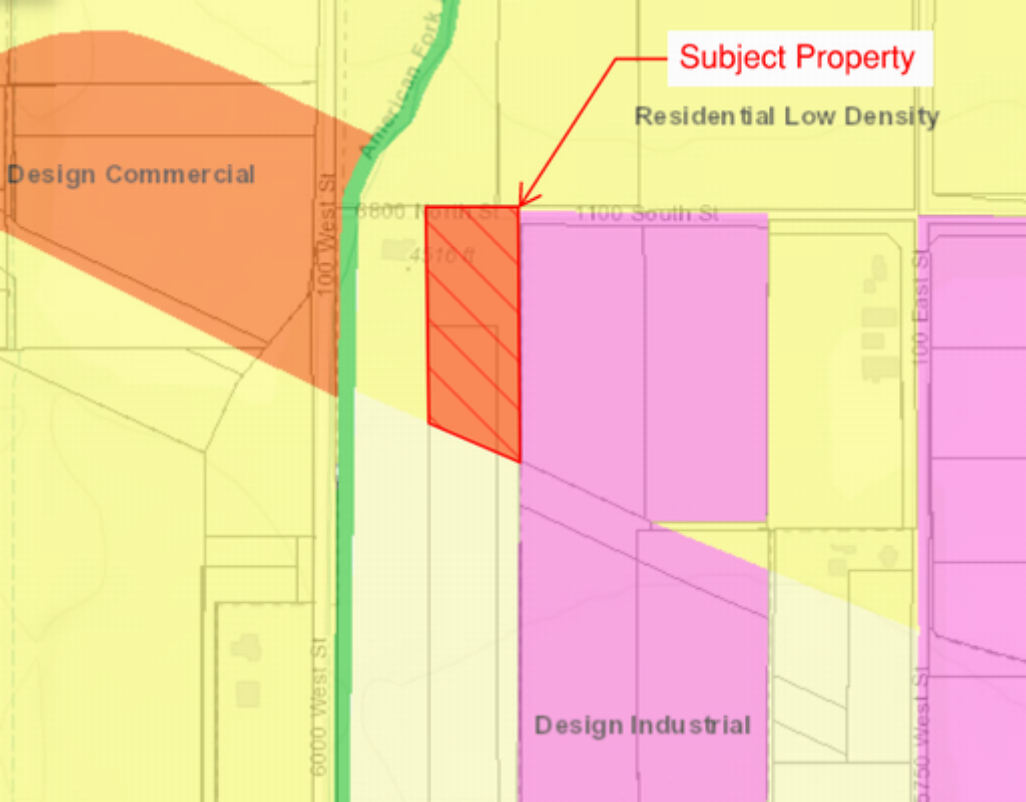


Figure 2. Zoning Types.

With the recent expansion in ecommerce, the need for industrial office warehouse has increased dramatically. Utah County has continued to attract many large companies seeking office warehouse to expand their businesses.

American Fork City has identified this area of the city as the correct location for expanded industrial development. With the recent construction of the Deer Park project adjacent to the parcel in question, we feel it makes sense to change the land use designation of this parcel from Residential Low Density to Design Industrial. Many of our prospective tenants have requested additional space for their business operations and our request is a result of their desire to expand.


Subject Property
Residential Low Density
Design Commercial
Design Industrial
American Fork
100 West St
6000 West St
6800 North St
1100 South St
100 East St
6750 West St

Fidelity National Title Insurance Company

File Number: 147516-DMP

COMMITMENT FOR TITLE INSURANCE
Issued by
FIDELITY NATIONAL TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COTTONWOOD TITLE

Authorized Countersignature

Cottonwood Title Insurance Agency, Inc.
Salt Lake City, Utah
File No.: 147516-DMP

Fidelity National Title Insurance Company

By:

President

ATTEST

Secretary

COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
(a) the Notice;
(b) the Commitment to Issue Policy;
(c) the Commitment Conditions;
(d) Schedule A;
(e) Schedule B, Part I—Requirements; [and]
(f) Schedule B, Part II—Exceptions[; and
(g) a counter-signature by the Company or its issuing agent that may be in electronic form].

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  (i) comply with the Schedule B, Part I—Requirements;
  (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  (iii) acquire the Title or create the Mortgage covered by this Commitment.
(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations,

COMMITMENT CONDITIONS
(continued)

representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

(e) Any amendment or endorsement to this Commitment must be in writing [and authenticated by a person authorized by the Company].

(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at *http://www.alta.org/arbitration*.

COTTONWOOD TITLE INSURANCE AGENCY, INC. PRIVACY POLICY

Title V of the Gramm-Leach-Biley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about a consumer with a nonaffiliated third party unless the institution provides the consumer with a notice of its privacy policies and practices, such as the type of information that it collects about the consumer and the categories of persons or entities to whom it may be disclosed.

In compliance with the GLBA, we do not share nonpublic personal information about a consumer with a nonaffiliated third party, unless allowed or required by law.

In compliance with the GLBA, our privacy practices regarding nonpublic personal financial information of consumers and customers (as defined by GLBA) are as follows, subject to any exceptions as permitted by law.

- We protect nonpublic personal information of customers and consumers.
- We allow access on a need to know basis only. Only title company personnel who need to know can access nonpublic personal information. Examples may include bookkeepers, title examiners, title underwriter personnel, auditors, closers and their assistants, management, scanning personnel, and claims related investigation personnel, and including but not limited to retained counsel.
- We allow customers and consumers to review their nonpublic personal information that we have collected, and we allow them to provide us with requests for amendment or deletion of such information, to which we will reasonably respond.
- We require consent from a proper party to the transaction to provide nonpublic personal information relating to that transaction. On closed files, we require a written instruction by a party.
- We have implemented a security procedure for protection of nonpublic personal information: We allow only authorized personnel to review the information, and we keep closed files in secure storage, with limited access, or we store the files on computer with limited password access.
- We generally do not keep copies of credit reports, loan applications, and tax returns on consumers and customers.
- We don't share copies of owner's policies of customers on residential transactions, unless at the request of the insured owner.
- If we share starter title information, we don't share nonpublic personal information, such as sales price (unless it is public information), policy numbers, or the amount of insurance on owner's policies issued to customers.
- We don't share nonpublic personal information, such as social security numbers, shown on affidavits of identity.
- We periodically inform our personnel about our policy.
- We don't share nonpublic personal information with independent contractors, unless there is a need to process the transaction as allowed by law, and the contractors agree in writing not to further share the information.

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We will use our best efforts to train and oversee our employees and authorized contractors to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with Federal regulations to guard your nonpublic personal information.

Fidelity National Title Insurance Company

File Number: 147516-DMP

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

1. Commitment Date: July 2, 2021 at 7:30AM

2. Policy (or Policies) to be issued:

		Policy Amount	Premium
(a)	Owner's Policy (ALTA Ext. Owners Policy (2006)) Proposed Insured: **Deer Park, LLC, a Utah limited liability company**	$2,300,000.00	$9,627.00
(b)	Loan Policy Proposed Insured:		
(c)	Endorsements:		

3. The estate or interest in the Land described or referred to in this Commitment and covered herein is Fee Simple.

4. Title to the estate or interest in the Land is at the Commitment Date vested in:

   Woodruff C. Thomson and Irene G. Thomson, Cotrustees of the "Thomson 1979 Trust"

5. The Land referred to in this Commitment is situated in the County of Utah, State of Utah, and is described as follows:

   See Exhibit A attached hereto

NOTE: Parcel Identification Number: 13-067-0018 (for reference purposes only)

Darla Milovich
Escrow Officer
7020 South Union Park Avenue, Midvale, UT 84047
Office: 801 261 5505 | Direct: 801 424 6464 | Email: darla@cottonwoodtitle.com
Cottonwood Title Insurance Agency, Inc. Utah State License Number: **92856**
Darla Milovich Utah State License Number: **193934**

SCHEDULE B
PART I - REQUIREMENTS

All of the following requirements must be met:

A. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

B. Pay the agreed amount for the estate or interest to be insured.

C. Pay the premiums, fees, and charges for the Policy to the Company. In the event the transaction for which this commitment is furnished cancels, the minimum cancellation fee will be $125.00.

D. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

E. Any additional documentation requested by Cottonwood Title Insurance Agency, Inc. and/or Fidelity National Title Insurance Company, its underwriter.

NOTICE TO APPLICANT

The company requires that the following additional requirements be complied with:

1. Provide Insurer with a copy of the Declaration of Trust/Trust Agreement for Thomson 1979 Trust together with all amendments thereto.

2. The Company requires for its review a satisfactory copy of the "Operating Agreement" and the regulations of the AF Giddings, LLC, and any amendment thereof, a certificate of good standing, and satisfactory evidence of authority of the officers, managers or members to execute the documents.

   NOTE: An examination of the files in the Utah State Division of Corporations and Commercial Code, discloses that AF Giddings, LLC has expired.

3. The Company requires for its review a satisfactory copy of the "Operating Agreement" and the regulations of the Deer Park, LLC, and any amendment thereof, a certificate of good standing, and satisfactory evidence of authority of the officers, managers or members to execute the documents.

4. Warranty Deed from Woodruff C. Thomson and Irene G. Thomson, Cotrustees of the "Thomson 1979 Trust" vesting fee simple title in AF Giddings, LLC, a Utah limited liability company.

5. Warranty Deed from AF Giddings, LLC, a Utah limited liability company vesting fee simple title in Deer Park, LLC, a Utah limited liability company.

6. Payment of all roll-back taxes in the event of withdrawal or disqualification from the Farmland Assessment Act shown herein as Exception No(s). 15.

7. Exception No. 1 ("Taxes or special assessments which are not shown as existing liens by the public records") of this commitment may be deleted if at the time of closing, the Company can ascertain that all taxes and assessments are paid, that there are no pending proceedings to create or confirm a special assessment on the Land and that there is no work that may result in an assessment lien.Comment: In order to delete this exception, the Company requires proof that there is no work or proceeding that may result in assessments, and no possible rollback or supplemental taxes due to failure to assess the Land or improvements or due to change in use.

8. Provided the Land is not one-to-four family residential land, Exception No. 2 ("Rights or claims of parties in possession not shown by the public records") of this commitment may be deleted if the Company makes a

SCHEDULE B
PART I - REQUIREMENTS
(Continued)

satisfactory inspection for its sole benefit and if the Company is furnished, prior to closing, with a satisfactory affidavit executed by the owner of the Land identifying the Land and stating that no one is in possession of the Land other than said owner and the tenants of said owner. If there are tenants, their names and form of leases must also be indicated. The Company may except in the Policy to any such tenancy or other matter that is a product of this requirement.

9. Exception No. 3 ("Easements or claims of easements not shown by the public records") and Exception No. 4 ("Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the land") of this commitment may be deleted upon review and examination by this Company, prior to closing, of a satisfactory current Certificate of Survey of the land duly certified by a satisfactory registered land surveyor, and stating that it was made either in accordance with the "Minimum Standard Detail National Requirements for ALTA/NSPS Land Title Surveys as adopted by the American Land Title Association and the American National Society of Professional Surveyors" or in accordance with the State Land and Survey Standards. The Company may except in the Policy to any item that is a product of this requirement.

10. Exception No. 6 ("Any lien, or right of a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records") of this commitment may be deleted if the Company receives satisfactory final Affidavits, verification that all funds have been disbursed and all bills paid, list of all materialmen, subcontractors, and contractors, indemnities and audited financial statements if appropriate, proof of final payment and waiver of liens, and determination that any new loan is not a construction loan, if applicable. The Company may, at its option, require an inspection of the Land. At the time the Company is furnished these items, the Company may make additional requirements or exceptions.

SCHEDULE B
PART II - EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

NOTE: Exceptions 1-8 will be eliminated in an ALTA Extended Lender's Policy

1. (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

7. Any defect, lien, encumbrance, adverse claim, or other matter, that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.

8. Any service, installation, connection, maintenance, or construction charges for sewer, water, electricity, or garbage collection or disposal, or other utilities unless shown as an existing lien by the Public Records.

9. Taxes for the year 2021 are accruing as a lien not yet due and payable under Parcel No. 13-067-0018. Taxes for the year 2020 have been paid in the amount of $38.80 under Parcel No. 13-067-0018.

10. The herein described Land is located within the boundaries of Utah County, North Utah County Water Conservancy District, Utah County Service Area No. 6, Utah County Service Area No. 8, Utah County Service Area No. 9, Central Utah Water Conservancy, Wasatch Mental Health Special Service District, North Utah Valley Animal Shelter Special Service District, Utah Valley Dispatch Special Service District, Utah Valley Roads Special Service District, and is subject to any and all charges and assessments levied thereunder.

11. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land,

SCHEDULE B
PART II - EXCEPTIONS
(Continued)

together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed herein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

12. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.

13. The rights of the public and others entitled thereto, to use for street and incidental purposes, any portion of the Land lying within the bounds of 6800 North Street (also known as 1100 South Street).

14. The effects, if any, of easements and rights-of-way for existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipelines and power, telephone, sewer, gas or water lines, which may be ascertained by an inspection or survey of the subject Land.

15. The effect of the 1969 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded April 25, 2014 as Entry No. 27358:2014.

16. Easement in favor of S.S. Nunn to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded March 11, 1904, as Entry No. 952, in Book 69, at Page 281. (exact location not disclosed)

17. Easement in favor of The Telluride Power Company, a Colorado Corporation to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded June 20, 1916, as Entry No. 4122, in Book 163, at Page 269. (exact location not disclosed)

18. Easement in favor of The Telluride Power Company, a Colorado Corporation to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded June 20, 1916, as Entry No. 4123, in Book 98, at Page 471. (exact location not disclosed)

19. Pole Line Easement in favor of Utah Power and Light Company to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded January 23, 1925, as Entry No. 645, in Book 245, at Page 162.

20. Pole Line Easement in favor of Utah Power and Light Company to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded January 23, 1925, as Entry No. 646, in Book 245, at Page 163.

21. Transmission Line Easement in favor of Utah Power and Light Company to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded December 16, 1942, as Entry No. 10285, in Book 370, at Page 532.

22. Transmission Line Easement in favor of Utah Power and Light Company to construct, reconstruct, operate, maintain and repair electric transmission and other equipment and incidental purposes, over, under and across a portion of the subject Land. Said Easement recorded June 28, 1943, as Entry No. 6842, in Book 377, at Page 452.

SCHEDULE B
PART II - EXCEPTIONS
(Continued)

23. Restrictive Easement in favor of Utah Power & Light Company, a corporation, its successors in interest and assigns for the erection, operation, and continued maintenance, repair, alteration, inspection, relocation and replacement of one or more transmission circuits and distribution circuits with the necessary poles, towers, guys, stubs, crossarms, braces and other attachments affixed thereto and incidental purposes, by instrument dated April 17, 1981 and recorded April 30, 1981, as Entry No. 12364, in Book 1910, at Page 348.

24. Deed of Easement in favor of the Timpanogos Special Service District, a body politic incorporated for the purpose of construction, maintenance, installation and use of a sewer pipeline and related facilities and incidental purposes, by instrument dated January 5, 1990 and recorded January 10, 1990, as Entry No. 1031, in Book 2657, at Page 666.

25. Right of Way and Easement Grant, in favor of Questar Gas Company, a corporation of the State of Utah, to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes, and other gas transmission and distribution facilities and incidental purposes, through and across a portion of the subject Land. Said Right of Way and Easement Grant recorded August 10, 2006, as Entry No. 103191:2006.

26. Right of Way and Easement Grant, in favor of Questar Gas Company, a corporation of the State of Utah, to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes, and other gas transmission and distribution facilities and incidental purposes, through and across a portion of the subject Land. Said Right of Way and Easement Grant recorded November 20, 2009, as Entry No. 120766:2009.

27. Grant of Easement in favor of Central Utah Water Conservancy District, a political subdivision of the State of Utah for a perpetual easement and right-of-way, together with the right of ingress and egress, for the ownership, location, survey, installation, construction, reconstruction, operation, inspection, maintenance, repair, renewal and replacement of underground water pipelines and all equipment and facilities related thereto and for a temporary construction easement and right-of-way, together with the right of ingress and egress, for the initial construction and installation of the water facilities and incidental purposes, by instrument dated July 20, 2012 and recorded August 27, 2012, as Entry No. 72469:2012.

28. The effects, if any, of that certain Successor Trustee's Affidavit recorded December 29, 2017 as Entry No. 130122:2017.

    NOTE: Among possible other deficiencies, the legal description contained therein appears to be erroneous.

29. The effects, if any, of that certain Quitclaim Deed recorded December 29, 2017 as Entry No. 130123:2017.

    NOTE: Among possible other deficiencies, the legal description contained therein appears to be erroneous.

30. Rights of tenant(s) in the Land, if any, and rights of all parties claiming by, through or under said tenant(s).

31. Notwithstanding those items described herein-above, the Land is also subject to any additional discrepancies, conflicts in the boundary lines, shortage in area, encroachments, or any other facts which an ALTA/NSPS Survey, (made in accordance with the current Minimum Standard Detail Requirements for Land Title Surveys jointly established and adopted by (ALTA) American Land Title Association and

SCHEDULE B
PART II - EXCEPTIONS
(Continued)

(NSPS) National Society of Professional Surveyors) may disclose.

NOTE: Except as shown in Schedule B, Part II above, examination of the Public Records for the following name(s) discloses no judgments or other matters that, in the opinion of the Company, would constitute liens against the Land:

Deer Park, LLC, a Utah limited liability company

AF Giddings, LLC, a Utah limited liability company

Your order has been assigned to DARLA MILOVICH for a full service escrow. For questions concerning the escrow, please contact Cottonwood Title Insurance Agency, Inc. at 801 261 5505.

In the event the transaction for which this commitment was ordered "cancels", please refer to Paragraph C under Schedule B, Part 1 for required cancellation fee.

NOTE: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

EXHIBIT A
LEGAL DESCRIPTION

Commencing 4.20 chains East and 5.40 chains South of the Northwest corner of the Southeast quarter of Section 26, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 21.60 chains; thence East 3.10 chains; thence North 21.60 chains; thence West 3.10 chains to the beginning.

ALSO:

Commencing 4.2 chains East of the Northwest corner of the Southeast quarter of Section 26, Township 5 South, Range 1 East, Salt Lake Meridian; thence South 5.40 chains; thence East 3.10 chains; thence South 21.60 chains; thence East 1.03 chains; thence North 27.00 chains; thence West 4.13 chains to the beginning.

AMERICAN FORK CITY **MEETING DATE:** March 8th, 2023

PLANNING COMMISSION

AGENDA TOPIC:

Public hearing and recommendation on an ordinance creating section 17.5.136 of the American Fork City Municipal Code relating to rock crushing and providing an effective date for the ordinance

BACKGROUND:

Rock crushing provides basic road and building material by reducing the size and changing the classification of the material. This process while important has the potential to emit small dust particles which degrade air quality and can pose risk to those who are in the affected area.

Potential Motions – Code Text Amendment

APPROVAL

Madame Chairwoman, I move to recommend approval of the proposed code text amendment of the American Fork Municipal Code, creating Section 17.5.136, relating to the rock crushing, and providing an effective date for the ordinance.

DENIAL

Madame Chairwoman, I move to recommend denial of the proposed code text amendment of the American Fork Municipal Code, creating Section 17.5.136, relating to the rock crushing, and providing an effective date for the ordinance.

TABLE

Madame Chairwoman, I move to table action on the proposed code text amendment of the American Fork Municipal Code, creating Section 17.5.136, relating to the rock crushing, and providing an effective date for the ordinance, and instruct staff/developer to……

ORDINANCE NO. 2023 - ___ - ___

AN ORDINANCE CREATING SECTION __-__-__ OF THE AMERICAN FORK CITY MUNICIPAL CODE RELATING TO ROCK CRUSHING AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, American Fork City seeks to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork City;

WHEREAS, the American Fork City Council finds it in the best interest of the City to regulate rock crushing within the City;

WHEREAS, the American Fork City Council finds that the adoption of this ordinance would promote the health, safety and welfare of the City and its residents.

NOW THEREFORE, be it ordained by the city council of American Fork, Utah, that:

PART I
TEXT OF ORDINANCE

SECTION 1. Chapter __-__-__ of the Municipal Code of American Fork City, relating to Temporary Rock Crushing, shall read as follows:

__-__-__ Permanent Rock Crushing Prohibited.

Permanent rock crushing shall be prohibited within the municipal boundaries of American Fork City.

__-__-__ Temporary Rock Crushing.

A. Temporary rock crushing is permitted only if the following standards are met:

    1. A temporary rock crushing permit, as outlined in this chapter, is obtained.

        i. A separate Land Disturbance Permit may be required by the City's Public Works director based upon the characteristics of the operation.

    2. Rock crushing is a temporary, ancillary use of the subject property.

3. The subject property is in the industrial zone or the public facilities zone

4. The subject property has received site plan, tentative plat or final plat approval for construction or is an approved public facility.

5. Rock crushing equipment has a valid Utah Department of Environmental Quality air contaminant discharge permit or meets the Utah Division of Air Quality small source exemption requirements.

6. Operation at any given location may not exceed 100 hours in any given calendar year.

7. The duration of the temporary rock crushing activity is for no more than 21 consecutive days from the date of issuance of the permit.

8. Rock crushing occurs Monday through Friday, between 8:00 a.m. and 5:00 p.m., and not on legal holidays.

9. Rock crushing equipment is removed from the site within 14 calendar days of completing the crushing activity.

10. The rock crushing equipment is set up at least 100 feet from any property line and at least 200 feet from any occupied building.

11. Water is available and utilized to provide dust control.

12. Only one permit may be issued toward the same effort in any given calendar year.

B. Application Requirements. An application for a temporary permit for on-site rock crushing shall contain at least the following:

1. A detailed explanation of the proposed purpose of rock crushing activities, including:

    i. An approved grading/clearing plan and restoration/development plan.

    ii. An estimate of the amount of material to be processed.

    iii. An estimate of the amount of material to be used on site and the amount to be removed if any.

    iv. The duration and operating characteristics of the rock crushing activity.

    v. Operating hours

    vi. Type of equipment to be used for crushing activities.

2. A map drawn to scale showing:

i. The location of property boundaries.

ii. Setbacks to the rock crushing activity.

C. Revocation of a Temporary Permit.

1. Any permit for temporary permit for rock crushing granted in accordance with the terms of this section may be revoked if any of the conditions or terms of such permit are violated.

PART II
CONFLICTING ORDINANCES, SEVERABILITY, AND ADOPTION

SECTION 1. Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution, or part thereof, the more stringent shall prevail.

SECTION 2. Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the ordinance shall not be affected thereby.
This amended ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this ____ day of _____, 2023.

_____
Bradley J. Frost
American Fork City Mayor

ATTEST:

_____
Terilyn Lurker
City Recorder

AMERICAN FORK CITY **MEETING DATE:** March 8th, 2023
PLANNING COMMISSION STAFF REPORT

AGENDA TOPIC:

Review and action on a Site Plan application for the Children's Justice Center Project, located at 96 S 100 E, in the Central Commercial (CC-1) Zone.

BACKGROUND INFORMATION		
Location:		96 South 100 East
Project Type:		Site Plan
Applicants:		Utah County Children's Justice Center, Legend Engineering
Existing Land Use:		General Commercial
Proposed Land Use:		N/A
Surrounding Land Use:	North	General Commercial
	South	Residential High Density
	East	Residential High Density
	West	Residential High Density
Existing Zoning:		CC-1
Proposed Zoning:		N/A
Surrounding Zoning:	North	CC-1
	South	R4-7500
	East	R4-7500
	West	R4-7500

BACKGROUND:

The applicant is applying for Site Plan Approval for the Children's Justice Center, for the development of a justice center for children facing abuse, located at 96 South 100 East. The proposal consists of 1 parcel for a governmental structure and the entire development parcel consists of approximately 0.2 acres. The current site has been approved by City Council to have 6 parking stalls, but no Site Plan has been approved just yet. The Children's Justice Center Project has been brought back to Planning Commission because the previous Site Plan that was approved had seven parking stalls, now they are providing 6. Due to this Site Plan adjustment, it has been brought back to Planning Commission and will need a recommendation to their parking stalls for their final step of the Site Plan.

Sec 17.6.101 Administrative Site Plan Review

Wherever the terms of this code require submission and approval of a site plan, such review shall be conducted in accordance with the following provisions.

1. Planning commission to approve. The planning commission, acting in an administrative capacity, shall have the function, duty and power to approve or disapprove a project plan and to attach such modifications or conditions as may be deemed appropriate to improve the layout, to ensure that the project will not pose any detrimental effect to persons or property, or to protect the health, safety, and general welfare of the citizens of the city.
2. Application required. Application for site plan approval shall be submitted on forms provided by the city and shall be accompanied by maps and drawings showing the following:
    1. The location of all existing and proposed buildings and structures on the site, with full dimensions showing the distance between buildings and distances from buildings to adjacent property lines.
    2. The location of all parking spaces, driveways, and points of vehicular ingress and egress.
    3. A landscaping plan showing the location, types, and initial sizes of all planting materials to be used together with the location of fences, walls, hedges, and decorative materials.
    4. Preliminary elevations of main buildings showing the general appearance and types of external materials to be used.
    5. The locations of solid waste receptacles and trash pick-up areas.
3. Appeals permitted. Any person aggrieved by a determination of the planning commission may request a hearing before the city council who shall have the authority to reverse, affirm or modify any decision of said commission. Any such appeal shall be filed within ten days of the determination of the planning commission.
4. Issuance of a permit. A building permit shall not be issued for any building or structure or external alterations thereto until the provisions of this section have been complied with. Any construction not in conformance with an approved site plan shall be considered a violation of this code. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved.

PROJECT MAP:



PROJECT CONDITIONS OF APPROVAL:

1. N/A

FINDINGS OF FACT:

- Reduction of parking can be requested and recommended by Planning Commission. This is mentioned in Section 17.5.133 (D) of American Fork City Municipal Code.
- City Council has approved this site to have 6 parking stalls, but still needs to be recommended by Planning Commission
- Planning Commission will be the approval body of this Site Plan as it resides in the CC-1 zone. This is mentioned in Section 17.4.401 (D) of American Fork City Municipal Code.

STANDARD CONDITIONS OF APPROVAL:

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

POTENTIAL MOTIONS – Site Plan

APPROVAL

Madame Chairwoman, I move that we approve the site plan and recommend the reduction of parking stalls to _____ stalls, for the redevelopment of a property for use as the Children's Justice Center, located at 96 South 100 East, in the CC-1 zone, subject to any conditions found in the Staff Report and recommended by the Fire Marshall.

DENIAL

Madame Chairwoman, I move that we deny the site plan and parking reduction request for the redevelopment of a property for use as the Children's Justice Center, located at 96 South 100 East, in the CC-1 zone.

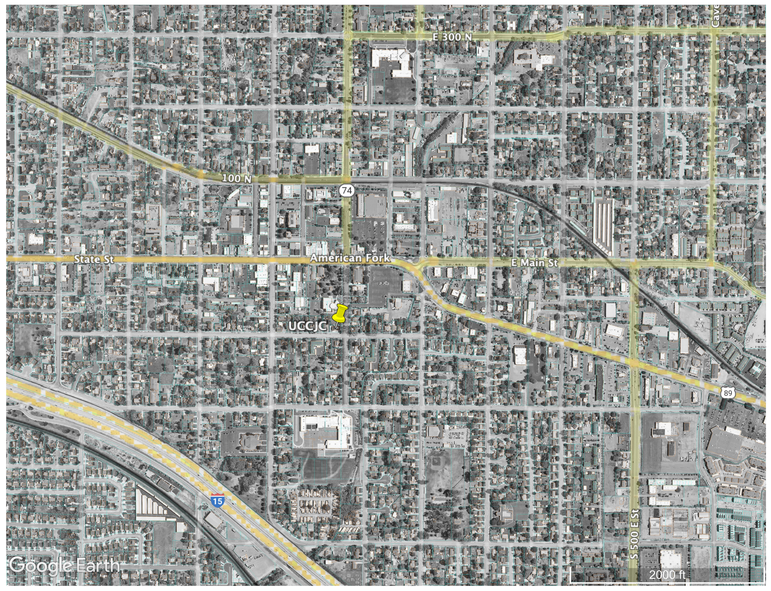
TABLE

Madame Chairwoman, I move that we table action on the site plan and parking reduction request for the redevelopment of a property for use as the Children's Justice Center, located at 96 South 100 East, in the CC-1 zone, and instruct the developer/staff to _____.

UTAH COUNTY CHILDREN'S JUSTICE CENTER
96 S 100 E,
AMERICAN FORK, UTAH 84003

The only significant change made to design from what Engineering had previously reviewed was to remove on-site parking as City Council approved the site for 6 stalls instead of 7 stalls. At this time Engineering has no additional comments.

VICINITY MAP



N

INDEX

C-0 Cover Sheet
C-1 Site Plan
C-2 Grading Plan
C-3 Utility Plan
C-4 Details

AMERICAN FORK 1850

American Fork City
Development Review
Committee

PLANNING AND ZONING APPROVED
TVANEKELENBURG
3/1/23

Engineering Division
Reviewed
lburr 03/01/2023

CIVIL ENGINEER
LEGEND ENGINEERING
CAL JOHNSON
52 WEST 100 NORTH
HEBER CITY, UTAH 84032
(435) 654-4828

SURVEYOR
AZTEC ENGINEERING
AARON THOMAS
732 NORTH 780 WEST
AMERICAN FORK, UTAH 84003
PHONE

CONTRACTOR
THE CM PROS
DAVID THORNE
(801) 919-9858

LEGEND & ABBREVIATION TABLE

R.O.W./PROPERTY LINE		EXISTING CURB AND GUTTER	
EASEMENT LINE		PROPOSED CURB AND GUTTER	
CENTER LINE		INVERT ELEVATION	IE
PROPOSED TRAIL		TOP BACK CURB	TBC
PROPOSED WATER LINE	W W	TOP ASPHALT	TA
PROPOSED PRESSURIZED IRRIGATION	PI PI	TOP OF GRATE	TOG
PROPOSED SEWER LINE	SS SS	FINISHED GRADE	FG
PROPOSED STORM DRAIN LINE	SD SD	TOP OF CONCRETE	TC
EXISTING SEWER LINE	-SS-	HIGH WATER ELEVATION	HWE
EXISTING WATER LINE	-W-	CATCH BASIN	
EXISTING STORM DRAIN LINE	-SD-	PROPOSED STREET LIGHT	
EXISTING CONTOUR	4960	STORM DRAIN MANHOLE	D
FINISHED CONTOUR	4947.00	SANITARY SEWER MANHOLE	S
		PROPOSED WATER VALVE	W

Company : AF Public Works	Contact	Number
- Culinary Water/P.I.	Jay Brems	(801)763-3060
- Sewer/Storm Drain	Ashton Hardy	(801)763-3060
- City Inspector	Dee Howard	(801)763-3060
- SWPPP Inspector	Harlan Nielson	(801)763-3060
AF Fiber	Will Davis	(801)897-9826
AF Fire Marshall	Mat Sacco	(801)763-3045
AF Irrigation Company	Ernie John	(801)471-6576
Blue Stake UT 811		(800)662-4111
Comcast	Elysia Valdez	(801)401-3017
Century Link	Bill Westfall	(435)623-4252
Dominion Energy	Trent Johnson	(801)853-6548
T.S.S.D.	David Barlow	(801)756-5231
Mitchell Hollow Irrigation Co.	Dale Jones	(801)768-8150
Rocky Mountain Power	Teria Walker	(801)756-1310

NO.	REVISIONS	BY	DATE

ENGINEER: CJ CHECKED BY: LR

LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com

LEGEND ENGINEERING

UTAH COUNTY CHILDREN'S JUSTICE CENTER
COVER SHEET
96 S 100 E, AMERICAN FORK CITY, UTAH 84003

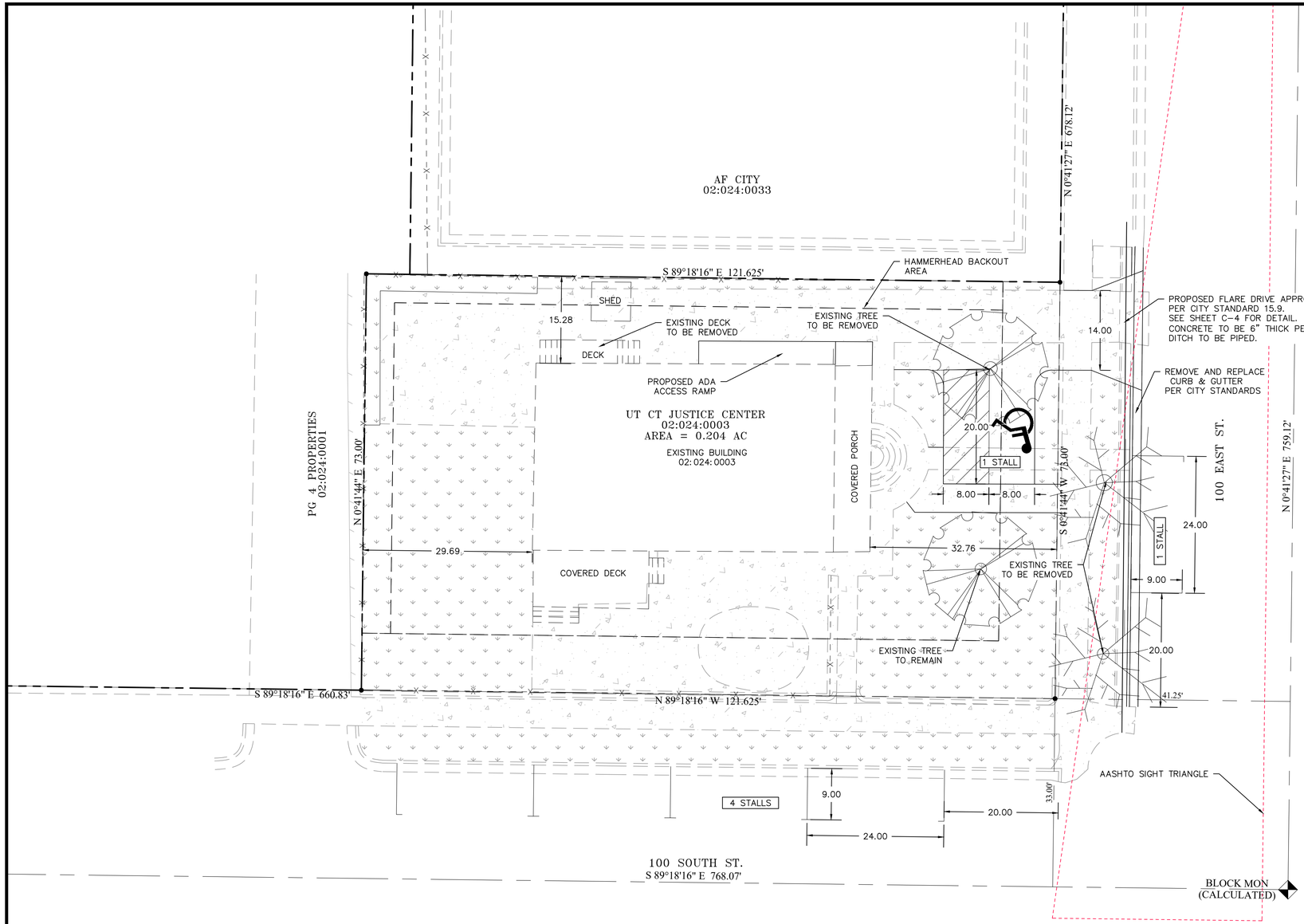
PROFESSIONAL ENGINEER
No. 11316562-2202
CALVIN S JOHNSON
STATE OF UTAH

SHEET: C-0

PLANNING COMMISSION

DATE: 2/16/2023

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LEGEND

LOT LINES (PROPERTY)	
EXISTING CURB AND GUTTER	
PROPOSED CURB AND GUTTER	
SETBACK LINE	
EXISTING FENCE	
LANDSCAPE AREA	
CONCRETE AREA	

GRADE BREAK	GB
INVERT ELEVATION	IE
TOP OF GRATE	TOG
TOP OF ASPHALT	TA
TOP BACK OF CURB	TBC
PROPOSED	PROP
EXISTING	EX
FINISHED GRADE	FG
FINISHED FLOOR ELEVATION	FFE
BACK OF SIDEWALK	BOW

SITE DATA

LOT AREA:	8,886	SF (0.20 ACRES)
BUILDING AREA:	2,185	SF± 24.6%
PAVEMENT AREA:	3,769	SF± 42.4%
LANDSCAPE AREA:	2,932	SF± 33.0%

BUILDING DATA

ZONE: CC-1 (CENTRAL COMMERCIAL ZONE)

PARKING TABULATION

PROVIDED: 1 STALL ON SITE (1 ADA)
5 ON STREET STALLS

GENERAL NOTES:
1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
7. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.

811

N

0 10 20 30
1" = 10'
Scale in Feet

PLANNING COMMISSION

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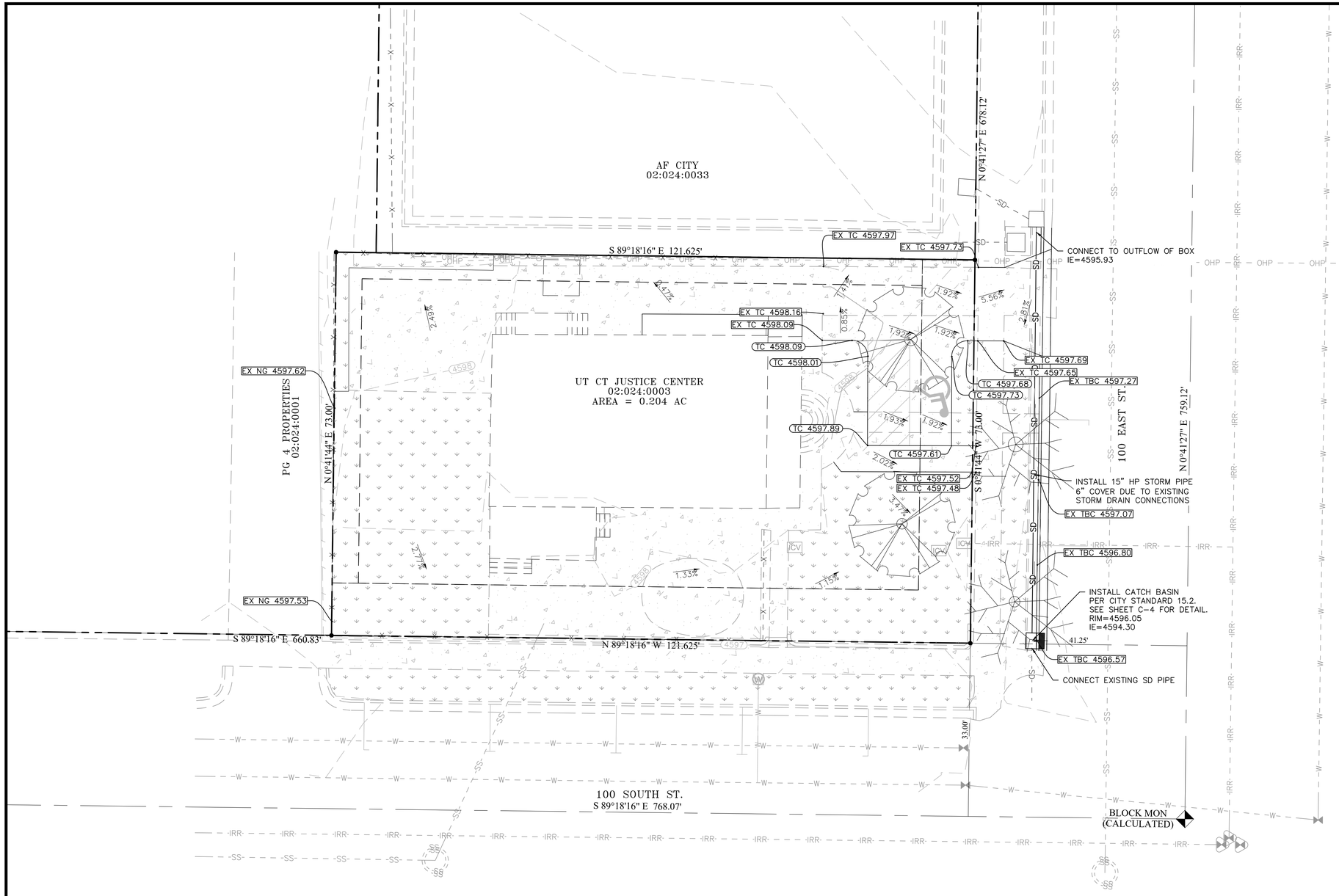
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52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com

UTAH COUNTY CHILDREN'S JUSTICE CENTER
SITE PLAN
96 S 100 E, AMERICAN FORK CITY, UTAH 84003

PROFESSIONAL ENGINEER
No. 11316562-2202
CALVIN S JOHNSON
STATE OF UTAH

SHEET: C-1

DATE: 2/22/2023



LEGEND

LOT LINES (PROPERTY)	
EXISTING CURB AND GUTTER	
PROPOSED CURB AND GUTTER	
PROPOSED STORM DRAIN LINE	SD
EXISTING STORM DRAIN LINE	-SD-
PROPOSED SEWER LINE	SS
EXISTING SEWER LINE	-SS-
PROPOSED WATER LINE	W
EXISTING WATER LINE	-W-
EXISTING FENCE	-X-
GRADE BREAK	GRADE BREAK
FINISH GRADE CONTOUR LINES	4960
EXISTING GRADE CONTOUR LINES	(4960)
FINISH GRADE SLOPE	SLOPE
GRADE BREAK	GB
INVERT ELEVATION	IE
TOP OF GRATE	TOG
TOP OF ASPHALT	TA
TOP OF CONCRETE	TC
PROPOSED	PROP
EXISTING	EX
FINISHED GRADE	FG
FINISHED FLOOR ELEVATION	FFE
BACK OF SIDEWALK	BOW
LANDSCAPE AREA	
CONCRETE AREA	

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UTAH COUNTY CHILDREN'S JUSTICE CENTER
GRADING AND DRAINAGE PLAN
96 S 100 E, AMERICAN FORK CITY, UTAH 84003

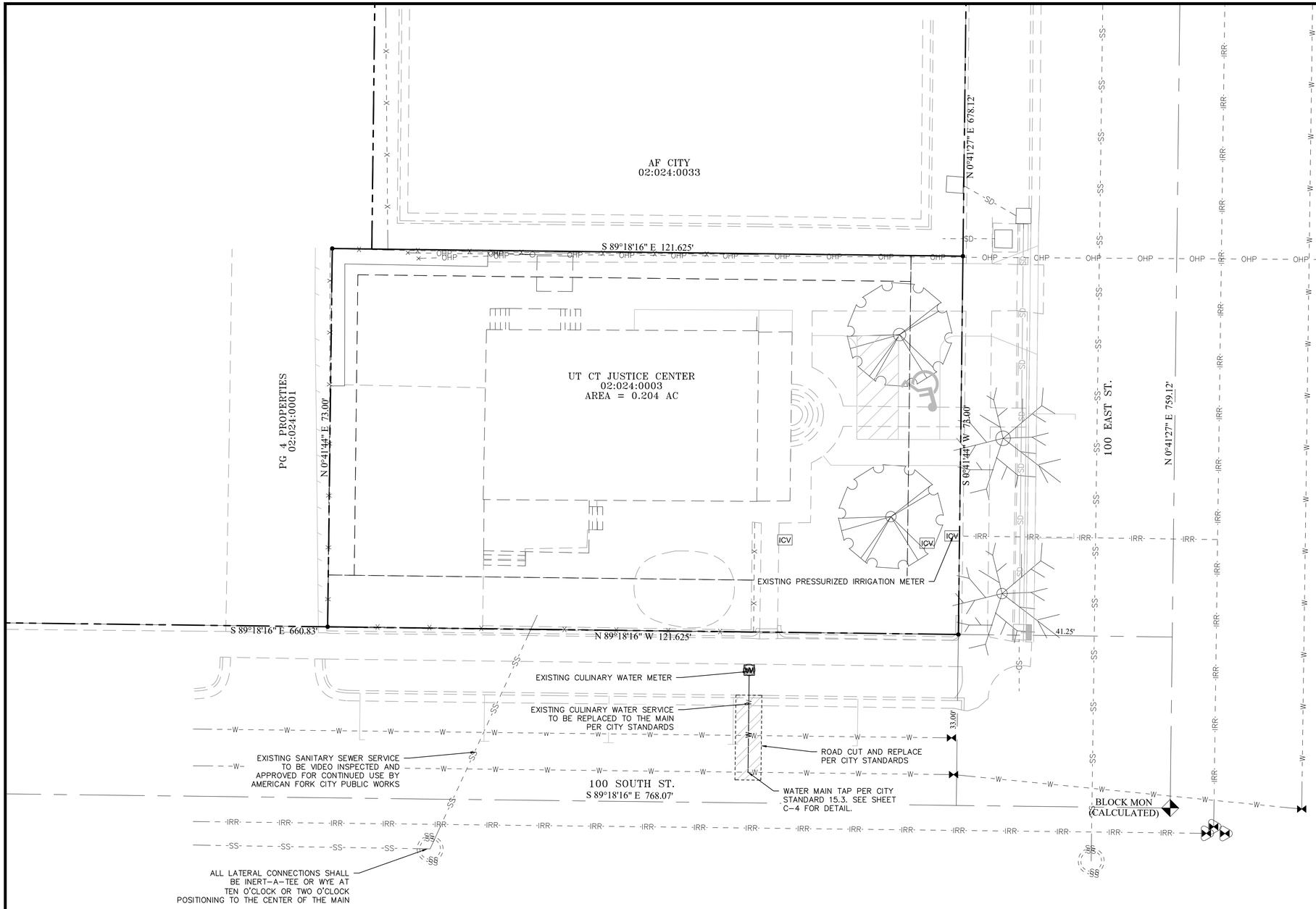
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LEGEND

PROPERTY/ROW LINE	
EXISTING CURB AND GUTTER	
PROPOSED CURB AND GUTTER	
PROPOSED STORM DRAIN LINE	SD
EXISTING STORM DRAIN LINE	SD
PROPOSED SEWER LINE	SS
EXISTING SEWER LINE	SS
PROPOSED WATER LINE	W
EXISTING WATER LINE	W
EXISTING GAS LINE	G
INVERT ELEVATION	IE
PROPOSED	PROP
FINISHED FLOOR ELEVATION	FFE
EXISTING FIRE HYDRANT	
EXISTING WATER VALVE	WV
EXISTING WATER METER	WM
EXISTING SEWER MANHOLE	SS
PROPOSED FIRE HYDRANT	
PROPOSED WATER VALVE	
PROPOSED WATER METER	WM
PROPOSED SEWER CLEANOUT	
PROPOSED SEWER MANHOLE	S

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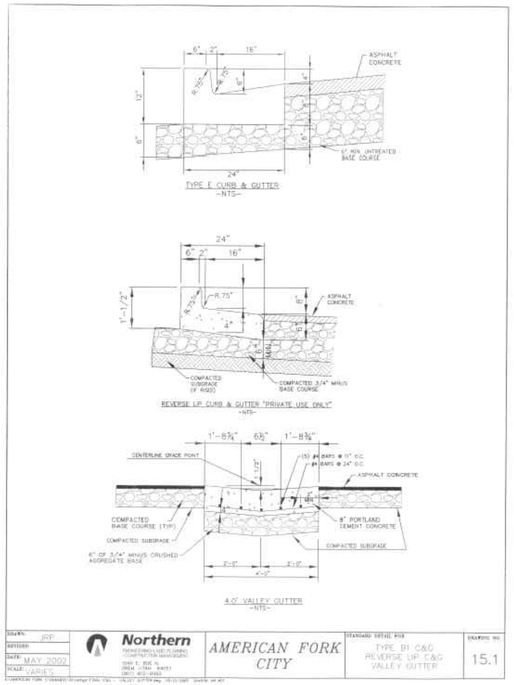
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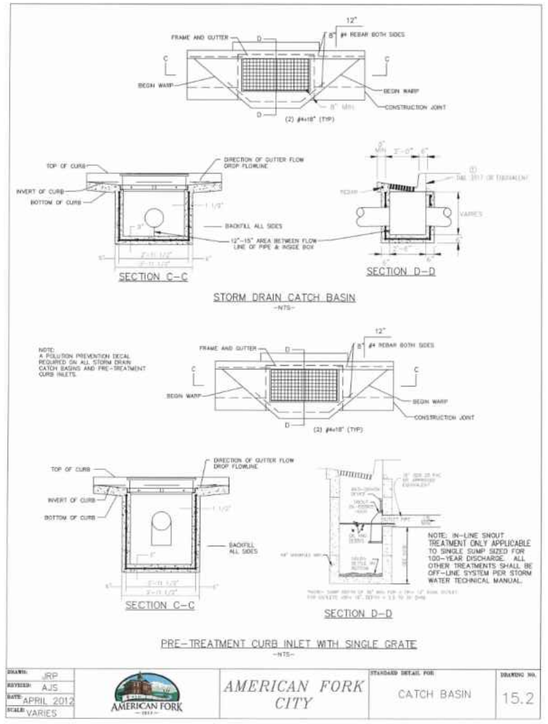
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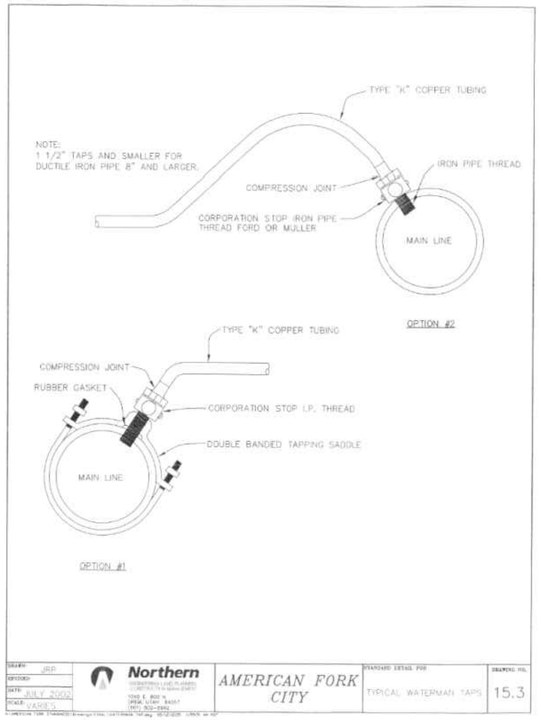
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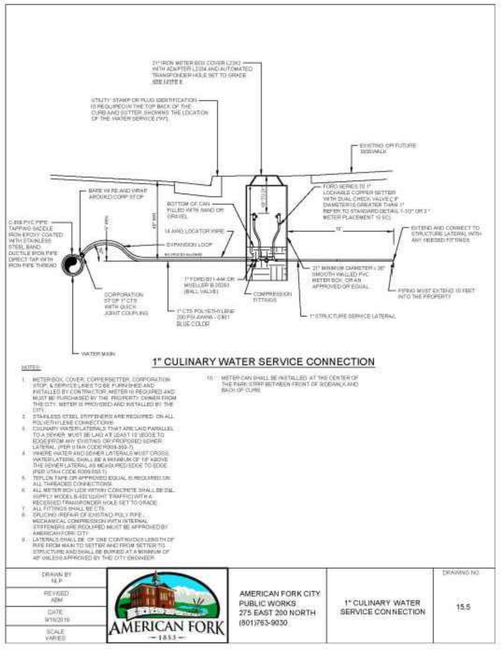
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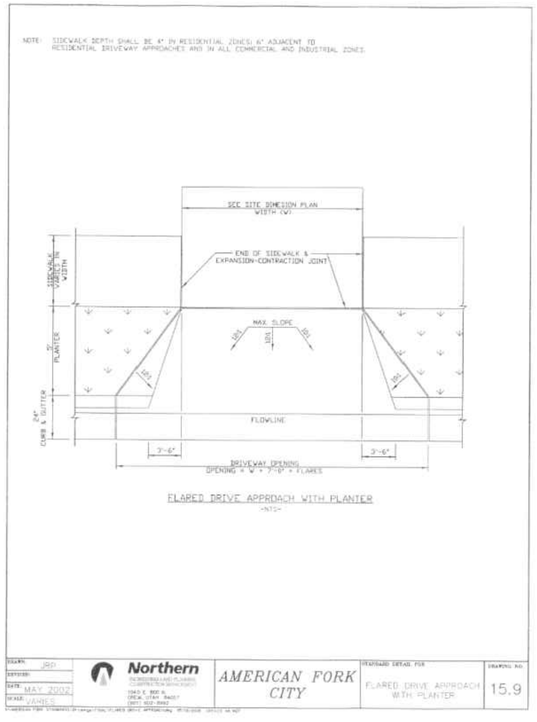








DRAWN BY: M.P. / REVISED: ABM / DATE: 9/19/2019 / SCALE: VARIES	AMERICAN FORK — 1853 —	AMERICAN FORK CITY PUBLIC WORKS 275 EAST 200 NORTH (801)763-9030	1" CULINARY WATER SERVICE CONNECTION	DRAWING NO. 15.5



DRAWN: JRP / REVISED: / DATE: MAY 2002 / SCALE: VARIES	Northern	AMERICAN FORK CITY	STANDARD DETAIL FOR: FLARED DRIVE APPROACH WITH PLANTER	DRAWING NO. 15.9

DRAWN: JRP / REVISED: AJS / DATE: APRIL 2012 / SCALE: VARIES	AMERICAN FORK — 1853 —	AMERICAN FORK CITY	STANDARD DETAIL FOR: CATCH BASIN	DRAWING NO. 15.2

DRAWN: JRP / REVISED: / DATE: JULY 2002 / SCALE: VARIES	Northern	AMERICAN FORK CITY	STANDARD DETAIL FOR: TYPICAL WATERMAN TAPS	DRAWING NO. 15.3

DRAWN: JRP / REVISED: / DATE: MAY 2002 / SCALE: VARIES	Northern	AMERICAN FORK CITY	STANDARD DETAIL FOR: TYPE B1 C&G REVERSE LIP C&G VALLEY GUTTER	DRAWING NO. 15.1

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