

APPROVED MINUTES
03.08.2023

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

March 08, 2023

The American Fork City Planning Commission met in a regular session on March 08, 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, Rodney Martin

Absent: Jenny Peay, Harold Dudley, Bruce Frandsen

Staff Present:

Travis Van Ekelenburg	Senior Planner
Cody Opperman	Planner 1
Levi Burr	Engineer
Melissa White	Admit Assistant
Angela McKee	Admin Assistant

Others Present: David Thorne, Heather Allen

REGULAR SESSION

Christine Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

- 1. Minutes of the February 22, 2023 Planning Commission Regular Session.**

Chris Christiansen motioned to approve the minutes. David Bird seconded the motion.

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE

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.

Cody Opperman reviewed the background information for public hearing item number 1: 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 red areas indicate the abandonment of the pedestrian infrastructure, and the purple areas indicate the reroutes.

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

David Bird: Are the alternate routes following existing roads or are they separate paths not attached to the roads?

Cody Opperman: These will follow existing roads or roads we are proposing for the future. We are trying to ensure they follow the Master Transportation Plan as well.

David Bird: We are looking at the biking lane connected to the road?

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Cody Opperman: Yes, as well as side paths and shared use paths and things like that. The difference between a side path is that it is for walking, and a shared use path also includes bike use and pedestrian walkways.

Mr. Martin thanked the Planning and Zoning department for their work.

Public Hearing Opened

No public comment

Public Hearing Closed

Rodney Martin motioned to recommend approval of the amendment to the American Fork General Plan, and to amend the American Fork City Bike and Pedestrian Plan.

Chris Christiansen seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

- 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.**

Cody Opperman reviewed the background information for public hearing item number 2: 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.

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

Justification Statement from the applicant: *“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 business.*

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.”

David Bird: This area is east of Boat Harbor Road and Industrial will be on the west side of the [Deer Park Industrial] property?

Cody Opperman: That is correct.

Rodney Martin: It fits within the use.

Public Hearing Opened

No public comment

Public Hearing Closed

David Bird motioned to 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.

Rodney Martin seconded the motion. Voting was as follows:

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Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE

The motion passed

ACTION ITEMS

- 1. Review and action 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.**

Chairwoman Anderson noted that action item number 1 was pulled from the agenda.

- 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.**

Travis Van Ekelenburg reviewed the background information for action item number 2: 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.

Rodney Martin: I would like to know what the use of the site is now such as the number of employees, who's going to be using this, etc. We already have problems

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in the city of someone coming in and using street parking because their employees don't have anywhere to park, nor do their customers. As much as we support the mission of the Children's Justice Center.

Heather Allen: I'm the Associate Director of the Children's Justice Center. Yes, the location will still be used for the Children's Justice Center. It is a facility where clients will come in and be there for approximately two hours. There's a common misconception that we house people and that's not the case. We have regular business hours from eight to five, typically, unless any of our interviews run a little bit longer and it is Monday through Friday. Very rarely we will be there on weekends, but that is if we have an urgent need for a child. We have six employees total, but half of them are part-time. It's typically three or four employees a day. At the moment we're just seeing one family at a time, because we don't want to overlap for confidentiality.

Rodney Martin: With the number of people you have employed there while seeing one client - which would possibly include both parents, a caseworker, and a parent or foster parent - you're maxed out on your parking. You can't accept any more with six stalls. I came in late on this, but how did we get to six stalls being sufficient?

David Thorne: I'm the general contractor on site. Part of the due diligence that we did on this was having a parking study done. They studied the Children's Justice Center at their current location [in Provo, UT], on their busiest day of the week, and they studied the comings and goings of employees and clients. They came in with a recommendation of four parking stalls for the Children's Justice Center. That's how we got a reduction down to six stalls. It was seven originally, but six through the City Council. 14 stalls is physically impossible to get on the site without ripping down the original 1871 home. That is a challenge that we're trying to work through. We got down to seven, but we didn't realize exactly what the challenges were. There were some comments at the last Planning Commission meeting that stated that we were supposed to make some revisions. We weren't sure what they were when the Planning Commission voted. The day after, we found out that they wanted us to re-do the whole site plan that was approved by the last Planning Commission to accommodate the seven stalls because of some safety concerns with the angled stalls on 100 East. If we had known those issues, we would have probably requested six at the original Planning Commission meeting so that we didn't have to put stalls on site. That's why we requested six at City

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Council. We're still over by two stalls of the recommended through the parking study. We will not have angled parking on 100 East, but we will have one single stall that is parallel, four parallel stalls on 400 South, and one handicap stall on site. There is angled parking in front of the library that we need to turn to parallel. We're so close to the corner that there were safety concerns and we wanted to accommodate the safety concerns.

David Bird: What are the prospects of needing to expand your facility? Currently you say that you are dealing with one family at a time. In the future would you expand to have two or three or more? If that is a possibility, it would put more pressure on the parking situation.

Heather Allen: That is not something we've been able to evaluate yet because we're still trying to figure out this parking situation and what the new building will be capable of handling. My dream scenario would be to buy the property behind us and we can keep growing. Right now with the current house we do not know. We have been in conversations with the Church of Jesus Christ of Latter Day Saints to use some of the parking that's behind the church as there is an entrance that is diagonal from where the building is located. It is a short distance and my staff and I would be fine walking that short distance. It has not been solidified with the church, but it looks like we are going to have an ongoing agreement with them that we would renew periodically.

Rodney Martin: Can any of the Commissioners shed light on the situation or what has happened previously. I still feel uncomfortable with the parking situation, am I out of line in feeling that way?

Travis Van Ekelenburg: They originally submitted several site plans. We looked at the feasible options on the property, and the Planning Commission wanted to approve the site plan that was originally here [with 14 stalls]. City Council reduced it to six stalls so it's coming back to you with a revised site plan. Since it's in the CC-1 zone, the Planning Commission is the approval body for the site plan, and then you give a recommendation of approval for the support of the City Council's decision on the number of parking stalls.

Rodney Martin: This doesn't conflict with any zoning or any other requirements in the city just because they are the Children's Justice Center?

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Chris Christiansen: Part of this was the historical nature of the building. I know the covered porch was brought up which potentially creates more stalls there, but again, preserving the [historical nature of the building was considered important]. I think there were grading issues that were talked about as well. We were okay with seven stalls at that point.

David Thorne: The only difference of the site plan that was approved by the last Planning Commission and the site plan that is before you today is a reduction of one stall. It went from two angled stalls that were approved to just one parallel stall. That's the only difference, and it was to account for safety in the site triangles.

Chris Christiansen motioned to approve the site plan and recommend the reduction of parking stalls to six 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.

David Bird seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	NAY
David Bird	AYE

The motion did not pass

Rodney Martin: I may be in the minority, but I see problems. Our city is growing. The need for these kinds of services is growing. It may be the case that this historical building that we all love is not the place for the Children's Justice Center and they need to find somewhere else that more suitable for the services they provide and are going to provide in the future.

David Bird: I think that building is one that should be preserved. I think using it for the Children's Justice Center gives the new occupants the opportunity to revive, revitalize, and improve, and to bring the standards up to code. Currently, they have one family at a time and minimal employees there. I don't see it as a problem. Five years down the road there may be two families or three families, but we've never

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approved anything based on what might happen five years down the road. I see it as a good use of this building. [The building] could otherwise potentially fall into disrepair. I hate to see a solid, legitimate use locked on account of a couple of parking spaces that can be accommodated with the tabernacle. That's why I think it would be a good addition.

Rodney Martin: With all due respect, we do vote on things based on what the future is likely to bring. We base our road width based on what we expect the build-out to be, and things like that. We plan for the future. I for one don't want to be the Commission that approves something that is going to be a major headache and cause people to complain and say, "How could they possibly approve this? This is so short-sighted." I'm not comfortable with it.

Heather Allen: As far as being able to move, if I could have, I would have. I bought this home in November of 2020 and we have had a lot of roller coaster ups and downs trying to make this house happen. The first time I walked through it I felt in my heart that it was the place that the CJC was supposed to be. We try to have a home-like environment so that the children feel comfortable and safe. When I walked through it, it felt like it was supposed to be the CJC. Well, we had issue after issue, especially before we started working with David. The home was purchased with funds that were from a CDBG (Community Development Block Grant). Because the previous contractor had started doing things to the home, we would have to repay that money to CDBG. There's no way that we could recoup that money at this point.

Chairwoman Anderson: Given the size of the house, would it be possible to serve two different families at the same time?

Heather Allen: Yes and no. Because of the office space there's not really a way for us to expand our employees; it already has the max number of offices that we can possibly have, so having more employees is not feasible. As it stands right now there's not really the space to have two families there at the same time while protecting confidentiality. We are not at the stage of the building plans yet, so it's hard to say for sure without knowing what is possible to do with the house and how many people it is capable of holding. Yes, if in the future we could serve more than one family [it would be ideal], because that's what the Provo center is

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currently doing. But they have a much larger building and have three times the employees, so it is hard to predict.

David Bird: Mr. Martin, is your main concern the parking situation?

Rodney Martin: Yes, and using on-street parking. I know we have approved on-street parking to count towards the total number of stalls in this area here, and around City Hall for the Harrington. However, I have a hard time feeling comfortable with this because the downtown area is going to change and grow as we move towards high-density. I don't believe in flooding our streets during office hours. Yes, 14 stalls seem like too many based on the Children's Justice Center's use, but 14 stalls to 6 stalls is a huge reduction.

Chairwoman Anderson: I think is worth considering that if one of the cars parked at this facility is not handicapped then there are only five spots. I wonder if we could get formal acceptance from the location across the street to allow [for additional parking], and if that will make a difference.

Travis Van Ekelenburg: We don't have anything like that for parking agreements that aren't contiguous to the property itself, which means there is nothing the city can do in that regard.

David Bird: I can see your concern, Mr. Martin. I have to vacillate between [the parking concern] and the use of the building. I think it is a just and good use for the building. The area around it is pretty much filled in, and I would not anticipate a lot of growth in the immediate area around it. It is an older section of town and pretty well-established, and there is not a lot of vacant area to build high-density housing.

Rodney Martin: To the north is the parking lot for the American Fork library. To the west of the library is Humphries [Welding Supply] which takes up most of the block for their warehousing, etc. When Humphries leaves, the entire middle of that block is going to be set up for future development. There are numerous older homes that are going to be torn down eventually and replaced with other buildings, etc. As much as I love the mission of the Children's Justice Center, I don't know that that is a good enough reason to brush aside the fact that there is not enough

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parking. Yes, they can use the angled parking in front of the library or the library parking lot. However, who they are should not exempt them from reasonable requirements.

Chris Christiansen: I don't necessarily think it's because of who they are. It's evaluated on the current use of the property, the requirements, and the traffic that's going through. They will have to work within the zoning of whatever that future use is. But for me, it's not about who they are as much as the demand for that area that is going to make an impact now. If you were to turn this into a convenience store, then there would be a lot more traffic. However, I don't think that is going to be the future use that we would see there. I think it's great to have differing views on this. However, because we're limited to four Commissioners here tonight, I'd like to make a recommendation that respects both parties.

Chairwoman Anderson: I do not want anyone to feel as though they must come to a unanimous decision if they do not agree with the decision.

Rodney Martin: I'm not trying to be an obstructionist. I understand that the Planning Department has signed off on this, and the previous Planning Commission meeting signed off on this with one more parking space. In my opinion, putting the burden on street parking is tough.

Travis Van Ekelburg: As a reminder, the City Council did approve six stalls.

Chris Christiansen: This item was at this Commission approximately two months ago and it was this Commission that approved [seven stalls].

David Thorne: Hales Engineering did a full report, and it should be included in what was submitted in the parking study. You're welcome to read their recommendation. As I understand it, the use is for government use. If anything was to ever change out of government use, then the parking requirements don't stay at six [stalls]. If they were to sell the building in the future and it goes to somebody else, it goes back to the 14 stall requirement.

Travis Van Ekelburg: Any new use to come into the building would have to adhere to whatever those parking requirements would be.

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David Bird: Any variances allowed now would be rescinded if the building sold?

Travis Van Ekelburg: Correct. Just like any other building that's vacated, if another use comes in it has to adhere to that use and meet current requirements.

Rodney Martin: I wish we had more Commissioners tonight to make this decision.

David Bird: Perhaps we should table it until we have more Commissioners to vote.

Chris Christiansen motioned to 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 until the Planning Commission has a fuller quorum.

Rodney Martin seconded the motion. Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE

The motion was tabled.

OTHER BUSINESS

Cody Opperman: We are staying busy and continuing to see a lot of developments come through our process. We're kicking off our Station Area Plan and will have our first meeting tomorrow. The Station Area Plan is a requirement from the state, and it also helps with one of our goals that we have set in the Moderate Income Housing Plan as well. It's in the vicinity of our TOD zone. We're still getting some annexations and we're continuing to grow south of I-15.

Upcoming Projects

ADJOURNMENT

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David Bird motioned to adjourn the meeting. Chris Christiansen seconded the motion.

Meeting adjourned at 7:37 PM

Melissa White

Administrative Assistant

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