

APPROVED MINUTES
04.19.2023

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

April 19, 2023

The American Fork City Planning Commission met in a regular session on April 19, 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, Harold Dudley, Bruce Frandsen

Absent: Jenny Peay

Staff Present:

Patrick O'Brien	Development Services Director
Cody Opperman	Planner 1
Cherylyn Egnar	Legal Counsel
Ben Hunter	Engineer
Melissa White	Admin Assistant

Others Present: Ken Berg, Julie Smith, Jeff Sermon, Curtis Miner, Spencer Stevens, Julie Webb, Scott Webb, Daniel Smith, John Bell, Summerisa Stevens, Cheryl Edwards, Brian Caruser, Whitney Ward, Kimberly March, Valecia Green, Carol Bell, Tom Lemke, Ed Gifford, Marilyn Chadwick

REGULAR SESSION

Christine Anderson led the "Pledge of Allegiance"

Roll Call

COMMON CONSENT AGENDA

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Suite 302, for their outpatient infusion center called Pure Infusion Suites of American Fork. The current GC-2 zone does have medical offices and medical clinics within their permitted uses. The zones that have medical offices and medical clinics within their permitted uses will include the CC-1, CC-2, GC-1, and PO-1 zones.

Rodney Martin: Historically, why does this zone not allow medical uses?

Cody Opperman: The GC-2 zone is primarily for larger types of developments such as shopping centers, retail, service, and commercial warehousing districts.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Julie Webb: I represent the property owners for this project. We have found several buildings within the GC-2 area that have medical offices and clinics. We are petitioning that it be added to the zone as there are other existing businesses with this use and we have a tenant that would like to have medical uses in that building.

David Bird: Can you give me an idea of what medical use this is?

Dan Smith: I am the Chief Operation Officer for Pure Infusion Suites, and we do infusion therapy. We administer medication for people who have chronic conditions.

Chairwoman Anderson: We have four other zones that allow for this use, so I am hesitant to change a rule for the entire zone and open up this use to every GC-2 zone in the city.

Rodney Martin: What are the potential concerns? If people are running a medical clinic, what danger is that to our community or to other businesses in that zone?

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Patrick O'Brien: Are you referencing this specific applicant versus someone else who could bring something in at a more intensive use but would still meet that requirement and it would essentially open up the floodgates for a larger use that could still meet that intent?

Chris Christiansen: Yes.

Bruce Frandsen: As I look at the currently permitted things. We have office buildings, gas stations, Hotels, and a whole bunch of other things. I personally do not see a clinic or medical office being out of the feeling for this kind of community. If it were a hospital, that would be different. This is just a medical clinic, so I think it fits in there. I understand that we have four other zones in the city that allow medical offices or clinics, but I feel this is at an address in the city that would fit.

Chairwoman Anderson: How do we allow it for this address, and not across all GC-2 zones? And how can we differentiate between a small clinic and a hospital?

Patrick O'Brien: This specific example will be a suite, in a building, where the rest of the tenants are meeting the current GC-2 zone requirements. There would be nothing stopping a tenant from coming in on a much larger scale, wanting to occupy the whole building, in turn having a much larger impact on the community. In terms of intent of what the zoning ordinance specifies.

Chairwoman Anderson: Are there options to find a middle ground?

Dan Smith: In my experience, there is a difference between a medical clinic, and a medical office. A medical office seems to be on the lighter side, while a clinic has a lot of patients coming through, so they are staffed with a bunch of doctors and nurses, similar to what you would see in a hospital. What we do is more like what you would see in a health spa, or a chiropractor's office. If the use were listed as a medical office not a medical clinic, it would probably keep some of those larger business groups that you feel would cause a problem, from being able to occupy the buildings in this area. We are a simple business that administers medications, under a nurse's supervision. Hopefully that answers some of your questions.

David Bird: I think this business is compatible with what is already there, But if you change the zoning for the whole area, that may open the floodgate for other

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Harold Dudley: I do realize these decisions were made before Mr. O'Brien and his staff were the ones making recommendations. The fact is, when I look at those 8 businesses, they do not seem to be out of place.

Christine Anderson: Is the reason that we have this rule because we can't picture medical offices in a big box shopping center like The Meadows? Is the reason we have this distinction because we don't want small medical offices in the big box retail area parking lots? I am just trying to get to the root of why we do or don't have medical in these specific areas.

Patrick O'Brien: It seems that at the time these plans were being put together, and zoning ordinances were being crafted, there were visions of where different types of uses should be put throughout the city. There are some service industry businesses, along with small retail and large retail businesses that were strategically put into certain areas, similar to the way a lot of our residential stuff is.

Christine Anderson: The applicant mentioned a difference between medical office and medical clinic. Is this enough of a distinction legally, to allow this to get approval from planning?

Cherylyn Egner: At this point, the way it has been proposed tonight, I think it would be difficult to draw any specific line. Because what is being contemplated here would be considered such a parsing of words, I would ask that if this is the direction that the planning commission is going tonight, maybe we should table, and ask for further definition. My understanding is that the clinic aspect that requires more of a revolving door, may be less desirable than these smaller facilities.

Christine Anderson: That was my question, but I am also wondering, are either of these options fine?

Cherylyn Egner: If there is a concern of a large medical facility going into these types of areas, as opposed to a small chiropractic office, we can better define that and specify clearly. If we do not specify clearly what is permitted, everything is going to be. At this point with the conversation, while planning commission can do whatever it wishes, it sounds like perhaps tabling, to get more specific definitions and allowing me to work with Patrick and his team to better define some of those more limited uses. If that is not where the planning commission sits, by all means

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Rodney Martin: What I understand is this zone was intended to have buildings and businesses that have a lot of traffic, a lot of people, a lot of use. If we have some businesses with a lot of traffic, and some businesses with not much traffic, that may help with our parking situation.

Patrick O'Brien: Each item would need to be assessed separately when it comes to parking. That is where some of our challenges are, as we have tenants wanting to move into buildings that received approval to be office buildings; if that is no longer the intended use, their parking would need to be assessed differently, as that use has now changed. The new use has not been before planning commission or City Council. We can allow applicants to get a zoning change or clearance to help them get approval, but not be a detriment to the entire zone.

Chris Christiansen: That is why I think better clarification on definitions would help out.

Patrick O'Brien: I am not saying what decisions planning commission should make, but that could help such a use to move forward, while having certain parameters set up that would ensure the overall intent of the zone would not be negatively impacted by larger medical uses coming in that could still meet the permitted uses of the zone, but not fit into the retail sense that commissioner Martin mentioned.

Rodney Martin motioned to recommend approval of the proposed code text amendment of the American Fork Municipal Code, amending Section 17.7.601 titled Planned Commercial Development Projects, relating to medical offices and medical clinics being permitted in the GC-2 zone, and providing an effective date for the ordinance.

Harold Dudley seconded the motion. Voting was as follows:

Christine Anderson	NAY
Chris Christiansen	NAY
Rodney Martin	AYE

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this development will produce. Traffic study will also need to identify what intersection treatment will be necessary at 400 South 600 East (continue 2-way stop as currently shown, modify it, or a 4-way stop).

Bruce Frandsen: I was looking at these 2 zones recently, and I think the GC-2 zone allows everything in the GC-1 zone.

Cody Opperman: The GC-1 zone says everything permitted in the CC-1 zone.

Bruce Frandsen: I must have confused the two zones, thanks for clarifying.

Ben Hunter: Our only comment is that as part of the zone change approval, if approved, there be certain right of way requirements for 400 South and 860 East that will need to be met. That information was provided in the applicant's comments.

Public Hearing Opened

No public comment

Public Hearing Closed

Larry Myler: I would be happy to answer any questions. The best day of this project so far has been scraping all the stuff off and getting down to the dirt. The area was an eyesore. It is nice to have it cleaned up. We are glad to be starting over with something beautiful.

David Bird: Do you have an idea of what you would like to do with this area?

Larry Myler: Out on 500 East we would like to put retail and help the taxpayers of the city. We have gotten a lot of requests for a grocery store. That makes sense as people coming home having that right off the freeway is a gateway to the city. This property is very convenient for a grocery store. We have a free-standing building out on the corner planned, and we are talking to a couple of grocers about coming in. We have some good interest.

David Bird: This would be similar to the newer strip mall that is south of that property?

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is adjacent to the Historical American Fork City Hall, and south of the Fire Station headquarters. The proposal includes a redevelopment and repurposing of the existing vacant building on site, and a proposal to build a theatre building to the north of the existing structure, which is proposed on property currently owned by American Fork City.

The site plan is being proposed without a final plat approval, and additional land is required to support the parking and theatre use. The applicant is seeking site plan approval for their proposal, conditional to the acquisition of the required land to support the development per the site plan as presented.

The required parking number is not being met by the applicant, and they are seeking conditioned approval of the site plan with a recommendation to City Council to approve the reduced number of stalls.

All stalls cannot be accommodated on site, and the applicant is seeking to utilize 38 on-street parking stalls, as outlined in Sec. 17.5.133, and as may be permitted by the Development Services Director, as outlined in Sec. 17.5.133(E)(2)

Staff recommended conditions of approval (project specific):

1. Successful acquisition of the two additional parcels of land is required
2. Termination of shared parking agreement between American Fork City and 4750 North Center LLC, if any such agreement exists, must occur prior to final plat approval for the Harrington Center for the Arts
3. All lots to be used in association with the Harrington Center for the Arts site plan are to be consolidated into one single parcel of land as a part of the final plat approval
4. Site plan approval is conditioned upon an ingress/egress easement approval by City Council limited to the hours of 8pm-7am, for loading and unloading only, and for a maximum of two hours at a time. Parking for theatre use is not permitted.
5. Reduced stall numbers need to be approved by City Council
6. No theatre or Centre for the Arts patrons are permitted to park on Fire Station/Public Safety building site at any hours
7. Remaining geotechnical report comments need to be addressed including boring logs as well as any other outstanding DRC comments.

Ben Hunter: They have addressed most of our comments but ensuring that they can maintain the current spacing between the fire station building and their building to

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Patrick O'Brien: The parcels would be created later, as they are currently in city ownership, and they would need to be subdivided. One of them will be this northern portion for the theater building project, and this other portion located just to the west of City Hall is to accommodate parking for the project.

Christine Anderson: How much of this will be on street parking? I love this project. I want it to work so I am concerned about having enough parking, so the activities will be able to be attended. I drove this at 1pm today, and more than half (of the parking stalls) were occupied. Even now more than half of them are occupied.

Patrick: There will be 38 on street parking stalls. They are only able to utilize the ones along their 2 street frontages. They can not extend down in front of the City Hall building, or on the other side of the street.

Cherylyn Egner: The property the city is contemplating the sale of is essentially the Fire Station parking lot. There could potentially be some impact where fire and police are currently parking. Parking is something that has been heavily contemplated throughout this process. There have been code text amendments made to help multiple projects within this general area. Part of that was allowing on street parking because that is the only way to allow some of these projects to work. There certainly is a significant concern about parking by staff and the City Council. If I could just talk on one issue, this is a very unique way to present a site plan to planning commission. We do not typically bring plans forward with so many conditions, especially where the project doesn't already have the land. This is one of those situations where it is either the chicken or the egg, and somebody had to make that first step. Without a site plan that works, there are funding concerns, and without knowing the funding, the City Council is struggling with whether to sell land. That is why we are before you with this project. I do want to address the parking agreement that has been brought forward by the property owner of the Harrington building. Many years ago, there were negotiations that took place as part of a litigation. There is an agreement that was provided to the city indicating a cross-parking agreement between the city and the current owner of the Harrington building. Without acknowledging that, or getting into a back and forth, ultimately, we do not know if that is in effect or not. It cannot be in effect for this project to work and for the Fire Department to still have the adequate amount of parking. That is why that condition is there. If that agreement is still in place, The Fire department will not meet the necessary parking requirements today, and it certainly will not meet it at the time of expansion. While we don't typically condition someone's approval

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Station was constructed in 2003. While this building has contributed and evolved over time, it has sat empty since the late 90's. We are excited for the opportunity to bring it forward. In 2018 the Harrington Center of the Arts created a master plan in order to understand the financial contributions, and how it could become that contributing component. In that master plan a vision for an arts education facility, complemented by a community sized theater was established to make it financially feasible and to better serve the needs of community. There were some problematic elements realized at that time, and that is when conversation started with the city about acquiring part of the current parking between the Harrington building, and the Fire Station. The conversation has continued as we have looked at the range of parking requirements and elements to make sure this plan can be successful. We are excited to continue working with the city to find a productive solution. The Harrington school is envisioned to be an arts education building. As most of you are probably aware, most arts education happens in the hours after school, roughly 2:00 to 6:00. The educational aspect will be complemented by the studio theater that will have 238 seats, used mainly in the evenings and weekends. That is where the shared parking agreement came in to be complimentary in those hours of use. Our goal is the same as yours, to ensure it is well parked, not under parked. As you know, in the CC-1 district land is at a premium so we are doing our best to maximize the parking on site. The city requested that we adjust our plans to reevaluate an ally way, which caused us to be short on 6 parking stalls, which is why we are here today requesting that per city code allow us to move forward with 7 less stalls. We are also requesting the time of use be considered, so we are allowed to go to Council and continue to have this conversation there. The other thing that we wanted to note is, due to the limitations to the site, and our goal to get as much parking for the Fire Station, there is an easement that goes from the south side of the fire station, to the north side of the Harrington building, that we would like to use as a loading dock. We are requesting access for loading and unloading in that area. One of the conditions that has been noted is that we need to continue coordinating the hours of use. We would like the specific hours that will be required for us to meet that condition be removed, as we plan to continue working with the city and staff to find a timeline that works well for both the Harrington building and the fire station.

Patrick O'Brien: Hours are specific for the city's need because any use outside of those specific times will render the fire station to be out of compliance with their parking need. Removing those hours moving forward, as I mentioned before, would cause staff to remove recommendation of approval. We are not interested in moving

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Mat Sacco: I am the Fire Marshall, and I Thank you for this opportunity. I am going to try and stay on topic, so I don't take this into the weeds. For clarification, what was the proposed time frame?

Patrick O'Brien: 8pm – 7am.

Mat Sacco: So to what Patrick was saying, just to make sure that we are all on the same page. I would request that be moved to 8pm to 6am, and this has been discussed with our fire chief. We are part of the North County Training Alliance, and we have people showing up at 7 O'clock in the morning for 6 months out of the year, so we need those stalls. This would help to facilitate our needs for our small fleet, along with the people coming in, and our shift changes which will include our personal vehicles.

Christine Anderson: When does your shift change happen?

Mat Sacco: Shift change is 7:30. The training camps we do 3 times a year, last for 30 to 60 days each, so those parking spots are occupied by 7am, for 6 months out of the year. There is also Incoming and outgoing traffic because we do combine with Pleasant Grove, Lone Peak, and Lehi as well.

Christine Anderson: One of the items was that the theater parking would not be allowed in the fire stations designated parking area.

Mat Sacco: Intentions are fantastic, but we cannot really know for sure what people will or won't do. If a production comes in that brings in a larger apparatus, this could affect the intentions vs the reality of the loading zone. That being said, it is likely that in the future, we will have to secure our parking lot with a perimeter fence. PD is overwhelmed and understaffed as it is, without adding a need to mitigate parking coming in and out. That may be the way we would have to go to secure our parking.

David Bird: I have a question for Mr. Myer or Ms. Ward. If this window of time is not lifted, could you guys live with it? I would hate to see this project tabled, or scrapped because we couldn't work out a time frame.

Whitney Ward: I think that is what we are asking. For that opportunity to continue the conversation and work out the time frame. Spencer may be better equipped to answer as he will be operating it.

Spencer Stevens: Hi Commissioners, Spencer Stevens, Vice president of Harrington Center of the Arts. This can be solved in different ways. As you can see there is a

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back from doing inspections throughout the day, there are times I have to drive around a few times looking for a stall because the parking lot is full. We have the police department there, we have the courts that also park there. Last week there was an event at the Veterans of Foreign wars building, and center street was full. Once we have issues with those stalls being full, people want to start using the fire department parking lot and that affects us and our ability to do what we need to do.

Jeff Sermon: I am a member of the Harrington Center for the Arts board. Parking, we all understand, is a premium in downtown. With any project, parking becomes an issue, and if we let it stop us, our downtown will continue to die. There is going to be parking issues. Maybe we need some parking garages, I'm not sure what the city has planned long term but we need to adjust for growth. I guess my question is if 40 stalls are required for the fire department, is that a code? How do they get that number? A lot of stores and other places don't get to have what they would like to have when it comes to parking. As we grow and work downtown, we've got to give and take a little bit, and share. There are fire departments around that don't have hardly any parking, and I don't want to be like that either. I want them to have what they need to have, they save us, and they put our fires out. I also agree that city should not have to negotiate to use their own property. We are suggesting that we will negotiate and do the work. When there are times that there is going to be a show, we will come to the city and see if it works for us to load on this specific day. We are going to have to work together as downtown businesses to help each other. The congestion here makes that a requirement. Everyone has got to give and take a little bit to make downtown grow. I hope that all the entities, including the fire department, can recognize what this does for downtown and the community. You've got a group of people who are laser focused on bringing something like this to the city. I applaud them for helping to make American Fork a better place to live, work, and to raise your family. It is going to be tougher to get parking stalls no matter what happens, whether Harrington comes or not. Whether we end up with a parking garage like they did for Hale Center Theater in Sandy or not, we are going to have to do something, or this will stay a deserted and unused area.

Patrick O'Brien: Parking availability is a city code requirement.

Christine Anderson: I think that we all see the vision, and the good that this can bring. We all want to make it work. We want to make sure that when Harrington is loading, if you talk to the fire department and they say 'I'm sorry, we don't have a spot for you today' Then what? What happens when it is not available.

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preschools that come in to do tours. Those things are not happening between 7-9am, but will be an issue with the parking situation.

Christine Anderson: From my view, this is something that needs to be resolved before we can pass it. I don't think we can pass something that puts another building in non-compliance.

Chris Christiansen: It sounds like there is need for more negotiations, and we have a process for that, so I'm ready to make a motion.

Christine Anderson: I have a question, for maybe the architect. Out of these 7 things, are you comfortable that all the conditions are met except this one?

Whitney Ward: We are fine with addressing all of the conditions. The only question is just that timeline.

Christine Anderson: Would it be worth it to you to have this tabled in order to have more conversation?

Jeff Sermon: No, we would rather live with the time.

Spencer Stevens: We would prefer approval or denial, because like you said, it is City Council who will approve the access easement. If the City Council chose to pick some different times, we would have to come back to this body anyway, to adjust those conditions. We have yet to have that negotiation in any form. Staff asked us to propose times, we proposed them on our site plan. We didn't receive any feedback until we received this admission. We have not been able to have an open honest conversation besides what has been discussed here.

Christine Anderson: Is City Council the authority on access easement? Is that accurate?

Patrick O'Brien: Yes, that would have to be agreed with them. Our recommendations from staff would be to approve the site plan with conditions as they are. If there are changes that need to be made, then it could come back, but if Council doesn't change anything, then the site plan approval is already in place at that point.

Christine Anderson: So what you are saying is, in order to move this project forward, that approving them tonight would get them into the next phase, and they would only come back if City Council changes something.

a final plat approval being received within the site plan approval time frame along with the negotiation time of loading and unloading hours.

Harold Dudley seconded the motion. Voting was as follows:

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

The motion passed

**2. Review and action on a Final Plat for Chadwick Village Plat B
Amended Plat, located at approximately 417 S 50 W, in the R2-7500
Residential Zoning designation**

Cody Opperman reviewed the background information for action item number 2: Chadwick Village Plat A was recorded in 2005 and consisted of 14 lots. The applicant is applying for a Final Plat Amendment for the Chadwick Village “Plat B”, on the property located at approximately 417 S 50 W. The application has proposed combining the current lots 601 and 602 of Plat A into a single lot for the amended Plat B listed as Lot 1. The proposed lot meets the current zoning designation requirements for a subdivision.

Levi Burr: Applicant has addressed all comments.

Ed Gifford: I am the engineer for Merilyn Chadwick, she is the applicant. If you look at the aerial, you can see that this is a twin home development that was done in 2005. UTA came in around 2009 and took an 11-foot strip adjacent to the railroad. Merilyn lives in the very southeast corner, and she owns the property to the North. When they took the property, they damaged one of the twin home lots, where it is unbuildable. The reason we are doing this plat is her husband died a few years ago,

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David Bird motioned to adjourn the meeting. Rodney Martine seconded the motion.

Meeting adjourned 8:33 PM



Angela McKee

Administrative Assistant

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