

APPROVED MINUTES
03.22.2023

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

March 22, 2023

The American Fork City Planning Commission met in a regular session on March 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, Rodney Martin, Harold Dudley, Jenny Peay, Bruce Frandsen (arrived late)

Staff Present:

Patrick O'Brien	Development Services Director
Cody Opperman	Planner 1
Jeff Mortimer	Engineer
Angela McKee	Admin Assistant

Others Present: Whitney Julkunen, Martin Smith, Adam Anderson, John Heiner, Heather Allen, Maria Blanchard, David Thorne, Aaron Drussel, Adam Arrington.

REGULAR SESSION

Christine Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

- 1. Minutes of the March 08, 2023 Planning Commission Regular Session.**

David Bird motioned to approve the minutes. Rodney Martin seconded the motion.

Christine Anderson AYE

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Chris Christiansen	AYE
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE
Jenny Peay	Abstain

PUBLIC HEARINGS

- 1. Public hearing and recommendation on a proposed Land Use Map Amendment at approximately 96 North 350 West, on approximately 0.77 acres; changing the Land Use Map from Residential High Density to the General Commercial Land Use designation.**

Cody Opperman reviewed the background information for public hearing item number 1: The applicant is applying for a Land Use Map Amendment for property located at approximately 96 N 350 W, from Residential High Density to General Commercial land use designation. All parcels consist of 0.77 acres.

The subject property was previously on the regularly scheduled Planning Commission meeting on February 8, 2023, and received a positive recommendation to the City Council for the CC-2 Zoning designation. On February 28, 2023 the same application was before the City Council and passed with the condition that the Land Use Designation would need to be changed for the Zone Change to be finalized.

Mr. Frandsen entered the meeting.

Chairwomen Anderson asked if the commissioners had any questions for Planning on this item.

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Mr. Bird asked for clarification as to whether the zone would only be changing for the specific piece of land shown on the map, or if they would be expanding the rezoning to a larger area. Mr. O'Brien confirmed the zone would only change for the area highlighted on the map presented, as the zone change was approved with the condition of the land use amendment being changed to general commercial.

Ms. Peay asked if this was considered spot zoning. Mr. Opperman agreed that it would still be considered spot zoning, even though it is attached by the roadway.

Chairwomen Anderson reiterated her concerns from the last discussion on this item, as this property is only being connected by a public road, which causes the property to become an island. She stated she would feel more comfortable if the land use change was for a wider range of property. Mr. Martin shared that he has done additional studies on this matter and believes the next step would be to revise the city's general plan, and consider blocking out areas of the city for changes in land use. This should include the area's that will most likely be used for development in the near future. While he doesn't like making these changes piece by piece, He believes this property change will not be an issue for very long. He also acknowledged that the land use amendment should have come before the zone change request, but he does not have a problem with approving this change.

Mr. Bird agreed that there has been much discussion about expanding the commercial zones throughout the city and he doesn't believe the city should keep the people who are ready to develop this property at bay. Mr. Martin pointed out that this property has been used for commercial use for years prior to this request, while Mr. Christensen noted the lack of approval for that use, which means there are no rights, as well as the property being in a residentially zoned area when purchased by the current owners.

Public Hearing Opened

Mr. Steve Sowby introduced himself as the engineer for the owner of this property and spoke to his diligence in doing everything correctly to the best of his knowledge, in requesting this land use amendment. After paying the required fees and going before the commission and the council in good faith, he reminded the commission, he can only request annexation on the property that is owned by his client and would appreciate the commission's approval of this request.

Public Hearing Closed

Harold Dudley Motioned to recommend approval of the Land Use Map Amendment from Residential High Density to General Commercial, for the properties located in the area of 96 N 350 W, subject to any findings, conditions, and modifications found in the Staff Report, or recommended by the Fire Marshal

David Bird seconded the motion. Voting was as follows:

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

The motion Passed

- 2. Public hearing and recommendation on a proposed Land Use Map Amendment for approximately 0.60 acres of land located at approximately 401 West Main Street, from Design Commercial to the General Commercial 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

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property located at approximately 401 West Main Street, from Design Commercial to the General Commercial land use designation. The entire parcel consists of 0.60 acres.

The General Commercial Land Use is applicable to the traditional commercial area of the city, which would include the Central Business District and areas in the vicinity of State Street and other major travel corridors currently designated for commercial purposes. As the property fronts Main Street, a major travel corridor, the General Commercial Land Use designation would be applicable.

The applicant has provided a Zone Change application that is running concurrently with this Land Use Map Amendment. The Zone that they are proposing is the CC-2 zone. With the CC-2 Zone Change proposal the Design Commercial Land Use would not be an appropriate fit as it is commonly used for shopping-center type of developments. One of the CC-2 Zone's intent is to facilitate the orderly development of property within and adjacent to the built-up central business area of the City for commercial purposes but to do so in a manner to minimize the adverse impacts of such commercial activity on existing residents and residential uses in the zone area.

As the Design Commercial Land Use is used for planned shopping-center type of developments and in areas which are being newly developed, the General Commercial Land Use would be more appropriate for this property fronting Main Street.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Aaron Drussel spoke on behalf of the applicants stating that the property is currently zoned residential but is already surrounded by CC-2 zoned properties and also has frontage on Main Street. He believes the CC-2 zone would be a better fit for this property.

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Chairwomen Anderson asked planning for clarification on the current land use and what the change would mean.

Mr. Opperman explained that a Design Commercial Use is usually oriented to a planned approach, which includes shopping centers with unique access points. This particular land use is common in new development areas. He then explained that the General Commercial Use is a more traditional approach, like many areas that American Fork already has, including the central downtown area. He also added that the CC-2 zone looks to preserve the residential character of the specific area, and he believes the General Commercial use makes sense with this property.

Rodney Martin motioned to recommend approval of the Land Use Map Amendment for approximately 0.60 acres of land, located at approximately 401 West Main Street, from Design Commercial to the General Commercial Land Use designation, subject to any findings, conditions, and modifications 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
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE

The motion Passed

3. Public hearing and recommendation on a proposed Zone Change for approximately 0.60 acres of land located at approximately 401 West Main Street, from the R2-7500 Residential Zone to the Central Commercial (CC-2) Zone.

Cody Opperman reviewed the background information for public hearing item number 3: The applicant is applying for a Zone Change for the property located at approximately 401 West Main Street, from the R2-7500 Residential Zone to the Central Commercial (CC-2) Zone. The entire parcel consists of 0.60 acres.

One of the CC-2 Zone's intent is to facilitate the orderly development of property within and adjacent to the built-up central business area of the City for commercial purposes but to do so in a manner to minimize the adverse impacts of such commercial activity on existing residents and residential uses in the zone area.

Because The zone change went hand in hand with the Land Use Amendment, any questions or concerns were addressed while discussing the previous item. At this time Chairwomen Anderson asked for a motion.

Public Hearing Opened

No public comment

Public Hearing Closed

Rodney Martin motioned to recommend approval of the Zone Change for approximately 0.60 acres of land, located at approximately 401 West Main Street, from the R2-7500 Residential Zone to the Central Commercial (CC-2) Zone, subject to any findings, conditions, and modifications 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
Rodney Martin	AYE
David Bird	AYE
Harold Dudley	AYE
Bruce Frandsen	AYE
Jenny Peay	AYE

The motion Passed

ACTION ITEMS

- 1. Review and action on a Site Plan application for the Perfect Dress Project, located at 424 West Main Street, in the Central Commercial (CC-2) Zone.**

Cody Opperman reviewed the background information for action item number 1: The applicant is applying for a commercial Site Plan Approval for the Perfect Dress, for an improvement of a parking lot, located at 424 West Main Street. The proposal consists of 1 parcel for a parking lot and interior renovation of an existing building, the entire development parcel consists of approximately 0.80 acres. This has been brought to the Planning Commission for a recommendation to the City Council for their improvements to the parking lot. They will also be changing the use of this property from a photography studio to a bridal shop.

Chairwomen Anderson asked if there were any questions for Planning on this item.

Chairwomen Anderson asked the staff if there were any engineering concerns, Jeff Mortimer assured her any concerns have already been addressed by the applicant. Ms. Peay asked if the property drainage was one of the things that had been addressed by engineering, and Mr. Mortimer confirmed that it had already been

addressed. Mr. Martin asked about the property being in need of more parking spots, and Mr. Opperman confirmed that the applicants' plans show more than the required number of parking spots.

David Bird motioned to recommend approval of the Site Plan application for the Perfect Dress Project, located at 424 West Main Street, in the Central Commercial (CC-2) Zone, subject to any conditions found in the Staff Report and recommended by the Fire Marshall.

Bruce Frandsen seconded the motion. Voting was as follows:

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

The motion Passed

2. Review and action on an application for an accessory structure in excess of 1,000 square feet, located in the area of 33 East 100 North in the Residential (R4-7500) Zone.

Cody Opperman reviewed the background information for action item number 2: The applicant is applying for site plan approval for the development of an accessory structure in the R4-7500 Zone, located at 33 E 100 N. The proposal consists of 1 parcel for an addition to an existing accessory structure. The entire development parcel consists of 0.30 acres. The accessory structure exceeds the 1000 square foot

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requirement to be brought to the Planning Commission and Planning Commission will be the approval body for this structure.

PROJECT CONDITIONS OF APPROVAL: 1. All Fire Marshall comments will need to be addressed before permits are approved. 2. Provide grading for the project site and ensure all storm water is retained on site.

Mr. Opperman informed the commission that another condition of approval requires the applicant to sign a document that states this addition will not be used for any kind of business, or as living or sleeping quarters. The structure must also match the character of the neighborhood. Mr. O'Brien added that this condition is required, per the current code requirements.

Chairwomen Anderson asked if there were any questions for planning, and asked Mr. Mortimer if engineering had any concerns. Mr. Mortimer stated that the overall project looks good, but he advised that one of the conditions of approval is that proper grading is required before building permits can be issued. Chairwomen Anderson asked if he was confident with approving this project with these conditions, and he agreed that he was, while Mr. Obrien reminded the commission that they are the approval body on an extension to an accessory structure.

At this time, Chairwomen Anderson asked the applicant Adam Arrington, with Arrington Development to come forward and discuss his plans. Mr. Arrington told the commission that his client wants to have a swim spa, and that is what the building will be used for. Mr. Arrington informed that there will be a bathroom on the site, as well as one Garage stall that they have had to make considerably smaller, due to changes required by the city. Chairwomen Anderson verified that he was confident with the conditions of approval moving forward, Mr. Arrington agreed.

Adam Anderson came forward to address the commission on this project, stating he will do what is required when it comes to the grading, but in the past, this was an irrigation, and there is already a retaining wall that was put in to prevent irrigation flooding. He agreed to provide the proper paperwork addressing the drainage.

Bruce Frandsen motioned to recommend approval of the Accessory Structure in excess of 1,000 square feet, located in the area of 33 East 100 North in the

Residential (R4-7500) Zone, subject to any conditions found in the Staff Report.

Harold Dudley seconded the motion. Voting was as follows:

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

The motion Passed

3. 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.

Cody Opperman reviewed the background information for action item number 3: The applicant is applying for Site Plan Approval for the Children’s Justice Center, 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 the 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 the Planning Commission and will need a recommendation to their parking stalls for their final step of the Site Plan.

Mr. Bird asked what the City Councils thoughts were on this and asked if they approved it. Mr. O’Brien informed him that the City Council are only ratifying a

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recommendation from the planning commission on a reduction of parking. Because the property is in the CC-1 zone, the planning commission is the approval body on the site plan. It was brought from the planning commission with the recommendation of approving 7 stalls. The night of the City council meeting, the applicants asked for approval with a reduction in the number of parking stalls down to 6, and the City Council approved it. The approval is pending the planning commission approving the amended site plan with the parking stall reduction from 7 stalls to 6. The staff recommended the amount of parking stalls for this project to be 14 as required by the parking standards in the city code.

Ms. Peay commented that when this project was originally brought to planning commission, she felt they already overextended themselves to approve the 7 stalls when the property should have 14. She stated the reason she pushed for this to begin with, was to preserve the character of the building, and there were a couple of trees there to preserve those characters.

Mr. O'Brien stated that he does not believe those trees are there any longer. He asked for clarification from the applicant, as it is his understanding that there were issues with storm drain and water retention, that required those trees to be taken down.

David Thorne stated that the recommendation from engineering was that they had to remove those trees. They were required to re-pipe the storm water ditch, and the trees had to be removed in order to do that. Mr. Thorne stated that although it was not something they wanted to do, they have been trying to meet all the requirements in order to move forward.

Ms. Peay commented that it was her understanding that if they were to remove those trees, it would allow for the number of stalls that they were required to have. Mr. Thorne informed her that was not possible without also removing the front staircase. The trees on the parking strip don't allow for parking, because there is no parking allowed on a sidewalk. There was one tree that they were planning to remove in order to accommodate parking, and that tree has been removed. It was the 2 trees located in the parking strip that were recommended to be removed by engineering, in order to accommodate re-piping the ditch out front. Mr. Martin asked if that was on the east side of the building, and Mr. Thorne told him that it was. Ms. Peay stated that she feels bad about that, as those trees were historical type trees. Mr. Thorne agreed.

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Ms. Peay asked about the concern of bringing the parking stalls down to 6. Mr. Thorne explained that after the planning commission meeting in November (2022), the city engineer Rebecca (Who no longer works for American Fork City), informed them through her comments on the site plan, that she wanted them to re-do the entire site plan. This request was to accommodate 2 parking stalls on site due to safety concerns, as the angled stalls on 1st east were going to be in the sight triangles. Mr. Thorne said they spent months re-working the site plan to accommodate, and then were told they had to go to city council. He said they were originally told they would not have to. When they went to the city council in February, they were informed of the safety issues regarding the parking stalls. While they could see that the safety concerns were valid, had they known of the concern back in November (2022), they would have asked the planning commission for the reduction to 6 stalls, in order to save the Childrens Justice Center tens of thousands of dollars. Mr. Thorne stated that removing a giant pergola and putting a retaining wall out back, all to accommodate 2 parking stalls, was a very large expense to the Childrens Justice Center.

Ms. Peay asked for clarification as to where they are going to put the 7th stall if that is something they decide is a requirement to approve the site plan. Mr. Thorne informed her they would have to go back to the original site plan that was approved with 7 stalls. Mr. Christensen reminded Ms. Peay, that plan included the angled parking. Mr. Thorne then stated that the site plan was not ever really approved, because it was approved with the condition that the entire site plan would be re-done. Ms. Peay asked if there was a copy of that plan that she could see, and Mr. O'Brien told her he did not have one at the meeting but had one on file. Mr. O'Brien also noted that the site plan with 7 stalls was never approved by the city council. Mr. Thorne Corrected him stating the city council approved the plan with 6 or more stalls, so technically, a plan with 7 stalls would still fall under city council's approval. He was just hoping to save 50, 60, 70 thousand dollars in costs.

Mr. Thorne said that he felt comfortable speaking on behalf of the Childrens Justice Center and stated that they are happy to accommodate if this one parking stall is going to make or break the whole thing. The Childrens Justice Center staff is ready to get things up and going, as they are losing a lot of money sitting on their hands waiting for this to come to a head and have a conclusion, in order to move forward.

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Ms. Peay stated her concern with all of the children that are going to be there, and the rotation of the other people that are going to be there, she believes the more parking stalls they have, the better. Mr. Thorne stated he is hopeful there will not be a lot of children there, while Ms. Peay reminded him that regardless of the flow of traffic, they will not be able to use the library parking lot. She stated the closest parking they could get would be at the tabernacle. Mr. Thorne then stated that they do have written approval from the church to use that parking lot. Ms. Peay noted that they did have that to fall back on.

Mr. Martin questioned if they had written approval from the church, and when Mr. Thorne confirmed that they did, Mr. Martin stated that the commission needed to see that.

Heather Allen, director of the CJC, came forward to explain that she does not have a copy of the written approval at this time, but she is in contact with the real estate team for the church, and they are trying to finalize the agreement they are setting up, in order to use the tabernacle lot for additional parking. Ms. Allen recently ran the numbers for the last year, and in order to put things into perspective, She explained this location will be a satellite office for the Provo CJC, which has a much larger staff. They will take the majority of the Utah County cases. As a Satellite office, they are not as busy. Last Year they had 354 cases, and out of 250 working days that the center was open, that is approximately 1.4 cases per day, which is not high capacity.

Ms. Peay questioned if they could potentially be at a higher capacity at certain times. Mr. Thorne responded by asking if she recalled that part of the requirements of this project, included them getting a parking study done. The study was done over multiple days, during their busiest days of the week. The recommendation was that the CJC only needed 4 available parking spots on their busiest day. Ms. Peay asked if she could see the parking study, and Mr. Thorne advised her it was included in the packet.

Chairwomen Anderson asked for explanation as to how that number could be possible if there are 3 employees, a child's family, maybe a case worker, a police person, a foster parent; that is already up to 7 people. Ms. Allen acknowledged that the concern was valid, and told Chairwomen Anderson that more than half of the employees are part time and are not always there, and assured her the parking study was done on one of their busiest days, and that was the conclusion. She

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continued by saying that due to confidentiality reasons, they are trying to keep it to just one family at a time at their center, as they only have one waiting room. Families sitting and waiting together is not ideal for confidentiality reasons. She reiterated that this is not going to be a high-capacity center, and if they are too busy, the case would go to Provo.

Mr. Frandsen brought up that he has a couple of concerns, one of them being he does not feel that they are approving this solely based on the Children's Justice Center parking requirements. He pointed out that they could sell the property next year and move on. Mr. Christensen voiced a need for clarification under this circumstance. Mr. O'Brien informed them that depending on who takes over, if it is the same use, which would need to be a governmental use, it would have the same parking ratio. Assuming it would be a non-governmental use, it would need a completely new site plan, and the parking would be re-accessed at that point. Mr. Frandsen noted that some of the reconstruction that was done on the property, was not removing historical parts of the property, as the pergola was recently added by a previous owner. He acknowledged the clarification, by saying that if they were not voting to change the parking requirements for all of eternity, he was more comfortable with this situation.

Mr. O'Brien reminded the planning commission that they can make a recommendation for the code requirement to be for a specific type of use. The staff assessed it, and the recommendation for this type of project, would be 14 stalls.

Mr. Bird offered a reminder that while there may only be 6 stalls at the location, they also had the back-up of the tabernacle parking. Mr. O'Brien agreed while reminding them that our code does require that shared parking contracts be for adjacent properties. Across the road is not considered to be adjacent. Having that recorded with that agreement, still allows there to be additional parking if needed by the CJC, but as far as the code reads, shared parking agreements need to be with adjacent properties, so this would allow for overflow, but this would not be an actual shared parking agreement due to code. Mr. Bird asked if the code does allow for overflow parking agreements, and Mr. O'Brien stated that as long as the CJC provides the written contract.

Ms. Allen informed the planning commission that she had several of her employees with her at the meeting, and they would all confirm that they are more than willing to park at the tabernacle and walk the short distance to the CJC

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location. This will ensure that families will be able to park at the center. She advised that the property is owned by the non-profit Friends of the Utah County Children's Justice Center. Once things are complete, there will be a lease with Utah County, and will be at least a 30-year lease, if not longer. She assured the commission that they plan on being at this location for a long period of time, as long as they are needed. Unfortunately, she doesn't see that need going away any time soon, especially at the rate Utah County is growing.

Mr. Dudley apologized for not being at the last meeting as he was on vacation, but admitted he was thinking about this project while he was traveling. The town he was visiting has narrow streets with not much room for parking. He voiced his opinion that people in the west are lazy, and don't want to walk a little bit, but he believes everything possible has been done to accommodate this project, and he is in favor of the 6 stalls. He believes there is plenty of available parking down 100 East, even though the project does not meet the requirements that staff has recommended.

Mr. Martin wanted to mention that any church is not going to enter into an open contract or overflow agreement due to liability reasons. Period. He acknowledges that it is his opinion, but a church with lots of funds, is not going to risk a lawsuit over something happening on their property that has an agreement on it. He also added that really cannot be used as an excuse, as other businesses are required to have proper parking. He admitted he feels bad that this project was started. He stated that while he understands wanting to have a home like feel for the children, we cannot burden the city streets with these city street parking spots and not enough on-site stalls. He believes Our downtown is only going to get denser and denser. There is going to be more and more vehicles, and more and more people. While he hopes that people will start walking, and taking the bus, or the subway, whichever options end up being available here in American Fork, he admits he has major concerns with other projects coming in and saying things were done for the CJC and so the city should be willing to do those things for them too. He added that the way the city is growing, especially the downtown area, he is sorry, but he doesn't like it.

Ms. Allen wanted to make sure the commissioners were re-assured that she was not fibbing about the agreement with the church, and offered to provide e-mails between her, other staff members, and the church if needed. She also added that the LDS church did provide them with a large sum of money to help with construction

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of the Childrens Justice Center, so she believes they are invested. Ms. Peay asked for confirmation that there is only e-mail correspondence at this time, but no contract. Ms. Allen confirmed, while explaining that it has been a long process. She informed them that they have been working with the churches real-estate team, about the possible need to renew the contract every couple of years.

Mr. Bird shared that while he understands the code requires a certain number of parking spots per facility, he also believes it should be taken into consideration that the use of this particular project, shows that they are not going to have multiple families, large crowds, or group meetings there. He also stated that because of the uniqueness of this particular facility, the zoning of parking spaces is something that can be tweaked to accommodate, as the use is pretty limited as far as the feedback goes. He noted that he would hate to see this project held up due to the difference between 6 and 7 parking stalls where there is an overflow as another option.

Mr. O'Brien asked if the agreement would be specifically for the CJC, because if the CJC ever moves out, and another governmental use moves in, 6 stalls would be the approval. He advised that generally when we allow shared parking agreements, it is required to be recorded on the land, and is in perpetuity for any future similar use, unless that use should change from governmental to commercial or back to residential, in which case it would void the previous agreement. Ms. Allen asked in clarification if this means the agreement would need to be based on the building, not the CJC, and Mr. O'Brien confirmed. He reiterated that if the building changes from being a governmental use, the parking agreement is then void.

Ms. Allen asked if they could please find some kind of resolution to this project today, as they have owned this building since November of 2020 and are currently in a rental that is less than ideal for the kind of work they are doing. She continued by adding that they really need to get into this building as soon as possible, so she and her staff can better serve these victims.

Mr. Christensen had a quick question for Mr. O'Brien about the overflow parking not being adjacent to the property, and why it would still require a signed agreement that will be recorded with the property. Mr. O'Brien informed him, that if it is meant to accommodate parking for that building, to support overflow for it, there may be an additional need beyond the approval of the 6. Regardless of the points being made that the property is in the central business district, there have been many plans come through for larger developments, that will take up a lot of

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the on street parking. If there is an ability for off-street parking that would be preferential for long term parking, as the on-street parking should typically be available for short term parking situations. Ms. Peay voiced her concerns about the parking agreement, stating her concern with Ms. Allen saying she may have to renew the agreement every 2 years if they agreed to do that. She advised that if they decided not to do that, it would leave the CJC high and dry. She noted the lack of something more concrete than a few e-mail discussions.

Mr. Frandsen asked Mr. O'Brien if he was correct in understanding that the agreement needs to be an agreement, in perpetuity, for governmental use of the building. In other words, if the CJC uses it for 20 years, then the police department or fire department use it, the agreement is in place forever. Mr. O'Brien confirmed, and added that if the use changes (from Governmental use), the parking would be re-assessed at that time. Mr. Frandsen then asked if this is an agreement that has to be renewed, the agreement would not be satisfactory in this situation. Mr. O'Brien stated that from a staff perspective, if this were an adjacent property, the agreement would need to be in perpetuity and recorded on the land. If that use should change, the agreement would go away and be reassessed with the new project.

Mr. Thorne then asked Mr. O'Brien for clarification on whether the code applies to government buildings. Mr. O'Brien confirmed that code does apply, and he explained the formula he uses in order to come up with an assessment determining the need of 14 spaces at this location. He explained he has done the exact same thing for office space in station 52, and being a government agency did not cause him to give different or preferential treatment. The decisions are based off of staff numbers and the type of business, in order to avoid any ethical issues when navigating such a slippery slope. Mr. Thorne asked to clarify that there is nothing in the code for a specific type of government business by asking Mr. O'Brien if his calculations are based off of the public use building code, and then Mr. O'Brien is the determining factor on assigning the parking spots to a government use building. Mr. O'Brien confirmed, and added that as he looked at the CJC, he made decisions based on the portions of the building that were being used, not the square footage of the building.

Chairwomen Anderson suggested that based on the number of people that would be there per case, that there are over 6 people already, and she also thinks it should be taken into account that one of the 6 spots is handicap, and will likely be unusable. This makes the actual number of parking spaces, 5. Having said that, she

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made it known she is willing to stand by the previous approval of 7 stalls, but does not feel comfortable going lower than that.

Mr. Martin said he would be in favor of approval, pending them getting the parking agreement finalized and recorded with the land. He wished the CJC luck, but he is not convinced the church will enter into the agreement. He reaffirmed he would approve with the valid overflow parking agreement.

Mr. O'Brien informed the commission that while he is not telling them what to do, or even trying to sway their decisions, there are currently 2 options. Where the commission has already approved the site plan with the 7 stalls, that approval is already there. Council made the approval of the requested plan with 6 or more stalls, and the commission could agree to approve the 6 stalls, subject to securing the parking agreement for overflow parking.

Mr. Martin confirmed that he would approve the 6 stalls, pending approval of the overflow parking agreement.

Chairwomen Anderson asked for clarification as to why the approval say's "blank" stalls. Mr. O'Brien informed her that the commission could choose the number of spots they will require for approval, pending any conditions. Anything different than the 6 or more stalls already approved by the city council, would require the CJC to go back to the city council for approval.

Mr. Martin stated that the 6 or 7 spots will become immaterial if the overflow parking is approved.

Mr. Dudley asked the staff if there was an approval for 6 stalls, with the requirement to get the perpetual agreement with the LDS Church in place, and they were unable to do that, could they still move forward with the 7 stall plan that has already been approved. Mr. O'Brien Confirmed, and also stated that this is hard for the staff, as they are supportive of the mission of the CJC, but also must incorporate the code into their decisions.

Ms. Peay asked about denying the 6 stalls, and sending this back to city council, in order to give the CJC time to secure the parking agreement. Mr. O'Brien informed her that they could approve 6 stalls with the condition the parking agreement is secured, and the CJC could continue working on the project with the knowledge that if the parking agreement is not secured, they will need to provide the 7 stalls.

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Ms. Allen asked if the approved site plan with 7 stalls must be the same plans as originally submitted to the Planning Commission. Mr. O'Brien told her it would have to be the revised version of that submitted plan. He informed her that right now, the plan with 6 stalls would be approved as is, pending the secured parking agreement. If the agreement is not secured, they would have to go back to the original approved plan with the 7 stalls.

Bruce Frandsen has a final question about the storm drainage and the open ditch that ran out front of the property. He asked Mr. Mortimer if the issue had been addressed with the city watermaster, and Mr. Mortimer confirmed that it had.

Mr. Thorne noted that they have everything done and ready to go, they are only being held up here with planning commission.

Chairwomen Anderson asked if the parking spots are going to be accessible throughout the months that the city streets are affected by snow. Mr. O'Brien referred them to city code which does not allow on street parking during certain hours, in order to keep the area clear for snow plow accessibility. He also noted that 100 east is a UDOT road, but has the same restriction on parking on the street outside of regular business hours.

Mr. Dudley was still unsure about the verbiage relating to the parking agreement with the church as being perpetual, and Mr. O'Brien reiterated that if the use changes, a new site plan would be needed, and the parking situation would be re-evaluated. Mr. O'Brien assured him that they could make sure the verbiage is clarified in the actual contract with the LDS Church.

Rodney Martin motioned to recommend approval of the site plan and recommend the reduction of parking stalls to ___ 6 ___ 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. Including a requirement to secure the parking agreement with the LDS church at the tabernacle as outlined by planning in this meeting.

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After Mr. Martin Motioned to recommend approval, Ms. Peay asked for additional clarification as to whether the motion should include the verbiage ‘perpetual agreement’. Mr. O’Brien informed her that would be what planning would require. Mr. Martin confirmed the verbiage ‘as outlined by planning’ to be sufficient.

David Bird seconded the motion. Voting was as follows:

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

After voting, Mr. Dudley requested to double back and confirm that if the parking agreement cannot be established, that the CJC can still go forward with the site plan that includes 7 stalls. Mr. O’Brien confirmed. Mr. Thorne asked if they were now able to move forward with construction, including work on the ditch. Mr. O’Brien suggested that while they are able to move forward, he would recommend submitting permit requests based on the 7 stall plan, because they cannot sign off on the 6 until they get the parking agreement established.

The motion Passed

OTHER BUSINESS

Upcoming Projects

APPROVED MINUTES

03.22.2023

Mr. O'Brien informed the planning commission that we had our stationary plan kick off meeting which is one of our requirements by the state for our moderate-income Housing plan, because we have a front runner station in our community. We are having our stakeholder interviews starting Monday. We have reached out to a couple of you as we are trying to get two people from the planning commission and two people from city council to participate. We have reached out to private developers, as well as other people and businesses looking to develop in the area, to participate in the interviews. We are also working with our consultants on this. We will keep you updated as things evolve. We are also working on a couple of annexations for the TOD areas. We have had a couple of issues with people wanting to develop, but not in compliance with the codes of the district. That is becoming challenging, and there will be more discussions.

200 South should be starting construction early this summer. I'm sure that some of you have been down through the TOD area, if you haven't, you should go see the amount of growth that is taking place in that area, even south of 620, and closer to the lake. There is lots of developing and housing happening in that area.

With American Fork starting to grow, there are challenges, one of them being our overall plan for the city. The city council has approved our request for funding a full general plan rewrite, which will likely be an 18-24 month Process. We are hoping to work with Mountain land association to secure some additional money from their tag program, and also get some consultants on board to help guide us with transportation and housing approaches. This is important especially in our downtown area as you saw tonight. We need to be able to accommodate the businesses and growth potential that we have. Our land use vision will most likely need to be updated or changed to reflect our vision to revitalize our downtown.

Chairwomen Anderson asked if we are also looking to be proactive with transit and to upgrade that as well so that the density works in the city. Mr. O'Brien confirmed we are actually looking at more vehicular transportation, and are working with UTA to try and update our other public transportation options in the city.

Mr. O'Brien updated the commission that one of our engineers is leaving as he is planning to move out of state. Mr. O'Brien and the commission thanked him for the work he has done for the city.

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Mr. Frandsen asked to be invited to the up-coming meetings on Monday, to discuss the TOD area plans for development. Since he lives right in the middle of it all, he would like to share his opinion. Mr. O'Brien informed him that the consultants have been in charge of who is invited, but he will pass the information along that he would like to be included.

Ms. Peay asked for a time frame as to when the interviews would take place, and Mr. O'Brien told her there would be one interview every half hour from 8am-4pm, and they would be interviewing one person at a time in order to get as much information from each person as possible. Mr. O'Brien asked if there were any other commission members that would like to be included, but explained they are trying to be fair and not interview everyone, just a few members from each area of city groups and committees.

Chairwomen Anderson asked if the next planning commission meeting would be cancelled, and Mr. O'Brien confirmed the cancelation as it is Spring Break, and agreed to post notice. He informed the commission that the next meeting will be April 19th, 2023.

ADJOURNMENT

Jenny Peay motioned to adjourn the meeting. David Bird seconded the motion.

Meeting adjourned 8:12 PM

Angela McKee

Administrative Assistant

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

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