

APPROVED MINUTES

07.19.2023

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

July 19, 2023

The American Fork City Planning Commission met in a regular session on July 19th, 2023 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

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

Staff Present:

Travis Van Ekelenburg	Senior Planner
Levi Burr	Engineer
Angie McKee	Administrative Assistant I

Others Present: Mike Horan, Tyler Horan

REGULAR SESSION

Chairwoman Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

- 1. Minutes of the June 21, 2023 Planning Commission Regular Session.**

Chris Christensen motioned to approve the Common Consent agenda.

David Bird seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE

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

The motion passed

PUBLIC HEARINGS

- a. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Deer Park – Code Text Amendment, of the American Fork City Municipal Code. Amending Sections 17.4.502 and 17.7.701, the Code Text Amendment plans to provide outdoor storage areas for businesses located in the Planned Industrial (PI-1) Zone.**

Travis Van Ekelenburg reviewed the background information for public hearing item letter a: The applicant has applied for a Code Text Amendment to amend Sections 17.4.502 and 17.7.701 of the American Fork City Municipal Code. The proposed amendment looks to amend the sections that have regulations over the Planned Industrial (PI-1) Zone. They are seeking these amendments to have outside storage for their potential tenants who would benefit from these types of storage areas. The Code Text Amendment has been initiated by the applicant looks to provide ways of shielding the storage areas with landscaping and/or fencing to hide the storage areas in a more appealing manner. The Fencing will be slotted as well as screened as much as possible. With any type of outside storage, the Development Services Director will be taking a look to see exactly how and what can be stored there, making an administrative decision at that point.

Rodney Martin: So why not just do fencing instead of landscaping that may or may not just die off?

Travis Van Ekelenburg: It depends on the development, there may be landscaping requirements that kick in, depending on what they are doing with that particular property for green space.

Jeny Peay: I do have a concern with the type of equipment that's going to be stored here. I don't know any size of landscaping or fencing that would typically screen this size. I personally would like to see what type of equipment is going to be stored here. If you get some of these big crane trucks, you can't really hide those or screen those in any manner. If this was going to be just in

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one area that's one thing, but from what I have seen, it looks like it's throughout the PI-1 (zone). This could be next to a really nice establishment and have all these storage areas with construction equipment next to a nice area.

Travis Van Ekelburg : Yeah, and it is really based off of the director's discretion on how and what can be stored, so I do believe that he would have the ability to really limit what they could and couldn't do administratively.

Bruce Frandsen: So would the director have the authority to show up and say, Hey, shut your outdoor storage down? It's not meeting what you told me. When did or would his approval for outdoor storage of a business be a perpetual approval? Would it go to the next owner the next business moving in there? Would they be able to use that same footprint or whatever? So those are two questions, but my other comment is I think it should be solid fencing.

Travis Van Ekelburg: You as the planning commission are allowed to suggest those things as changes. It will be a permitted use type of application with Patrick. In other words, they won't be able to do it in advance and then come in and get permission afterward. It will be more of a permitted use if they're allowed to do this in that type of zone.

Jeny Peay: So does it rent with the land too?

Travis Van Ekelburg: It could because it is permitted in that zone.

Bruce Frandsen: So there's no provision in the interest to show up and say you're done. You can't have any more outdoor storage?

Travis Van Ekelburg: If it went beyond the scope of what was approved in the first place through application and site plan and Patrick's approval process through each one individually then yes, we would have the authority at that point to shut them down because they're going outside of the scope of what they're allowed to do per the director.

Chris Christiansen: Would that not just be code enforcement at that point?

Travis Van Ekelburg: It would be.

Bruce Frandsen: So I wonder if in the code we could say that permission has to be updated and rebranded every year in conjunction with the business license or something. I hate to have to wait for code enforcement to get on top of it. If they have to come in every year to make sure what they were approved to store is still what they are storing, then it doesn't put the approval on one person to approve it, I just worry that person is really never going to go around to make sure it is still in compliance.

Chairwomen Anderson: Would you recommend changing the language so that it could only allow a subset of outdoor storage?

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Bruce Frandsen: Yeah, maybe something like that.

Chairwomen Anderson: And only allow for certain kinds of fencing?

Bruce Frandsen: Yeah, and I think the fencing should be solid fencing and there ought to be a minimum of seven or eight feet, I don't think a four-foot cinderblock fence would really do the job.

Travis Van Ekelenburg: The main thing is that as a planning commission, you're allowed to make those recommendations, even vote to table and go back with the recommendations that you guys agreed upon obviously.

Chairwomen Anderson: Our options at this point are either approve, deny or table or do we also have the option to adjust the language and move forward?

Travis Van Ekelenburg: You do.

Rodney Martin: I want to remind everyone this is for a PI-1 and PI-1.0 industrial zoned industrial parks. It's not residential. I don't really see a problem. It was mentioned that maybe the landscaping was not going to be there forever, but these are industrial parks, industrial zones, they are going to have some of the stuff. Annually would be too hard for the city to try and keep up with. It's a good idea, but in practice it would be really difficult to do. I don't have too much perspiration over what they store, I mean if they started stacking Conex boxes 10 high, than that would violate another type of code. I don't sweat too much about this being in these zones.

David Bird: I am a little bit vague or uncertain, unlike Rod. I don't know what they are storing here. I don't know if they are storing building supplies or if can be broken down trucks and cars out there.

Rodney Martin: There is code that does not allow them to store derelict vehicles, down to the number of employees they can have, so that would not be a problem. It is also their land so we need to be careful about ownership and them being able to use their property. I have somewhat of a junkyard behind my shop but it is fenced and slatted.

Travis Van Ekelenburg: We do have things in our code to regulate wrecking yards and other things.

Rodney Martin: And again, this is planned industrial.

Jeny Peay: I am going to play devil's advocate a little bit here, could they potentially store these freight containers on top of each other?

Travis Van Ekelenburg: They could. But again, Patrick has the ability to take a look at each one in size and scope of what they are planning to do and put finite regulations on how and what they can and can't do on the property as far as outdoor storage.

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Jeny Peay: I guess my concern is, if you live next to this and you are in a residential area, and you have these big, huge amounts of storage in those areas, I see a problem with this. I feel like this is really going to cause some headaches for surrounding areas of that PD.

Travis Van Ekelenburg: Sure. And I don't know exactly how much residential is close to those zones, and housing and current people that live there and stuff like that.

Rodney Martin: I don't know of any in the city but of course I would love to be shown where they are at.

Travis Van Ekelenburg: We can pull up a zoning map.

Rodney Martin: 90% of the ones that I have seen, there's a road in between, so there is nobody's back yard right up against them.

David Bird: Industrial-residential is divided by a road.

Rodney Martin: Yeah, it is usually divided by a road, but it would be good to find out.

David Bird: I kind of go along with Bruce that the solid fence seems to be more of a solution than chain link with slats.

Jenny Peay: So Travis, would this call out whether or not this could be in a front set back or where the storage would be limited to?

Travis Van Ekelenburg: These are things that the planning commission can dictate as well. You guys can make recommendations. You guys could say things like '50% of property is storage', you know, that type of thing. Like I said, Patrick will still have the ability through taking a look at their site plan to sort of regulate where and how they have the storage on the property from the lens of trying to mitigate affecting the surrounding properties around them. That was kind of the point behind it was to have someone actually have a final say so it's not a free for all.

Chris Christiansen: It has it right here in the language, right? Must have privacy fencing, any outdoor storage must be enclosed by visually obstructive fencing nontransparent. Storage areas must have attractive water conscious landscaping if it is fronting a public right of way... It feels like there are things that are addressing a lot of the concerns that are being voiced here.

Chairwomen Anderson: Can you put the language up on the screen real quick?

Travis Van Ekelenburg: The Staff Report? Yes.

David Bird: I sense that the whole problem centers on not letting this become an eyesore and it's a matter of how we want to mitigate that. Whether it's with a solid wall, or if it's with landscaping, it's just a matter of making sure it doesn't become an eyesore.

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Bruce Frandsen: I think that's part of it. But the real dilemma is how do you define an eyesore? What's an eyesore to one person is beauty to another. I appreciate your comment, if it's in the code, then it becomes a code enforcement issue.

Chris Christiansen: There is another portion here that says 'no portion shall be used for outside fabrication or store product created for the use of making hazardous materials', so there is a fair amount of regulations in the code here.

Jeny Peay: I guess what I look at is when I see this, I am envisioning the city of fun down on Geneva Road, and how they store that. That is what I am envisioning here, so I am just having a hard time with it.

Rodney Martin: So if there was enough fencing around the city of fun it wouldn't be a problem right?

Jeny Peay: Well I think you've got to look at the fencing height, and you have to look at how that is screened.

Rodney Martin: Right, and if the land slopes up with the fence you've got, you can't really do anything.

Jeny Peay: And I think you've also got to look at the height of the material and equipment being stored, because that is what you're going to look at as you drive by. What is going to be visible?

Rodney Martin: Right. We do have the concrete pumping, isn't it Dudley and sons? They have huge pump trucks, but they are a pumping company. I don't know that we can legislate from here on what this says, and this is pretty encompassing.

Jeny Peay: Is there a current height listed in the screening?

Travis Van Ekelburg: Not that I know of.

Chris Christiansen: I look at outdoor storage must be enclosed. So to me that means it needs to be as tall as whatever you're storing there. It does say fleet vehicles are limited to automobiles and light trucks. Heavy trucks, cranes, pumping trucks, those types of things would not be allowed there. That's the way I read this.

Jeny Peay: I think that is why it is very important to clarify where on site they are able to do this. Whether it's on the frontage of the property, or the rear of the property. I mean it is easier to screen in the rear of a property. If you are building a road or something like that, and you have an eight-to-ten-foot fence there, you could be looking at clear vision problems and a whole lot of possible problems there.

Travis Van Ekelburg: Those are things we would definitely look at, you know, from looking at a site plan. The other thing is that with surrounding properties you never know what's going to be around and sometimes the front may be a better option for the storage, because the rear may be closer to residential or some other use that might impact things. That is kind of why this includes

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the administrative part with Patrick taking a look at each one so that he can make those determinations.

Chairwomen Anderson: I feel like having too many specifics beyond what we already have, will take away the ability to decide what is actually best for each property that comes in.

Travis Van Ekelenburg: Yeah, and that was the point behind it considering where those zones are.

Chairwomen Anderson: Would It be standard to say six-foot fence?

Rodney Martin: Is that the minimum or something?

Jeny Peay: I think with fencing, the fencing code is six-foot, isn't it?

Travis Van Ekelenburg: Yeah, the building department would check anything screening wise. They would need a permit for any type of solid fencing with footings or anything like that, the building department would be inspecting as well.

Jeny Peay: So I know that you can call out between a residential and a commercial area, you can call out the fencing height, a little bit different than you can in a residential. So your fence height wouldn't be a maximum of six feet. You could call it out a little bit higher and the type of fencing Absolutely you could call that out what that could be. But again, you're going to have to re-look at the code and where on the property that they're able to do that.

Travis Van Ekelenburg: Yeah, and you know, certain types of fencing as well when you get to a certain height you have to have engineering involved.

Jeny Peay: I think it is anything over 8 feet You have to have engineering involved.

Travis Van Ekelenburg: Things to look at and consider.

Public Hearing Opened

No Comments

Public Hearing Closed

Chairwomen Anderson: Do we have any further suggestions as to additional language we want to add?

Jeny Peay: Personally, I would like to see something came back that's a little bit more specific oriented toward commercial property and height and things of that nature with it.

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Chairwomen Anderson: I would like to offer a lot of options to the land owner, so I would not want to specify too strictly which kind of fence or wall they would need to build, just to be exclusive about what kind of financial investment they are going to need to make to screen. I do think being in this planned industrial area, I am not concerned about seeing the tops of trucks over a six-foot wall, or things like that. I think that in different areas of the code, a lot of our bases are covered as far as making this work well, so I'm not too concerned about it.

David Bird: And it is isolated or separated some from residential. It's got a road between them. I agree it needs to be enclosed, obviously. If there is an industrial business occupying those buildings that needs outside storage in order to run their business, I am okay with it.

Chairwomen Anderson: If anyone is ready to make a motion, we can try that?

Chris Christiansen moved to recommend approval for the proposed Code Text Amendment, amending Sections 17.4.502 and 17.7.701 titled PI-1 and PI-1 (O) Planned Industrial Zone and Planned Industrial Parks, relating to outdoor storage areas in the Planned Industrial (PI-1) Zone, and providing an effective date for the ordinance.

Bruce Frandsen seconded the motion.

Voting was as follows:

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

The motion passed

ACTION ITEMS

- a. Review and recommendation on an application for an Amended Final Plat, known as AF Crossings Plat "E-3", located at approximately 856 South 1000 West,**

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American Fork City, UT 84003. The Final Plat will be approximately 0.43 acres and will be in the PR-3.0 Zone.

Travis Van Ekelenburg reviewed the background information for action item letter a: The applicant has applied for an Amended Final Plat to develop two (2) lots within the area. The project looks to move the boundary lines of the two lots to increase the total square footage of Lot 321 and decrease the square footage in Lot 322. These two (2) lots were already in an approved subdivision, resulting in the amendment. As these two (2) lots were in an approved subdivision they need to vacate the current easement onsite, which has already been done and approved. Utah State also requires the signatures of all property owners within the final plat to be amended and the applicant has provided all those signatures.

Jeny Peay: Was there any easement?

Travis Van Ekelenburg: There was but they vacated and then reinstated through the city council.

Chairwomen Anderson: Any questions, or we can take a motion?

Rodney Martin to recommend approval for the proposed Amended Final Plat, located at approximately 856 South 1000 West, American Fork City, UT 84003, in PR-3.0 Residential 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
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE

The motion passed

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- b. Review and recommendation on a proposed Annexation Agreement, known as Deer Park Thomson, located in the area of 9 West 1100 South, American Fork City, UT 84003. On approximately 4.35 acres, the property will be annexed into American Fork City and be given the Planned Industrial (PI-1) zoning designation.**

Travis Van Ekelenburg reviewed the background information for action item letter b: The applicant has applied for annexation within American Fork City. The project area looks to have the PI-1 zoning designation assigned to the land, which would be for Planned Industrial Projects. This piece of land will be East of 100 West (Boat Harbor Road) and south of 1100 South.

Project Conditions of Approval

1. Annexation agreement for Deer Park South approval, subject to the condition of all relevant and required exhibits and attachments to be provided to City staff prior to moving forward to City Council.

Travis Van Ekelenburg: The applicant has put two applications in for annexation Deer Park Deer Park Thompson and Deer Park itself. Both properties are required to be annexed at the same time into the city. The city master transportation plan has a section of land between the two properties that will have the zoning designation of PF public facilities attached to it as to make it available for future arterial roadway. The issue to keep the section of land for transportation of the PSLV designation was decided after the staff reports were created. So we're mentioning it here now. So this is a snapshot from the approved master transportation plan. As you can see, the approximate route of the Pony Express roadway would go through there. I just put on here the Deer Park South as it had the PF zoning designation. And as you see where it goes the other portion is up above here for the Deer Park Thompson. That would make this PF zoning designation set aside for the roadway at some point in time. So taking a look at it, everything else as far as annexation seems all in order. So do you have any questions of staff?

Bruce Frandsen: Yeah, is the PF area the only area on top of the easements that the power company has, or does it expand beyond that?

Levi Burr: No, so that's kind of aligned with 120-foot roadway that lines partial to the south east of it. Underneath the power lines would just be given by code and what Rocky Mountain Power would allow to be built under their easements or whoever owns those easements.

Bruce Frandsen: Do we still have a trail system that goes through there?

Travis Van Ekelenburg: Possibly I don't have the trail map in front of me.

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Levi Burr: I believe that trail was relocated to just north of I think it's 1300 south.

Bruce Frandsen: Yeah, I think we did that a while back. I just wanted to make sure that all the documents are caught up with that because I think that's what we did was moved that trail up along that road instead of trying to follow those power lines, right near the middle of the industrial area.

Chairwomen Anderson: It looks like the applicant is here. If you'd like to come forward and speak about this you are welcome to. Can you state your name please?

Tyler Horan: Tyler Horan, I don't have much to say. We are just looking to annex in and looking for the industrial zone like the property is next door. I think the plans are everything that staff asked for, so if you have any questions, I can answer them.

Chairwomen Anderson: Okay, Great. Thank you. Then maybe we might be ready for a motion?

Travis Van Ekelenburg: I just want to mention we are going to have two separate motions for Deer Park Thompson, and Deer Park South, so we will do them one at a time. Thank you, Madam Chair.

Bruce Frandsen moved to recommend approval for the proposed Annexation Agreement, located at 9 West 1100 South, American Fork City, UT 84003, subject to any conditions found in the staff report and recommended by the Fire Marshall.

Rodney Martin seconded the motion.

Voting was as follows:

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

The motion passed

- c. Review and recommendation on a proposed Annexation Agreement, known as Deer Park South, located in the area of 9 West 1100 South, American Fork City, UT**

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84003. On approximately 6.86 acres, the property will be annexed into American Fork City and be given the Planned Industrial (PI-1) zoning designation.

Travis Van Ekelenburg reviewed the background of action item letter c: The applicant has applied for annexation within American Fork City. The project area looks to have the PI-1 zoning designation assigned to the land, which would be for Planned Industrial Projects. This piece of land will be East of 100 West (Boat Harbor Road) and south of 1100 South.

Project Conditions of Approval

1. Annexation Agreement of Deer Park Thomson approval, subject to the condition of all relevant and required exhibits and attachments to be provided to City staff prior to moving forward to City Council.

David Bird moved to recommend approval for the proposed Annexation Agreement, located at 9 West 1100 South, American Fork City, UT 84003, 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
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE

The motion passed

Upcoming Projects

Other Business

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Travis Van Ekelenburg: There is not much at this time. We have a few applications coming in, and we are working on the city code.

Chairwomen Anderson: You mentioned you're still looking for a date for a training retreat, a couple of hours for us to come together?

Travis Van Ekelenburg: Yeah, we are still working on that as well.

Adjournment

Jeny Peay motioned to adjourn the meeting.

Rod Martin seconded the motion.

Meeting adjourned at 6:37 PM

Angie McKee

Administrative Assistant I

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