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3 **PLEASANT GROVE CITY**  
4 **PLANNING COMMISSION MEETING MINUTES**  
5 **JULY 11, 2024**  
6

7 **PRESENT:** Chair Karla Patten, Commissioners Dustin Phillips, Jim Martineau, Alicia Redding,  
8 Kenna Nelson, Denise Trickler  
9

10 **STAFF:** Daniel Cardenas, Community Development Director; Jacob Hawkins, City Planner;  
11 Sean Cho, Staff Engineer; Christina Gregory, Planning & Zoning Assistant; Magali Acevedo,  
12 Administrative Assistant  
13

14 **EXCUSED:** Commissioners Jeffrey Butler, Todd Fugal, Wendy Shirley  
15

16 Chair Karla Patten called the meeting to order at 7:00 p.m.  
17

18 **REGULAR SESSION**  
19

20 **Commission Business:**  
21

22 1. **Pledge of Allegiance and Opening Remarks:** Commissioner Redding led the Pledge of  
23 Allegiance. Commissioner Nelson offered the opening remarks.  
24

25 2. **Agenda Approval.**  
26

27 Chair Patten reported that Item 3 was continued to July 18, 2024.  
28

- 29 • **MOTION:** Commissioner Martineau moved to APPROVE the agenda, as  
30 amended. Commissioner Redding seconded the motion. The Commissioners  
31 unanimously voted "Yes". The motion carried.  
32

33 3. **Staff Reports:**  
34

- 35 • **MOTION:** Commissioner Redding moved to APPROVE the Staff Reports.  
36 Commissioner Dustin Phillips seconded the motion. The Commissioners  
37 unanimously voted "Yes". The motion carried.  
38

39 4. **Declaration of Conflicts and Abstentions from Commission Members.**  
40

41 There were no declarations or abstentions.  
42

**ITEM 1 – Public Meeting: Preliminary Subdivision Plat – Located at 190 E 100 S  
(Old Fort Neighborhood)**

Public Meeting to consider the request of Kristen Shumway for a 2-lot preliminary residential subdivision plat, called S&K Shumway Plat 'A' on 0.235 acres, located at 190 East 100 South in the Downtown Village Zone - Transitional Subdistrict. (Administrative Item)

City Planner, Jacob Hawkins, presented the Staff Report and stated that the request is for a two-lot preliminary residential subdivision plat on the corner of 100 South and 200 East. The request seeks to subdivide the lot in a manner that cleans up the two parcels of land under the same property owner and permits the construction of a twin home in the Downtown Village Zone-Transitional Subdistrict. The minimum lot size in the zone is typically 5,000 square feet per lot, however, duplexes, are required to have a minimum of 3,000 square feet per unit. Here, each of the two subject lots are at least 5,000 square feet in size. The lot width and frontage required in the subject zone are 50 feet, which this plat complies with. The setbacks for the building envelope are different because a corner lot is involved. The two sides facing the street will have setbacks of 20 feet from the property line to allow a full driveway between the house and the property line without blocking the sidewalk. The other two setbacks are to be 10 feet. The driveway will be 20 feet deep. Although the setbacks referenced in the preliminary plan currently show 15-foot setbacks instead of the 20-foot requirement, the final plan will show the correct setback footage. Other than that detail, the proposed subdivision complies with the zoning requirements and staff approves the request. When asked for confirmation that the size of the lot required for a duplex was 3,000 square feet per unit, Planner Hawkins stated that the building envelope suggests that this twin home is to go over both lots.

Commissioner Martineau asked Planner Hawkins to clarify the distinction between a twin home and duplex. Planner Hawkins explained that a duplex is on a single lot whereas with a twin home each home is on its own lot.

Chair Patten reported that because this is a public meeting, there will be no public discussion. She invited the Commissioners to either continue the discussion regarding the item or bring a motion if no further discussion was necessary. There was brief discussion about the differences between public meetings and public hearings. Community Development Director, Daniel Cardenas, clarified that because this is a public meeting, a public hearing is optional but not required. The Chair then asked the audience if anyone wanted to be heard.

*Mark Greenwood* from ALM Engineering was present representing the applicant and stated that the Shumways purchased the lot with an existing home on the north side that has since been removed. He has enjoyed working with staff and the City for many years and was available to answer questions.

Chair Patten opened the public hearing.

*Jonathan Hart*, a neighbor, asked if the City Code pertaining to lot size requirements is being circumvented by applicants adding a small portion of land to the property to subdivide. He cited a provision in the Code that addresses flag lots, which indicates that odd-shaped or flag lots are discouraged if their purpose is to merely maximize the number of lots in a subdivision. He has

1 done a lot of work on his historical home and was concerned that increasing the density in the area  
2 will decrease the value of his property and reduce the historical value of the area. The street he  
3 lives on is filled with historical homes and has a lot of charm.

4  
5 *Scott L. Smith* resides in Highland and serves on the Highland City Council. He appreciated being  
6 able to speak and for the work of the Commission. He is involved in planning and zoning issues  
7 in his community and expressed general concern about how property, Statewide is being  
8 addressed. He described his long-standing relationship with Pleasant Grove. His grandfather  
9 started Smith-Rexall Drug and purchased the home across the street from the subject property 101  
10 years ago. He has since inherited it and is in the process of restoring it. He was opposed to the  
11 rezone request and stated that the Shumways have not been specific about what they plan to do  
12 with the property and should have come to the City with a specific plan. He did not understand  
13 why they would want to destroy a historical area and home to build high-density rental homes.  
14 Pleasant Grove has other areas for this type of housing. He drew attention to property south of his  
15 that contains fourplexes and duplexes and is now blighted. He does not want that to happen in this  
16 area. There have been attempts to get the Shumways to sell the property, so a single-family  
17 residential unit can be built there, without success. He appreciates that staff promotes high-density  
18 projects, but the city does not need it. He is opposed to this and if he had known that this was  
19 happening, he would never have invested a million dollars fixing up his home across the street.

20  
21 *Buzz Hollinshead* reported that he lives directly south of the subject property. Their home was  
22 built in the 1930s and they purchased it a few years ago and have since restored it. She understands  
23 there was a beautiful home on the site that was torn down so a duplex could be built there. She  
24 felt that this action will decrease their property value and the esthetics of the neighborhood. The  
25 fact that the cutout was allowed was discouraging. She found it disconcerting for the City to allow  
26 this to happen in a beautiful, historic neighborhood. The homes have value beyond the property  
27 as they are historic in nature. Duplexes and high-density homes in the neighborhood will detract  
28 from the charm and beauty of the area.

29  
30 There were no further comments. The Chair then closed the public hearing and invited the  
31 Commissioners to either continue the discussion regarding the item or bring a motion if no further  
32 discussion was necessary.

33  
34 Commissioner Redding asked if the zoning addresses the concerns raised. Director Cardenas  
35 stated that the comments presented are good if they were addressing a legislative decision to  
36 change the rules for the zone. What is before the Commission is an administrative decision that  
37 involves determining whether the project meets the rules established in the zone. The  
38 determination is not whether a duplex will be placed on the property but pertains to property lines.

39  
40 The Commission acknowledged the public comments and made the following points:

- 41  
42 • The word "duplex" was referenced and carries a stigma that the property being considered  
43 will be of lower quality because it is multi-family housing. The request pertains to  
44 developing a twin home, which involves two houses that are joined while the parcels  
45 remain separate.

- There was discussion about the property being a rental. The City cannot and does not get involved in an owner's decision to rent property, which is a legal use and not something the Commission can consider. The same approach applies to the perception that property values will decrease if there are renters.
- There was mention of a small piece of property being added to the lots. The Shumways own all of the property and there is no action to be taken.
- The Code section referenced regarding flag lots indicates that square lots are preferred. Nothing in the Code prohibits odd-shaped lots. The Planning Commission has to work with the laws as they are written. What is before them is an administrative decision.
- The Commission is not currently addressing architectural designs or styles.

Director Cardenas invited the public to contact him with questions regarding future development or historical concerns.

**MOTION:** Commissioner Redding moved that the Planning Commission forward a positive recommendation of APPROVAL for the request of Kristen Shumway for a subdivision plat called S&K Shumway Plat 'A' on property located at 190 East 100 South on property zoned Downtown Village Transitional Subdistrict; and adopting the exhibits, conditions, and findings of the staff report, and as modified by the condition below:

1. All Final Planning, Engineering, and Fire Department requirements are met.

Commissioner Nelson seconded the motion. The Commissioners unanimously voted "Yes". The motion carried.

**ITEM 2 – Public Hearing: Rezone – Located at approx. 29 S 2000 W**  
**(Sam White's Lane Neighborhood)**

Public Hearing to consider the request of J.C. Smoot to apply the Grove Business Park Overlay to approximately 4.86 acres on property currently zoned The Grove – Commercial Sales Subdistrict, located at approximately 29 South 2000 West. (Legislative Item)

Planner Hawkins presented the Staff Report and identified the location of the subject vacant property on an aerial map displayed. The 4.86-acre property is in The Grove-Commercial Sales Subdistrict. In March 2024, the applicant met with staff about developing the northern portion part of the property as a flex-space building. The subject property is irregularly shaped and has been historically occupied by a single-family residence that exists on the south portion of the property. Most of the surrounding property is residential in nature with the exception being property to the north that is currently being considered for a commercial site.

Planner Hawkins stated the following:

- Flex-space buildings largely fall under Use 6376, Warehousing and General Storage. Each commercial unit usually contains a section that is dedicated to retail or office space with the remaining larger area dedicated to warehousing and storage. Typically, it is difficult to have flex space in The Grove-Commercial Sales Subdistrict because it is not listed as a permitted use.

- 1 • The flex spaces currently located in the zone were allowed to be part of the Grove Business  
2 Park Overlay in exchange for providing retail uses prior to flex space uses. For example,  
3 doTERRA and the flex-building occupied by the Tesla Dealership were identified. In both  
4 cases, the developers agreed to provide sales tax-generating activities in exchange for  
5 having the overlay. doTERRA is one of the largest sales tax contributors in the City and  
6 the two Tesla flex-space buildings were constructed after the Tesla dealership was  
7 established.
- 8 • Flex-space uses are strongly discouraged from being adjacent to residential uses because  
9 of the intensity of uses, which could include Light Manufacturing and present a nuisance.
- 10 • The Grove-Commercial Sales Subdistrict already permits a wide variety of retail and office  
11 uses as well as hotels, entertainment, assembly, amusements, and parks. The development  
12 in the Subdistrict should contribute to the creation of a unique signature image for the City  
13 and encourage pedestrian activity, social interaction, and quality shopping experiences.
- 14 • The Grove Business Park Overlay expands on the uses already permitted in The Grove-  
15 Commercial Sales Subdistrict by adding light manufacturing uses. The intent is to provide  
16 a mixture of research, office, retail, warehousing, and certain specialized light  
17 manufacturing uses. Some of the permitted uses in the overlay include printing services,  
18 pharmaceutical and nutritional supplemental manufacturing, machinery and equipment  
19 sales, and general warehousing and storage. Many of the more intense uses are not  
20 recommended to be neighboring residential zones.
- 21 • The General Plan shows that the property is located in the Grove-Commercial designation,  
22 which was identified in red. The proposed flex space use was determined to be a better fit  
23 with the industrial manufacturing designation rather than the Grove-Commercial  
24 Subdistrict designation. The industrial manufacturing designation area is located in the  
25 southern part of the City between The Grove and South Main Street and includes a variety  
26 of manufacturing warehouses, flex uses, storage facilities, industrial yards, and a charter  
27 school. The Grove-Commercial Subdistrict is to be a subdistrict of The Grove Zone, which  
28 is dedicated to commercial sales, retail, hotels, small event centers, and theme parks.
- 29 • Pleasant Grove has a limited amount of space for development especially near Pleasant  
30 Grove and North County Boulevards. A City goal for the remaining land is for it to be  
31 used for retail sales tax generating uses. Warehousing uses, such as flex space, limit the  
32 area that can be used for tax-generating uses as the warehousing uses do not contribute to  
33 any retail sales tax collected by the City.
- 34 • The Commission also needs to consider if new development is to occur on the subject  
35 property and whether a subdivision will be required, which may require 100 South to be  
36 extended to North County Boulevard. This connection would provide greater access to  
37 property that could be used for further commercial development.

38  
39 Staff recommended denial of the proposed rezone due to the existing surrounding uses, the need  
40 to require the connection of 100 South, and the need to preserve retail uses instead of allowing  
41 manufacturing uses.

42  
43 Commissioner Martineau asked if there was a proposed plan to connect North County Boulevard  
44 and 100 South. Planner Hawkins stated that the City will require that be done if there is  
45 development; that would also involve designs to be submitted and the Utah Department of  
46 Transportation ("UDOT") to be involved.

1  
2 The applicant, J.C. Smoot, stated that they are not asking to change the zoning but for the overlay.  
3 Director Cardenas stated that the matter is considered a rezone as the overlay adds different  
4 requirements from what is in the zone. Mr. Smoot expressed his appreciation for staff's efforts to  
5 increase retail development in Pleasant Grove and was excited about what they are proposing. He  
6 made the following points:

- 7
- 8 • To consider the request it is important to understand how the property is situated. He  
9 presented an aerial view of the subject property and the surroundings noting that the area  
10 contains about 11 acres that are held under different ownership.
  - 11 • He has a background in commercial sales and leasing and is a licensed commercial broker.  
12 He knows that visibility is very important for commercial retail spaces. The subject  
13 property is located behind another vacant parcel and will have no visibility from an arterial  
14 road if the adjacent property along North County Boulevard is developed.
  - 15 • As they have no control over what is developed on the neighboring property, they  
16 concluded that a flex building would best meet their development needs. The site is not an  
17 area where commercial sales would be successful but would be appropriate for an overlay.
  - 18 • After reading the Staff Report he stated that there appears to be confusion regarding what  
19 they are seeking. They are applying for a Business Park Overlay to develop a business  
20 park, not a large unsightly manufacturing plant. What they are proposing can be found  
21 throughout the City near residential areas.
- 22

23 Commissioner Martineau asked for examples of other properties that are located next to residential  
24 areas. Mr. Smoot referred to page 6 of the Staff Report and stated that there was discussion about  
25 the various projects listed. He added that there is a large water feature that serves as a natural  
26 buffer on the property that will need to be delineated with the involvement of the Army Corps of  
27 Engineers. It was noted that there is a large natural buffer with the wetlands that separates the  
28 property from the adjacent condominiums.

29  
30 Mr. Smoot's business partner, Sam Steele, reported that the water feature is a natural  
31 drainage/wetland area. He identified the unbuildable portions of the property and noted that the  
32 proposed road through the area will need to be approved by the Army Corps of Engineers. He  
33 then displayed a picture of the proposed development. He has an e-commerce business that  
34 specializes in health, wellness, and nutraceuticals, which is currently located in Provo. They have  
35 outgrown their space and are looking for a new location. The company is growing. Last year,  
36 they did \$15 million in sales and expect \$20 million in sales this year. The property is perfect for  
37 what they want to do but the current zoning does not allow for it. They do not do any  
38 manufacturing but bring products in and assemble them into packages. In speaking with Director  
39 Cardenas and Planner Hawkings, the City clearly wants retail sales and if they proceed, staff will  
40 recommend denial. They were advised to reach out to the City Council regarding the possibility.  
41 They met with multiple members of the City Council and got an overwhelmingly positive  
42 response, which was why they were before the Commission today. The applicants feel that the  
43 subject property would be ideal for a business park.

44  
45 Commissioner Phillips appreciated seeing the individual proposal but stated that the request cannot  
46 be considered. The Commission is required to look at only the zoning including potential changes.

1 The discussion then turned to the need to put a road through if development were to occur. The  
2 applicants met with the City Engineer regarding that issue and stated that the City is motivated to  
3 get the road pushed through, which would be a significant financial investment for them. Although  
4 the adjacent property that is needed to connect 100 South to North County Boulevard is for sale,  
5 the applicants have approached the owner about putting the road through but have not reached an  
6 agreement. The City Engineer indicated that they would approve a road to the end of the subject  
7 property. If development occurs, Director Cardenas clarified that the City Engineer indicated that  
8 the applicants would be required to perform a Traffic Study to determine if traffic use supported  
9 taking the road through to North County Boulevard.

10  
11 In response to a question raised, Planner Hawkins reported that the term "flex-use" sometimes  
12 draws a negative image; however, the Staff Report does not provide an opinion about the  
13 applicant's proposed project design. It solely addresses the land uses and the rezone issue.  
14 Director Cardenas described how the ability to generate sales tax is considered in applying the  
15 overlay and gave examples of how it was used with doTERRA and Tesla at St. John Properties.

16  
17 Chair Patten opened the public hearing.

18  
19 *Matthew Smoot* referenced page 6 of the Staff Report and asked if the Grove Business Park area  
20 referenced is adjacent to the Mixed Housing residential area and refers to the Business Park  
21 Overlay. Director Cardenas clarified that what is being discussed are land use designations within  
22 the General Plan and it is acceptable to put a Business Park next to a residential area. Mr. Smoot's  
23 opinion was that what is being proposed is compatible with surrounding uses. Director Cardenas  
24 described the historical chronological development of the area near doTERRA and the use of area  
25 buffers.

26  
27 *Dallin Nelson*, a realtor that has had this listing for the past 6 years, stated that this is a great  
28 property but it is tucked behind the adjacent property that fronts North County Boulevard and has  
29 various challenges. The applicant is trying to develop something that provides a great opportunity  
30 for the City. They should look at the highest and best use of the property; he was of the opinion  
31 that the space between the project and the neighboring residential property is adequate.

32  
33 Chair Patten referenced an email that was received from *Lynnette Carruthers* with a concern that  
34 allowing the rezone for manufacturing is undesirable due to the project's proximity to her  
35 residence and anticipated impacts of noise, traffic, and environmental issues.

36  
37 There were no further public comments. The Chair invited the Commissioners to either continue  
38 the discussion regarding the item or bring a motion if no further discussion was necessary.

39  
40 There was discussion regarding the focus of the Commission on evaluating this request, the focus  
41 on the property as a whole, and the potential changes to the area. It was suggested that care be  
42 taken to not use examples of the overlay application as a precedent as the circumstances  
43 surrounding the development may vary. Resident concerns were addressed including a concern  
44 regarding commercial businesses being too close to residential. It was noted that the area is zoned  
45 commercial, which will not change. With respect to the traffic impact, the impact will be  
46 determined by the type of business that is developed. The requirement that comes from the



necessary engineering approval will protect how the roads are developed. Buffers were briefly discussed and it was noted that although the wetland may currently serve as a buffer, its status could change as it is not permanent. There was mention of the fact that there are a number of undeveloped parcels in Pleasant Grove that remain undeveloped. Development can be encouraged by adjusting what is required. The role of the Commission is to make a recommendation.

**MOTION:** Commissioner Trickler moved that the Planning Commission forward a recommendation of DENIAL for the request of J.C. Smoot to apply the Grove Business Park Overlay to approximately 4.86 acres of property zoned The Grove Commercial Sales Subdistrict located at approximately 29 South 2000 West, based on the following finding:

1. The applicant can work within the authority of the current zone.

Commissioner Redding seconded the motion. Vote on motion: Commissioner Trickler-Yes, Commissioner Nelson-No, Commissioner Phillips-No, Chair Patten-Yes, Commissioner Martineau-Yes, Commissioner Redding-Yes. The motion passed 4-to-2.

**ITEM 3 – Public Hearing: Code Text Amendment – Section 10-15-14: Flag Lots (City Wide)**

Public Hearing to consider a request from Pleasant Grove City to amend City Code Section 10-15-14, Flag Lots. The city is proposing to make changes to the zoning requirements for the potential development of interior lots with the intent to facilitate the development of infill areas in an orderly and reasonable manner. (Legislative Item)

*The above item was continued from June 27th and further continued to July 18, 2024.*

**ITEM 4 – Review and Approve the Minutes from the June 27, 2024, Meeting.**

**MOTION:** Commissioner Phillips moved to APPROVE the minutes from June 27, 2024. Commissioner Redding seconded the motion. The Commissioners unanimously voted “Yes”. The motion carried.

**MOTION:** Commissioner Martineau moved to ADJOURN. The Commissioners unanimously voted “Yes”. The motion carried.

The Planning Commission Meeting adjourned at approximately 8:16 p.m.



Planning Commission Chair



Christina Gregory, Planning & Zoning Assistant

8-22-2024

Date Approved