

# Pleasant Grove



Utah's City of Trees

## **PLEASANT GROVE CITY PLANNING COMMISSION MEETING MINUTES NOVEMBER 21, 2024**

**PRESENT:** Chair Karla Patten, Commissioners Jeffrey Butler, Todd Fugal, Jim Martineau, Wendy Shirley

**STAFF:** Daniel Cardenas, Community Development Director; Jacob Hawkins, City Planner; Christina Gregory, Planning & Zoning Assistant

**EXCUSED:** Commissioners Dustin Phillips, Alicia Redding, Denise Trickler, Kenna Nelson; Aaron Wilson, City Engineer; Magali Acevedo, Administrative Assistant

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

### **REGULAR SESSION**

#### **Commission Business:**

**1. Pledge of Allegiance and Opening Remarks:** Commissioner Wendy Shirley led the Pledge of Allegiance. Commissioner Todd Fugal offered the opening remarks.

#### **2. Agenda Approval.**

- **MOTION:** Commissioner Jeffrey Butler moved to APPROVE the agenda as written. Commissioner Jim Martineau seconded the motion. The Commissioners unanimously voted "Yes". The motion carried.

#### **3. Staff Reports:**

- **MOTION:** Commissioner Todd Fugal moved to APPROVE the Staff Reports. Commissioner Jeffrey Butler seconded the motion. The Commissioners unanimously voted "Yes". The motion carried.

#### **4. Declaration of Conflicts and Abstentions from Commission Members.**

There were no declarations or abstentions.

1 **ITEM 1 - Public Hearing: Conditional Use Permit – Located at 470 Valley View Drive**  
2 **(Scratch Gravel Neighborhood)**

3 Public Hearing to consider the request of Pablo Duvanced for a major home occupation for a  
4 daycare within a residence, located at 470 Valley View Drive in the R1-8 (Single-Family  
5 Residential) Zone. (Administrative Item)

6  
7 Jacob Hawkins, City Planner, explained that the item is for a conditional use permit for a daycare  
8 at 470 Valley View Drive. The subject property and surrounding properties are located in the R1-  
9 8 Zone. The neighborhood has been developed for residential uses and there is a high school and  
10 Valley View Elementary School nearby.

11  
12 Daycares and preschools as home occupations have many different requirements that need to be  
13 met by both Pleasant Grove City and by the state. He recommended going through a couple of  
14 these requirements and comparing them to what the applicant is requesting.

- 15  
16 • Section 10-15-27 of the zoning ordinances states that a family (home) group daycare is  
17 limited to at least eight children (including the provider's own children), but less than  
18 thirteen children overall.  
19 • The City does not outline restrictions for the age of children for whom a daycare may  
20 provide services for, but Utah State has additional requirements depending on the ages of  
21 children, such as requiring at least two caregivers if more than three children younger than  
22 two years old are present and there are more than six children in care, or that if there are  
23 children under 18 months that there is at least one caregiver for every two infants.  
24 • The zoning ordinances permit for there to be additional non-resident employees "during  
25 daytime business hours (8:00 AM to 5:00 PM)", subject to the conditions that "no more  
26 than one nonresident employee is permitted for homes with lots under twelve thousand  
27 (12,000) square feet" and that "on street parking shall not be allowed".  
28 • The State of Utah also requires that each employee associated with a daycare is properly  
29 licensed and must have a background check performed.

30  
31 The applicant requests to provide daycare services to 13 children ranging from ages 0 to 12.

32  
33 As for the number of employees, the applicant is intending for there to be one non-resident  
34 employee to help with the daycare.

35  
36 For the hours and location, there will be some prep work and some cleaning before and after hours,  
37 but ultimately, no child associated with the daycare will be on the premises before 8am and after  
38 5pm. While the children are on the premises, they will remain in the living room, dining room,  
39 and kitchen. When the children need some extra activity, they will be taken to other places, such  
40 as a park or indoor location depending on the weather and temperature. There is a basement  
41 associated with the residence, but because there is no interior access to the basement, and in order  
42 to meet the requirement that only 25% of the house may be used for a home occupation, the  
43 basement will not be used for any part of the daycare.

44  
45 As for parking and transportation, the applicant intends to have a vehicle to provide transportation  
46 to pick up and drop off kids instead of having family members come to the home, and that way

1 they can have less of an impact on parking and on the neighborhood. This vehicle would be  
2 required to be garaged and may not exceed one-ton gross vehicle weight. Additionally, Utah State  
3 requires that a transportation permission form is on file for each child that is signed by the parent  
4 or guardian and located on-site for inspections. The State also requires that the vehicle used for  
5 transporting children is enclosed with a roof, is equipped with safety restraints, has a current  
6 vehicle registration, is maintained in a safe and clean condition, and contains first aid supplies.

7  
8 The residence has a one-car garage, which will store the van used for transportation, a carport for  
9 the applicant's personal vehicle, and the driveway will accommodate the one non-resident  
10 employee's vehicle and one space for any parking that may be needed.

11  
12 The zoning requirements permit business activities to be conducted within a residence on a limited  
13 basis, if such activities comply with the conditions section of the home occupation requirements.  
14 The use should be conducted so that neighbors, under normal conditions, would not be aware of  
15 its existence.

16  
17 The Planning Commission could also implement any additional conditions for major home  
18 occupations as deemed necessary. To help with this, Staff has determined that the proposed use  
19 meets the requirements of the R1-8 Zone and Section 10-21: Home Occupations, and recommends  
20 approval of the Conditional Use Permit with the following conditions:

- 21 1. No on-street parking is permitted as a part of the home occupation;
- 22 2. All necessary licenses are obtained and maintained;
- 23 3. All conditions for home occupations are met, subject to Sections 10-21-4 and 10-15-  
24 27 of the zoning ordinances;
- 25 4. The basement may not be used for any part of the home occupation;
- 26 5. The hours for the home occupation be strictly limited from 8:00 AM to 5:00 PM,  
27 Monday through Friday, and that no child associated with the daycare will remain on  
28 the premises beyond the permitted hours;
- 29 6. One non-resident employee is permitted for the duration of the home occupation and  
30 must be properly licensed; and
- 31 7. All Final Planning, Engineering, and Fire Department requirements are met.

32  
33 Additional conditions may also be considered, such as limiting the age range of children for the  
34 daycare, the number of children, signage, parking, and so on.

35  
36 Commissioner Jeffrey Butler asked if on-street parking would include the drop off of children.  
37 Planner Hawkins replied in the affirmative. Commissioner Butler continued to question if parents  
38 would be required to pull into the driveway to drop off. Planner Hawkins stated if there are any  
39 parents that show up to drop off their children then yes.

40  
41 Commissioner Todd Fugal observed that the applicant is applying to be classified as a family group  
42 and noted that the requirements for a family group are different than a family home. He pointed  
43 out that the one difference in the code is that a family home group daycare needs to conform to  
44 International Building Code. He asked if there was an effort made to ensure the residence is up to  
45 International Building Code. Planner Hawkins explained that every home should meet the  
46 International Building Code, especially if there will be children there. If there are going to be a

1 lot of children on the property, the City needs to perform an inspection and confirm the home is  
2 suitable for the children. Commissioner Fugal asked if that inspection has been done or is planned.  
3 Planner Hawkins clarified that the inspection would be done for the applicant to receive a business  
4 license. Commissioner Jim Martineau added that IBC code has completely different egress from  
5 a normal house and there are several nuances that would require a Building Official to look since  
6 there are quite a few variations since commercial code would apply. Commissioner Fugal  
7 reiterated that the single difference in the code is meeting the International Building Code  
8 requirements. He continued that a family group allows up to 13 children and a family home allows  
9 up to 8 children. Planner Hawkins explained that a family group also requires a conditional use  
10 permit. Commissioner Fugal questioned what happens when the daycare enrollment goes under  
11 eight children. Planner Hawkins explained that, so long as this major home occupation is  
12 approved, the requirements for a family group would be prevalent because of the conditional use  
13 permit. If the request changes for the applicant to only stay under six children, it could be permitted  
14 for a minor home occupation for a daycare. However, they would still need to meet all the  
15 conditions in the home occupation section. Commissioner Fugal asked if they would be limited  
16 to at least eight children; he found it odd that there is a minimum. Planner Hawkins interpreted  
17 the code to say that eight children would trigger a conditional use permit. Commissioner Fugal  
18 inquired what happens if their enrollment is at seven. Planner Hawkins said that a conditional use  
19 permit would be required for any enrollment over six children according to the home occupation  
20 section in the Pleasant Grove zoning ordinances. If it is six or less, it is considered a minor home  
21 occupation but anything above that would require the conditional use permit and it will be  
22 considered a group home even though the language states the minimum is eight. What is of most  
23 importance is the safety of the children and making sure whatever conditions need to be imposed  
24 on the property are met. Planner Hawkins reiterated that safety is paramount.

25  
26 Commissioner Wendy Shirley noted that the applicant mentioned that when the kids need exercise  
27 they will be taken to a park or indoor facility but she was curious if with the conditional use permit  
28 they would be allowed to use the backyard. Planner Hawkins cited code section 10-21-4 and stated  
29 the code contains a condition that requires that the home occupation shall be conducted wholly  
30 within the structure on the premises and shall not exceed 25%. It is because of this section that  
31 the backyard would not be appropriate to utilize in order to meet all of the conditions for a home  
32 occupation. This is the reason why the children would be required to go to an offsite location.

33  
34 Commissioner Fugal asked how realistic the hours are from 8 am until 5 pm. Planner Hawkins  
35 offered that 8 am to 5 pm is the only time the children will be on the premises. However, the prep  
36 work, the cleanup, and the transportation would occur outside of those hours. Commissioner Fugal  
37 mentioned this may be a question for the applicant but if they are watching children while the  
38 parents are at work and they have a standard 40 hour work week somewhere, he did not feel like  
39 8 am to 5 pm is enough hours for the children to be at the home. His concern is that a neighbor  
40 would complain that the parent did not pick up until 5:15 or 5:30. Commissioner Butler added  
41 that they could also arrive early at 7:30 instead of 8 because they needed to get to work. Planner  
42 Hawkins stated that the hours from 8 am to 5 pm is the timeframe for the non-resident employee  
43 in accordance with Pleasant Grove's code.

44  
45 Director Daniel Cardenas interjected that the conditions are being proposed by Staff and suggested  
46 that the applicant should come up to share details about the proposed business.

1  
2 Commissioner Fugal asked for clarification if there was anything that would prevent the  
3 commission from approving hours from 8 am to 6 pm. Director Cardenas stated no.

4  
5 Pablo Duvanced, applicant, came up and Chair Patten asked for further explanation about his  
6 daycare. He stated that he started doing daycare work with his fiancé who has experience running  
7 daycares for almost 10 years. As he had been helping her, he decided he wanted to start his own.  
8 His fiancé is his mentor.

9  
10 Commissioner Jeffrey Butler asked whether the hours of operation from 8 am to 5 pm would be  
11 adequate if there was an earlier drop off or a late pickup. He asked the applicant to share his  
12 thoughts on the proposed hours. Mr. Duvanced explained that they will pick up the kids and some  
13 of the kids will go to school and they will drop them at school and the little ones that don't go to  
14 school will go to the house. He will be doing both pickup and drop off. In cases of emergencies,  
15 parents may want to pick up their kids earlier. Commissioner Butler inquired if his model is to  
16 pick up the children from their house and then drop them back off at their house. Mr. Duvanced  
17 said yes. Commissioner Butler pressed and asked if there would be drop off at the home. Mr.  
18 Duvanced clarified that the parents would come to the home if there was an emergency, and they  
19 wanted to pick up their children. Commissioner Shirley confirmed that the kids would not be at  
20 the home beyond the hours of 8 am to 5 pm because they would be in the car being transported.  
21 Mr. Duvanced agreed. He stated right now they start to pick up kids at 6:30 in the morning and  
22 then drop them off in the afternoon. Some will be dropped off at school and then they pick them  
23 up at school and then drop them at their houses. His mentor typically does not have any kids after  
24 4 pm. Commissioner Jim Martineau asked if there would be any kids in the home while he is  
25 driving to pick up or drop off children. Mr. Duvanced shared that his employee is his mom and  
26 she would be at the home. Commissioner Martineau asked if there would be a few kids at the  
27 home outside of his vanpool. Mr. Duvanced explained he picks up the kids, drops some at school  
28 and he takes 1-2 little kids back to his home and his mom takes care of them. When it is time for  
29 the children to go home, he just takes them to their home. Chair Karla Patten asked when the little  
30 ones would be dropped off with his mom. Mr. Duvanced stated they would arrive around 8 or  
31 8:30.

32  
33 Director Cardenas understood that his mother would be his employee and that she does not live on  
34 the premises and asked if the applicant's mentor would also be his employee and if she lives in his  
35 home. Mr. Duvanced said both his mentor and his mother do not live with him. Director Cardenas  
36 stated it needs to be clear that only one person can be working for the business that does not live  
37 in the home. The code for a home business only allows a maximum of one person not residing in  
38 the dwelling can work and operate the business. Chair Patten stated in this case the applicant is  
39 requesting two workers. Mr. Duvanced clarified that his fiancé is not working with him; she will  
40 be his mentor and guide him through the process of starting this new daycare. Chair Patten  
41 confirmed that it would just be him and his mom.

42  
43 Chair Karla Patten opened the public hearing.

44  
45 Richard Hodson came forward and stated that he lives behind this home. He believes it does not  
46 seem logical, since the home has a lovely outdoor family room, that the applicant would not utilize

1 his outdoor area, especially in good weather. He mentioned there is a slide that goes down to the  
2 deck down below. He believes it is a backyard that kids could use for a lot of years and he thinks  
3 they would use it. He asked if this is stating that it would not be used for the daycare. Chair Patten  
4 clarified that the outdoor area cannot be used for the daycare in accordance with the code. Mr.  
5 Hodson asked if that is really going to happen. Commissioner Wendy Shirley understands that  
6 kids would want to go outside and, because the Planning Commission does not have jurisdiction  
7 to remove that requirement, that their request would need to be declined.

8  
9 Steve Hansen, who lives next door to the north of the subject property, would like to know how  
10 the proposed conditions would be enforced. Director Cardenas asked for the proposed conditions  
11 to be displayed. Commissioner Wendy Shirley stated the simple answer is that a city official  
12 would not be there every day to enforce the conditions. If he were to see something amiss, then  
13 he would need to call the city. Commissioner Jim Martineau explained that we are not asking the  
14 neighbors to police the business and there is a code compliance officer whose job is enforce the  
15 code but residents must report any issues.

16  
17 Mr. Hansen asked if the decision to approve the childcare facility would be made at the meeting.  
18 He stated that he did not understand the notice on their lawn inviting the neighbors to this meeting  
19 and how what he heard tonight was not made privy to the neighbors. He was not clear what his  
20 purpose was at the meeting if the decision was up to the Planning Commission. Chair Patten  
21 explained that most likely the decision would be made tonight or continued, if needed, dependent  
22 on the conversation. She stated the City does put out notices to neighbors. Mr. Hansen understood  
23 that the meeting was being held but he did not feel as if he received enough information. Director  
24 Cardenas clarified that this is the purpose of a public hearing. Mr. Hansen thought that the  
25 neighbors should first be made aware of any objections. Chair Patten clarified that is what we are  
26 doing in this meeting and if there was a lot of public concern, they would take that into account  
27 and potentially continue the item to conduct further research. Mr. Hansen further inquired if this  
28 decision would set a precedent for other homes in the neighborhood. He indicated that the owner  
29 of the home is not living there, and it is a rental with a full basement and he was unsure of the  
30 occupancy status of the basement. He found this daycare use as a surprise to him. Commissioner  
31 Todd Fugal reiterated that tonight's item is for a conditional use permit but that the use is already  
32 permitted in the zone. He clarified that the Planning Commission is not changing anything that  
33 isn't allowed or hasn't been allowed. Anyone interested in doing the same thing would need to  
34 follow the same process.

35  
36 Carolina Duvanced, came up and identified herself as the applicant's sister and stated she does not  
37 live in the area. However, she would like to say if it is permitted by the code, or not forbidden by  
38 the code, to do the 6 or 7 children, she believes he should take advantage of that. She understood  
39 that the use was already authorized by the code but the request was to allow for additional children.

40  
41 Director Cardenas received a couple of emails from the neighbors inquiring about the required  
42 conditions in order for the home to be in compliance with the city ordinances. Their concerns stem  
43 from this being in a residential zone and include the hours of operation, the number of children  
44 attending daily, the accreditation of owner and employee, what parking is needed for staff, and  
45 what impact this will have on our roads. There was a request for additional information which he  
46 replied to the email and provided for. He would like to address some of those concerns. Chair

1 Patten stated that she believes they hit on all the answers to their questions. Commissioner Butler  
2 added that he could directly answer those concerns, based on what they have been told, there is no  
3 additional impact to the roads. For the hours of operation, he agrees that, in case of an emergency,  
4 it is not a bad idea to provide more flexibility and offered the hours of 7 am to 6 pm, just in case.  
5 When it comes to staff, there is only one other staff member, and part of the conditions require no  
6 on-street parking so the cars will be in the carport, in the driveway, or in the garage. Director  
7 Cardenas stated he could answer the question regarding the accreditation of owners. This  
8 application is for a land use, which is why we are talking about the use, but we are not talking  
9 about the business licensing. This conditional use permit will allow the applicant to apply for a  
10 business license. The applicant will need to comply with the requirements from the City, from the  
11 fire department, from the health department, and requirements from the state as well. At the time  
12 they apply for the business license they will need to meet those requirements.

13  
14 Chair Karla Patten closed the public hearing.

15  
16 Commissioner Shirley stated that the applicant meets the code. Her concern is the backyard use.  
17 Commissioner Butler said most kids are in school except for the littlest ones. He said that anything  
18 enclosed is fair game. Commissioner Shirley explained that it is hard to keep children indoors on  
19 a nice day but acknowledged that allowing the outdoor use is off the table. Commissioner Butler  
20 said he knew of another daycare with a similar business model. Facilitators will need to maintain  
21 the integrity of their license. Commissioner Shirley stated she wanted the neighbors to be aware  
22 and her concern was for people to be safe and secure.

23  
24 Commissioner Fugal was concerned about the proposed conditions for the hours of operation.  
25 Commissioner Butler agreed that he would like to expand the hours to keep the applicant from  
26 violating their conditions. Commissioner Martineau thinks 7 am to 6 pm could be more reasonable  
27 to keep the applicant in compliance and accommodate unforeseen conditions.

28  
29 **MOTION:** Commissioner Todd Fugal moved that the Planning Commission APPROVE the  
30 request of Pablo Duval for the conditional use permit to allow a daycare as a home occupation,  
31 located at 470 Valley View Drive, in the R1-8 (Single-Family Residential) Zone; and adopting the  
32 exhibits, conditions, and findings of the Staff Report, and as modified by the conditions below:

- 33 1. No on-street parking is permitted as a part of the home occupation;
- 34 2. All necessary licenses are obtained and maintained;
- 35 3. All conditions for home occupations are met, subject to Sections 10-21-4 and 10-15-27;
- 36 4. The basement may not be used for any part of the home occupation;
- 37 5. The hours for the home occupation be strictly limited from 7:00 AM to 6:00 PM, Monday  
38 through Friday, and that no child associated with the daycare will remain on the premises  
39 beyond the permitted hours;
- 40 6. One non-resident employee is permitted for the duration of the home occupation and must  
41 be properly licensed;
- 42 7. All Final Planning, Engineering, and Fire Department requirements are met.

43  
44 Commissioner Jeffrey Butler seconded the motion. The Commissioners unanimously voted  
45 "Yes". The motion carried.

1 **ITEM 2 – Review and Approve the Minutes from the November 7, 2024, Meeting.**

2  
3 **MOTION:** Commissioner Jim Martineau moved to APPROVE the minutes of November 7, 2024.  
4 Commissioner Wendy Shirley seconded the motion. The Commissioners unanimously voted  
5 “Yes”. The motion carried.  
6

7 Director Cardenas mentioned that he is working on affordability in Pleasant Grove to work towards  
8 next year’s report and he is putting together a committee. The committee will be composed by  
9 three members of the Planning Commission, two members of the City Council, OR three members  
10 of the Planning Commission, one member of the City Council and one member of the Design  
11 Review Board. He would like to announce that he has Commissioner Martineau, Commissioner  
12 Phillips, and Commissioner Redding as the three members from the Planning Commission that  
13 will be a part of this committee. He invited other members of the committee to reach out with any  
14 comments or suggestions. The committee will be created in the month of December and it will  
15 run until the month of June. This committee will be tasked with coming up with a plan to provide  
16 some relief on home pricing to create moderate income housing. The committee will provide  
17 periodic reports to the Planning Commission on what they have accomplished.  
18

19 **MOTION:** Commissioner Todd Fugal moved to ADJOURN. The Commissioners unanimously  
20 voted “Yes”. The motion carried.  
21

22 The Planning Commission Meeting adjourned at 7:45 p.m.  
23

24  
25   
26 \_\_\_\_\_  
27 Planning Commission Chair  
28

29  
30 \_\_\_\_\_  
31 Christina Gregory, Planning & Zoning Assistant  
32

33 12-12-2024  
Date Approved