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PLEASANT GROVE CITY
PLANNING COMMISSION MINUTES
October 8, 2015

PRESENT: Chair Drew Armstrong, Vice Chair Levi Adams, Commissioners Lisa Coombs, Peter Steele, Scott Richards, Jennifer Baptista and Matt Nydegger

EXCUSED: Amy Cardon, Dallin Nelson

STAFF: Community Development Director Ken Young, City Planner Royce Davies, Planning Tech Linda Hales, City Engineer Degen Lewis and NAB Chairperson Libby Flegal

The meeting was called to order at 7:00 p.m.

Commission Business:

- **Pledge of Allegiance:** Commissioner Coombs led the Pledge of Allegiance.
- **Opening Remarks:** Commissioner Steele gave the opening remarks.
- **Agenda Approval:**
 - **MOTION:** Commissioner Richards moved to APPROVE the written agenda as public record, changing the order of the meeting to hear Items 2 and 3 prior to Item 1, and Item 4 being continued to the November 12, 2015 Planning Commission Meeting. Commissioner Coombs seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
- **Staff Reports:**
 - **MOTION:** Commissioner Richards moved to APPROVE the Staff Reports as part of the public record. Commissioner Coombs seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
- **Declaration of conflicts and abstentions from Commission Members:** There were none.

1 **ITEM 1** – Public Hearing to consider a request by Pleasant Grove City for a proposed text
2 amendment to sections 10-6-2: Definitions, 10-9B-6-1: Lot Area Per Dwelling, and 10-15-32:
3 Twin Home Development standards, modifying requirements for twin homes in the Pleasant Grove
4 City Code. **CITY WIDE** *Continued from the September 24, 2015 Planning Commission
5 Meeting.

6
7 *Note: Item 1 was heard after Items 2 and 3.*
8

9 City Planner, Royce Davies, presented the staff report regarding the City’s proposal to modify
10 Code requirements for a twin home development. Staff recently explored the Code regarding town
11 homes in response to a potential application from a developer and found the Code to be rather
12 ambiguous. Mr. Davies presented the requirements outlined in the Code and explain how these
13 requirements made it difficult for a developer to build twin homes at all. He presented the proposed
14 changes including requirements for lot sizes, separate parcels with the home built with the common
15 wall along the property line, and a required common area. He then presented the different design
16 options showing examples of corner and standard lots. Mr. Davies emphasized that a twin home
17 should resemble a single-family home.

18
19 Chair Armstrong liked the idea of having two separate lots with a conjoined property line, with a
20 separate parcel for a common area. He explained that this would be different for a development
21 of twin homes where a common area would be provided for the subdivision. Chair Armstrong
22 suggested that the code language reflects the required common area for a lone townhome, but it is
23 not required in a development where a common area would be provided.

24
25 Chair Armstrong opened the public hearing. There were no public comments. The public hearing
26 was closed.

27
28 Commissioner Richards addressed the suggestion made by Chair Armstrong and stated that he
29 agreed. There was a discussion regarding the language that could be altered or added to reflect the
30 different situations.

31
32 **MOTION:** Commissioner Adams moved that the Planning Commission recommend that the City
33 Council APPROVE the request of Pleasant Grove City for an amendment to Sections 10-6-2:
34 Definitions, 10-9B-6-1: Lot Area Per Dwelling, and 10-15-32: Twin Home Development
35 Standards, modifying requirements for twin homes in the Pleasant Grove City Code, and adopt the
36 exhibits, conditions, and findings contained in the staff report, and as modified by the condition
37 below:

- 38
39 1. Prior to presenting this item to the City Council, staff shall include the information
40 presented by the Engineering Department for review.

41
42 Commissioner Baptista seconded the motion. The Commissioners unanimously voted “Aye”. The
43 motion carried.
44

1 **ITEM 2** – Public hearing to consider request by Chris Eager for an approximately 1,200-square
2 foot accessory building approximately 20 feet in height on property located at approximately 4638
3 North 900 West in the R-R (Rural Residential) Zone. **MANILA NEIGHBORHOOD.**
4

5 Mr. Davies presented the staff report regarding a conditional use permit for an accessory building
6 for a property located in the R-R Zone. He presented an aerial photograph of the subject property
7 and identified the proposed area for the accessory building. The building would be 1,200 square
8 feet, 30 feet by 40 feet, with setbacks of 10 feet from the property line on both sides. The height
9 of the accessory is proposed to be 20 feet at its peak, which is allowed with a conditional use
10 permit. Mr. Davies presented drawings of the proposed building supplied by the applicant. The
11 code requires the architecture of the accessory building to match the main dwelling, unless the
12 accessory building is more than 75 feet from the home. Mr. Davies confirmed that the location of
13 the accessory building was proposed to be 175 feet from the main dwelling, so the designs do not
14 have to match. Staff recommended approval of the application.
15

16 The applicant, Chris Eager, gave his address as 4638 North 900 West and informed the
17 Commissioners that he needs more room for storage. He confirmed that he would not be running
18 a business out of the accessory building.
19

20 Chair Armstrong opened the public hearing. There were no public comments. Chair Armstrong
21 closed the public hearing.
22

23 **MOTION:** Commissioner Steele moved that the Planning Commission APPROVE the request
24 of Chris Eager for a conditional use permit for an accessory building of approximately 1,200 square
25 feet and approximately 20 feet tall on property located at 4638 North 900 West in the R-R (Rural
26 Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report,
27 and as modified by the conditions below:
28

- 29 1. All Final Planning, Engineering and Fire Department requirements are met.
- 30
- 31 2. That the proposed accessory building code be approved by the City Council
32

33 Commissioner Richards seconded the motion. The Commissioners unanimously voted “Aye”.
34 The motion carried.
35

36 **ITEM 3** – Public Hearing to consider a request by Chris Eager for a Waiver of Protest to postpone
37 the requirements to install street improvements in connection with construction of a building
38 exceeding 300 square feet on property located at approximately 4638 North 900 West in the R-R
39 (Rural Residential) Zone. **MANILA NEIGHBORHOOD.**
40

41 Mr. Davies presented the staff report regarding a Waiver of Protest to postpone the requirements
42 to install street improvements in connection with the construction of a building exceeding 300
43 square feet. He stated that there are certain things that will trigger the requirement to make street
44 improvements, including the cost or size of a home addition or construction of an accessory
45 building. If the applicant is required to make street improvements they will need to draw out the
46 entire width of the street, install curb and gutter, a park strip, and sidewalks. Mr. Davies presented

1 an aerial photograph of the area around the subject property and identified the areas where
2 sidewalks had already been installed. Staff recommended approval of the application.

3
4 City Engineer, Degen Lewis, initiated a discussion regarding the possible annexation of the subject
5 property into the City of Cedar Hills since most of the surrounding properties had already been
6 annexed. The Commission discussed whether the waiver would carry on to Cedar Hills if that
7 were to happen.

8
9 Chair Armstrong opened the public hearing. There were no public comments. Chair Armstrong
10 closed the public hearing.

11
12 **MOTION:** Commissioner Adams moved that the Planning Commission APPROVE the request
13 of Chris Eager for approval of a conditional use permit for a Waiver of Protest to avoid the
14 requirement to install required street improvements on property located at 4638 North 900 West
15 in the R-R (Rural Residential) Zone; and adopt the exhibits, conditions, and findings contained in
16 the staff report. Commissioner Coombs seconded the motion. The Commissioners unanimously
17 voted “Aye”. The motion carried.

18
19 **ITEM 4 – Public Hearing to consider a request by Pleasant Grove City for a proposed text**
20 **amendment creating City Code Section 10-15-47 and amending Sections 10-6-2: Definitions, 10-**
21 **9A-2: Permitted, Conditional and Accessory Uses, 10-9B-2: Permitted, Conditional and Accessory**
22 **Uses, and 10-14-24-2-C: Permitted, Conditional, and Accessory Uses permitting accessory**
23 **apartments in the Pleasant Grove City Code. CITY WIDE *Continued to the November 12, 2015**
24 ***Planning Commission Meeting.***

25
26 **ITEM 5 – Discussion on current City requirements for street improvements to be installed in**
27 **connection with certain project types.**

28
29 Mr. Davies gave a brief background and stated that since 2010 the City had received 14 total
30 requests for Waiver of Protest conditional use permits, two of which were denied, one partially
31 denied, and the rest were granted. The discussion for the evening was to consider whether the
32 Planning Commission should remain the approving body or if they could be handled at a staff
33 level. The requests are not normally controversial, but the public currently has the opportunity to
34 attend a public hearing to voice concerns, which is beneficial. Mr. Davies stated that the majority
35 of the Waivers of Protest requests are approved without additional conditions, which is something
36 to consider.

37
38 Commissioner Armstrong asked how often the City has encountered a situation where the street
39 improvement requirements were triggered and the applicant did not request a waiver. Mr. Davies
40 explained that normally when the requirements are triggered, the property owner is making
41 improvements to their own property for themselves or to flip a home and they install the street
42 improvements. There are many times when those improvements aren't financially feasible for the
43 property owner so they choose not to continue with the project.

44
45 Chair Armstrong initiated a discussion about whether a Waiver of Protest would carry over when
46 the property changes ownership. It was determined that the requirements are triggered by an

1 accumulation of the cost or square footage of the addition and improvements by another owner
2 would continue to accumulate. Chair Armstrong suggested that language be added to the Code
3 requiring the street improvements to be installed prior to a change in ownership, so as not to burden
4 the succeeding owner. Commissioner Coombs agreed and stated that it could create a difficult
5 situation for an owner if they were not aware of the waiver or the amount of improvements made
6 previously. Engineer Lewis stated that the Waiver of Protest is signed, notarized, and kept on file
7 with the title company. If a waiver is granted, the title company should inform a potential owner.
8

9 There was a discussion regarding the waiver in relation to the rural zones of the City. Chair
10 Armstrong felt that there could be situations in the R-R to R1-8 zones where it would be
11 appropriate for the waiver to carry over to the next owner, as these areas are often rezoned and
12 sidewalks could create potential hardship if that were to occur. Also, the City does not put as much
13 pressure on installing sidewalks in the rural areas as for residential areas with higher density.
14

15 Engineer Lewis commented that often an applicant seeking a waiver does so simply because he
16 doesn't want to make the improvements, and they are usually granted. An applicant should be
17 required to provide substantial evidence proving that making the improvements would be
18 inappropriate in their specific situation. Engineer Lewis suggested that the ordinance language be
19 tightened to help facilitate the proper process of the conditional use permit. He added that there is
20 almost never a good reason not to install the improvements from an engineering standpoint.
21

22 There was further discussion regarding acceptable reasons for a waiver to be granted.
23 Commissioner Richards commented that the applications need to be reviewed on a case-by-case
24 basis, as there could be logical reasons for the granting a waiver.
25

26 Commissioner Steele expressed concern with the lack of sidewalks in the undeveloped areas of
27 the City, and stated that he rides his bicycle to work. There are many sections that either have no
28 sidewalk or sidewalks that are in disrepair. The requirement of sidewalks and other improvements
29 would greatly increase the safety of the City in general. Commissioner Steele also commented
30 that they often grant waivers because there are no existing sidewalks surrounding the subject
31 property, however, if that pattern continues, sidewalks will never be installed. Chair Armstrong
32 agreed.
33

34 Commissioner Baptista stated that she is very passionate about people's rights and that requiring
35 street improvements of an owner who did not seek the original waiver would violate that. The
36 improvements should be the responsibility of the applicant who obtained the waiver.
37

38 There was continued deliberation regarding the waiver carrying over into rural zones. Engineer
39 Lewis suggested that the requirements not be limited by zone but by the General Plan.
40

41 **MOTION:** Commissioner Baptista moved to APPROVE the Planning Commission Meeting
42 Minutes and Report of Actions on September 10, 2015. Commissioner Nydegger seconded the
43 motion. The Commissioners unanimously voted "Aye". The motion carried.
44
45

1 **MOTION:** Commissioner Baptista moved to APPROVE the Planning Commission Meeting
2 Minutes and Report of Actions on September 24, 2015, with minor spelling corrections noted by
3 staff. Commissioner Steele seconded the motion. The Commissioners unanimously voted "Aye".
4 The motion carried.

5
6 **MOTION:** Commissioner Baptista moved to adjourn. Commissioner Coombs seconded the
7 motion. The Commissioners unanimously voted "Aye". The motion carried.

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9 The meeting adjourned at 8:20 p.m.

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13 Planning Commission Chair

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16 _____
17 Linda Hales, Planning Tech

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19 _____
20 Date Approved