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PLEASANT GROVE CITY	
PLANNING COMMISSION MEETING MINUTES	1

5 May 23, 2019

**PRESENT:** Vice-Chair Tamara Oborn, Commissioners Sam Sanderson, Peter Steele, Lisa Coombs, Bobbi Jo Blake, Jeffery Butler, Todd Fugal, Tim Clyde

**EXCUSED:** Chair Dustin Phillips, Commissioner Lisa Coombs

STAFF: Community Development Director Daniel Cardenas, City Planner Rylee Hall, Staff Engineer Matt Redmon, City Recorder Kathy Kresser

Vice-Chair Oborn opened the meeting at 7:00 p.m.

#### **Commission Business:**

1. Pledge of Allegiance: Commissioner Clyde led the Pledge of Allegiance.

2. Opening Remarks: Commissioner Sanderson gave the opening remarks.

### 3. Agenda Approval:

  MOTION: Commissioner Blake moved to APPROVE the agenda as part of public record, with Items 9 and 10 being continued to the June 13, 2019 meeting. Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

## 4. Staff Reports:

• MOTION: Commissioner Steele moved to APPROVE the staff reports as part of the public record. Commissioner Fugal seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

5. Declaration of Conflicts and Abstentions from Commission Members: There were none.

1 ITEM 1 - Public Hearing to Consider the Request of Roger Dudley for a Preliminary

- 2 Condominium Subdivision Plat called Proctor Corner Condominiums on Property Located at 1364
- W Pleasant Grove Blvd. in The Grove Zone Commercial Sales Subdistrict. SAM WHITE'S

## LANE NEIGHBORHOOD

City Planner, Rylee Hall presented the staff report regarding a preliminary condominium subdivision plat at the address listed above. There was an existing building on the property and the applicant intends to condominiumize the building. Unit 1 would take up the first and second levels, and Unit 2 would be the third level. Both units and the site meet all requirements for Planning, Engineering, Fire, and Building Departments. Parking and landscaping requirements had also been met. Staff recommended approval of the application.

In response to a question from Commissioner Blake, Ms. Hall stated that the condominium subdivision would not change the use of the building, but it would allow the units to be sold to private owners.

Vice-Chair Oborn opened the public hearing. There were no public comments. The public hearing was closed.

 **MOTION:** Commissioner Fugal moved that the Planning Commission forward a positive recommendation of approval for the request of Roger Dudley for a Condominium Subdivision Plat called Proctor Corner Condos Plat 'A', located at 1364 West Pleasant Grove Boulevard, in The Grove Zone — Commercial Sales Subdistrict; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

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

Commissioner Blake seconded the motion. The Commissioner unanimously voted "Aye". The motion carried.

ITEM 2 – Public Hearing to Consider the Request of Ben Morris for a Conditional Use Permit to Allow an Accessory Structure Totaling 1,200 square feet, on Property Located at 657 North 300 East in the R1-8 (Single-Family Residential) Zone. LITTLE DENMARK NEIGHBORHOOD

Ms. Hall presented the staff report regarding the request for a Conditional Use Permit to allow an accessory structure totaling 1,200 square feet at the address listed above. The conditional use permit is required by City Code to allow accessory structures greater than 10% of the minimum lot size of the zone, up to 15% of the minimum size. In the R-1-8 Zone, accessory structures can be up to 800 square feet without a Conditional Use Permit, and up to 1,200 square feet with a Conditional Use Permit. The proposed location of the accessory structure meets all other requirements. Staff recommended approval.

Vice-Chair Oborn opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION:** Commissioner Steele moved that the Planning Commission APPROVE the request of Ben Morris for a Conditional Use Permit for a proposed accessory structure, greater than 10% of the minimum required lot size, located at 657 North 300 East in the R1-8 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

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

2. The accessory structure must match the primary dwelling with similar siding material, or an alternative that meets City Code Section 10-9B-7.

Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 3 – Public Hearing to Consider the Request of Dee W. Jense for a Two-Lot Residential Preliminary Subdivision Plat called Jense Trust Plat 'A', on Property Located at Approximately 326 West 1100 North in the R1-8 (Single-Family Residential) Zone. NORTH FIELD NEIGHBORHOOD

 Ms. Hall presented the staff report regarding a two-lot residential preliminary subdivision plat located at the address listed above. There is an existing single-family dwelling and accessory structure on Lot 2, and the home and lot meet all relevant Code requirements. The proposed subdivision occupies a total area of 4.24 acres. Both lots will meet or exceed the minimum requirements of the R-1-8 Zone. Ms. Hall presented the current vicinity plan and the proposed vicinity plan. The applicant was proposing to remove the through road and replace it with a culde-sac. Planning staff reviewed the application and determined that the subdivision and vicinity plan meet all requirements and recommended approval.

.34  Commissioner Blake asked if there was concern about allowing large lots when the City was trying to facilitate more affordable housing. Community Development Director, Daniel Cardenas stated that staff had been working on the Affordable Housing Plan, but it had not been adopted yet. The City could push for smaller lots, but they cannot dictate how many lots a property owner chooses to create, as long as it's within the zoning ordinance.

There was discussion about whether a through street or cul-de-sac would be a better option.

The applicant, Dee Jense, stated that he intends to build a new home on the 4.25 acres, and he wants the home to face 1100 North.

1	Vice-Chair Oborn opened the public hearing.
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3	Guy Fugal, a resident, explained that the development of his property made it so that the through
4	street does not make sense on the subject property. He had not objection to the cul-de-sac plan.

There were no further public comments. Vice-Chair Oborn closed the public hearing.

Commissioner Blake wanted to be sure that the change in the vicinity plan will not negatively affect the development of other properties. Commissioner Steele noted that the properties could be developed as flag lots.

**MOTION:** Commission Sanderson moved that the Planning Commission forward a recommendation of APPROVAL for the request of Dee W. Jense for the Subdivision Plat called Jense Trust Subdivision Plat 'A', and the proposed vicinity plan, on property located at approximately 326 West 1100 North, in the R1-8 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

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

Commissioner Butler seconded the motion. The Commissioner unanimously voted "Aye". The motion carried.

ITEM 4 – Public Hearing to Consider the Request of Bud Lethbridge for a Two-Lot, Residential Preliminary Subdivision Plat called Lethbridge Estates Plat 'A', on Property Located at Approximately 950 South 1500 East in the R1-9 (Single-Family Residential) Zone. **BATTLE** 

# **CREEK NEIGHBORHOOD**

Ms. Hall presented the staff report regarding a two-lot residential preliminary subdivision plat at the address listed above. There was an existing single-family dwelling on Lot 1, and an existing swimming pool on Lot 2. The proposed lots meet all City Code requirements and staff recommended approval.

Commissioner Sanderson asked about the various lines on the plan as explained by Ms. Hall.
Director Cardenas identified the easements on the property.

Commissioner Blake assumed that the existing home used the swimming pool, so she questioned the reason for the subdivision.

The applicant was not present, but a neighbor, Kathy Perrirod, stated that they planned on building a smaller home on the lot with the pool and selling the existing home.

Vice-Chair Oborn opened the public hearing. There were no public comments. The public hearing
 was closed.

**MOTION:** Commissioner Steele moved that the Planning Commission forward a positive recommendation of APPROVAL for the request of Bud Lethbridge for the Subdivision Plat called Lethbridge Estates Plat 'A' located at approximately 950 South 1500 East, in the R1-9 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

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

Commissioner Blake seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 5 – Public Hearing to Consider the Request of Manny Climent for a Conditional Use Permit to Allow an Accessory Structure, 22 feet in Height, on Property Located at 526 Glendon Way in the R1-20 (Single-Family Residential) Zone. NORTH FIELD NEIGHBORHOOD

Ms. Hall presented the staff report regarding the request for a Conditional Use Permit to allow an accessory structure at 22 feet in height. The Conditional Use Permit was required by City Code to allow an accessory structure that exceeds 18 feet in height, and met criteria for setbacks, area, lot coverage, distance between buildings, and materials. City Code allows for a height of 25 feet, or the height of the primary dwelling, whichever is more restrictive. Staff recommended approval.

Commissioner Blake asked about the height of the main dwelling. Staff confirmed that the home is a two-story dwelling, but they did not know the exact measurement of the home.

The applicant, Manny Climent, identified himself as the contractor for the project. He confirmed that the proposed structure will match the materials of the existing home, with stucco and rock.

Commissioner Butler asked how the garage will be accessed. Mr. Climent explained that access will be from the west. There was a gate from the roadway on that side. The proposed structure and driveway would be outside of the easements on the property.

Vice-Chair Oborn opened the public hearing. There were no public comments. The public hearing was closed.

Director Cardenas reported that he received an email from a neighbor regarding this application, so he read the email into the record. The anonymous resident did not object to accessory structures, as long as they do not look like storage units from a commercial or industrial area. The resident wasn't comfortable with the proposed height and asked if the owner could keep his RV in a

42 structure that does not require a Conditional Use Permit.

Commissioner Steele stated that they could probably store a vehicle in a smaller garage, but a conditional use is a permitted use, as long as potential issues can be mitigated. The applicant was allowed to build a structure up to 25 feet or the height of the home.

Director Cardenas addressed the requirement to match the materials of the home. At the time they submit for a building permit, staff will ensure that the design matches the home. The Code prohibits the accessory structure from having an industrial design. Their main concern was making sure that the accessory structure fits into the residential neighborhood.

MOTION: Commissioner Blake moved that the Planning Commission APPROVE the request of Manny Climent for a Conditional Use Permit for a proposed accessory structure, with a height greater than 18 feet, located at 562 Glendon Way, in the R-1-20 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. Must match primary dwelling with similar siding materials or an alternative that meets City Code Section 10-9B-7: F.

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

Commissioner Steele seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

 Commissioner Steele requested that the Planning Commission discuss conditional uses for accessory structures at a future meeting. They were working to eliminate conditional uses throughout the code, so they should address this one.

ITEM 6 – Public Hearing to Consider the Request of Dan Reeve to Amend City Code Section 10-6-2: Definitions. The Proposed Amendment is to Create New Language for the New Use Concept of Residential Hotel, also Referred to as Condo-Hotel. The New Proposed Language Defined the Concept and Delineates the Requirements for the Use Establishment. <u>CITYWIDE</u>

Director Cardenas explained that the City has a list of uses; however, that list wasn't comprehensive. The application approached staff some time ago with the concept of a condominium hotel. They had several meetings with the applicant to figure out what the use would be and how it could be defined. Staff also researched other cities' definitions of the use to base language on. Staff found that Pleasant Grove City has a definition for "residential hotel" that is similar to what the applicant was proposing. The concept was that some of the units in a hotel are privately owned and occupied for a portion of the year, and the units are rented out by the hotel management the rest of the time. The proposed language would clarify the existing definition:

C. All condominium/hotel units shall be collectively operated by the same hospitality management company.

D. Each unit owner shall not rent their unit individually to an outside party, but rather must use the hospitality management company to rent their unit.

E. A City business license shall be obtained by the hospitality management company, and when any unit is rented, transient room tax shall be collected by the city.

Director Cardenas thought it was a good concept. He noted that the applicant was not asking to apply the use to a specific property. The request was to add this definition to the Definitions section of the Code for future consideration.

Commissioner Blake asked if the proposed 60/40 split was indicative of the other city codes that staff researched. Director Cardenas stated that staff came up with the ratio, but they thought it was a good balance for the City and the applicant. The number would have been different for other cities based on their needs.

Commissioner Blake expressed concern about the language "shall be rented", because there was no guarantee that those units would be rented all the time. She suggested changing the language to specify that the units will be available for rent.

Commissioner Fugal questioned whether 60% was competitive, or commercially viable. He was worried that this requirement would make it difficult for the hotel to sell those units to private owners.

The applicant, Dan Reeve, compared the proposed use to others in Park City and Midway. He agreed with the suggestion to change the term "shall be rented". He clarified that the owner cannot rent out their unit; that was under the control of the hotel management. If an owner wants to sell, that process would also go through hotel management. The use was similar to a timeshare, but the time wasn't split between individual owners.

Commissioner Blake questioned whether this use would be successful in Pleasant Grove. She understood the draw to Park City and other resort communities. Mr. Reeve stated that the Interchange was becoming an entertainment destination, which would draw in people from out of state. Generally, the market for this use was fairly high.

The Council asked the applicant if he was comfortable with the proposed 60/40 split. Mr. Reeve responded that it was a number they agreed upon, but they were flexible. He said it was unlikely that an owner would use their unit for 60% of the year. The average owner use would be closer to 25%.

There was continued discussion regarding the relationship between the property owner and the hotel management company. Director Cardenas stated aid that staff's concerns had to do with property tax and transient tax. They wanted to be sure that the City was collecting the appropriate taxes for each use.

Vice-Chair Oborn opened the public hearing. There were no public comments. Vice-Chair Obornclosed the public hearing.

 Commissioner Blake thought that 60% was too high. She wanted to see an actual agreement between a hotel and an owner to see what their percentage was. She was sure it was lower than what they were proposing. Commissioner Sanderson agreed that 60% was high, but he didn't want an owner to feel like they were being kicked out of their unit. He was thinking about snowbirds who want to come here to be closer to their children. Commissioner Blake would rather see this use as a hotel than a primary residence. The Commission wanted to be sure that the code didn't make it impossible for a hotel to sell their units.

Mr. Reeve noted that there was more restrictive language in the proposal which limits an owner's stay to 30 days. With that language in place, an owner would have to check out and check back in to stay more than 30 days. After some discussion, the Commission agreed to remove the 30-day clause.

Regarding the 60/40 split, Mr. Reeve didn't think this would be prohibitive on a hotel's ability to sell the units but they were willing to change that ratio. Commissioner Blake wanted to do more research into existing uses.

**MOTION:** Commissioner Fugal moved that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed amendments to City Code Section 10-6-2: Definitions; including new language for the new use concept of Residential Hotel; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1. The definition remove the minimum stay requirement of 30 days for the non-owner renters.

2. The "shall be rented" language in Paragraph B be changed to "available for rent".

Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 7 – Public Hearing to Consider the Request of Dan Reeve to Amend City Code Section 10-14-24-3D: The Grove Interchange Subdistrict, Permitted Uses, Expanding the Permitted Uses in Order to Include Use #1300: Residential Hotels, and Use #6834: Art, Drama and Music School only within The Grove Zone and limited to the Interchange Subdistrict. SAM WHITE'S LANE

9 only within The Grov10 NEIGHBORHOOD

Director Cardenas presented the proposed amendment to City Code, which would include Use 1300: Residential Hotels, and Use 6834: Art, Drama and Music Schools, to the Interchange Subdistrict of The Grove Zone. He noted that the Residential Hotel use would have the following qualifying provision: "Residential hotels shall only be allowed when associated in conjunction with Use #1511: Hotels in the same lot". The Art, Drama and Music Schools would be compatible with other uses in the Interchange Subdistrict.

- 19 Commissioner Steele asked about the purpose of the qualifying provision for Residential Hotels.
- 20 Director Cardenas responded that a hotel management company would be in charge of renting out
- 21 the units and selling them, so they wanted to ensure that a hotel management company was present.
- Commissioner Steele suggested that the Code include a percentage of rent-only rooms to ensure the hotel use.

The applicant, Dan Reeve, believed that the use would have more rented units than owned units. After some discussion, they agreed that requiring 10% of the units to be associated with the hotel would be appropriate. Staff confirmed that they would work with the Legal Department to draft appropriate language before the item went to the City Council for final approval.

Vice-Chair Oborn opened the public hearing. There were no public comments. The public hearing was closed.

**MOTION:** Commissioner Butler moved that the Planning Commission forward a recommendation of APPROVAL to the City Council for the proposed amendments to City Code Section 10-14-24-3D: The Grove Interchange Subdistrict, Permitted Uses; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the condition below:

1. 10% of the units should be associated with the hotel.

Commissioner Steele seconded the motion. The Commissioner unanimously voted "Aye". The motion carried.

- ITEM 8 Public Hearing to Consider the request of Dan Reeve to Amend City Code Section 10-1
- 18-3: Minimum Spaces of Off-Street Parking Required, by Reducing the Minimum Number of 2
- Parking Stalls Required for Auditoriums, Sports Arenas and Assembly Halls as well as the Number 3
- of Minimum Parking Stall Required for Single-Room Residential Units in The Grove Zone, 4
- Interchange Subdistrict. CITYWIDE 5

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- 7 Director Cardenas explained that the current parking requirement for Auditoriums, Sports Arenas,
- and Assembly Halls was one stall for every 3.5 seats. Staff researched other cities' requirements 8 9
- for this use, specifically West Valley City with the Maverik Center, and Sandy City with the new Hale Centre Theatre. When the Maverik Center was constructed, the parking requirement was 10
- much higher, and the parking lot is never full. West Valley has since changed their requirement 11
- to one stall for every four fixed seats. Sandy City's parking requirements are the same. Director 12
- Cardenas recommended changing their Code to match. 13

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- Regarding the proposed change to parking for residential units, Director Cardenas stated that the 15
- applicant was requesting that the requirement for Residential Hotels be set at 1.5 stalls for one-16
- bedroom units, and 2 stalls two-bedrooms or more. This was consistent with the parking 17
- requirements for all residential uses in the City. The applicant originally requested one stall for 18
- one-bedroom units, but they agreed to increase to 1.5 stalls. 19

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- Commissioner Sanderson stated that the staff report mentioned the use of shared parking
- agreements and asked if that was something they should include in the Code. Director Cardenas 22
- stated that the language regarding parking agreements was already in the Code. 23

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Vice-Chair Oborn opened the public hearing. There were no public comments. The public hearing

26 was closed.

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- 28 Commissioner Steele moved that the Planning Commission forward a MOTION: recommendation of APPROVAL to the City Council for the proposed amendments to City Code 29
- Section 10-18-3: Off-Street Parking Requirements, Minimum Spaces of Parking Required; and 30
- adopt the exhibits, conditions, and findings contained in the staff report. Commissioner Fugal 31
- seconded the motion. The Commissioners unanimously voted "Aye". The motion carried. 32

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- ITEM 9 Public Hearing to Consider the Request of Larry Myler for a Two-Lot, Preliminary 34
- Subdivision Plat called Hidden Springs Subdivision Plat 'A' on Property Located at 1475 W State 35
- Street in the Grove Mixed-Use (GMU) Overlay Zone. 36 SAM WHITE'S LANE NEIGHBORHOOD \*Continued to the June 13, 2019 Planning Commission Meeting. 37

ITEM 10 - Public Hearing to Consider the Request of Richmond American Homes for an 1 Expandable Residential Condominium Plat called Hidden Springs Subdivision Condominium Plat 2 'A', on Property Located at Approximately 1471 West 300 North in the Grove Mixed-Use (GMU) 3 Overlay Zone. SAM WHITE'S LANE NEIGHBORHOOD \*Continued to the June 13, 2019 4 5 Planning Commission Meeting. 6 7

ITEM 11 - Review and Approval of the Minutes from the April 25, 2019 and May 9, 2019 8 Planning Commission Meetings.

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10 Staff requested that the minutes for April 25, 2019 be continued so that they could correct the list 11 of Commissioners present.

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MOTION: Commissioner Fugal moved to CONTINUE the minutes from the April 25, 2019 13 14 Planning Commission meeting. Commissioner Sanderson seconded the motion. Commissioners unanimously voted "Aye". The motion carried. 15

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17 MOTION: Commissioner Blake moved to APPROVE the minutes from the May 9, 2019 Planning Commission meeting. Commissioner Clyde seconded the motion. The Commissioners 18 19 unanimously voted "Aye". The motion carried.

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MOTION: Commissioner Blake moved to adjourn the meeting at 9:18 p.m. Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

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City Recorder Kathy Kresser 29

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6/13/2019 31 Date Approved 32