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2
3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 March 14, 2019
6

7 **PRESENT:** Chair Dustin Phillips, Vice-Chair Tamara Oborn, Commissioners Tim Clyde, Peter
8 Steele, Jeffrey Butler, Todd Fugal, Bobbi Jo Blake, and Sam Sanderson
9

10 **STAFF:** Community Development Director Daniel Cardenas, City Engineer Shaun Hilton,
11 Planning and Zoning Assistant Kelly Evans
12

13 Chair Phillips opened the meeting at 7:00 p.m.
14

15 **Commission Business:**
16

17 1. **Pledge of Allegiance:** Commissioner Blake led the Pledge of Allegiance.
18

19 2. **Opening Remarks:** Commissioner Sanderson gave the opening remarks.
20

21 3. **Agenda Approval:**
22

- 23 • **MOTION:** Commissioner Oborn moved to APPROVE the agenda as part of
24 public record. Commissioner Steele seconded the motion. The Commissioners
25 unanimously voted "Aye". The motion carried.
26

27 4. **Staff Reports:**
28

- 29 • **MOTION:** Commissioner Blake moved to APPROVE the staff reports as part of
30 the public record. Commissioner Butler seconded the motion. The Commissioners
31 unanimously voted "Aye". The motion carried.
32

33 5. **Declaration of Conflicts and Abstentions from Commission Members:** There were
34 none.
35

1 **ITEM 1** – Public Hearing to Consider the Request of Jeramie Messersmith for a Two-Lot
2 Residential Preliminary Subdivision Plat called Timpanogos Meadow Plat “C” on Property
3 Located at Approximately 178 West 1100 North in the R1-8 (Single-Family Residential) Zone.

4 **LITTLE DENMARK NEIGHBORHOOD**

5
6 Community Development Director, Daniel Cardenas, presented the staff report regarding a two-
7 lot preliminary subdivision plat located at the above-listed address. The property is located in the
8 R1-8 zone, which requires a minimum lot size of 8,000 square feet. The minimum square frontage
9 requirement for the zone is 35 feet. Director Cardenas confirmed that both of the proposed lots
10 would meet all requirements of the zone.

11
12 The Commission asked if the property could be subdivided into three lots because of its size.
13 Director Cardenas explained that the applicant would not be able to meet the minimum lot width
14 requirements with three lots.

15
16 Chair Phillips opened the public hearing.

17
18 Shirley Hatch gave her address as 112 West 1100 North and stated that a subdivision was proposed
19 on the lot several years ago when Reed Swenson built on the property. This particular property
20 was designated for two lots. Now, her grandson wishes to purchase the property and build a home.
21 She did not intend to develop the second lot at this time.

22
23 Mike Hatch, who resides at 115 West 1170 North, confirmed that the property was subdivided in
24 the past but was consolidated a few years prior for tax purposes. He noted that the two lots would
25 be larger than any of the other lots in the area. He wanted to be sure that the homes built on the
26 lots are consistent with the existing homes in terms of size and architecture.

27
28 There were no further public comments. Chair Phillips closed the public hearing.

29
30 **MOTION:** Commissioner Oborn moved that the Planning Commission forward a positive
31 recommendation of APPROVAL for the request of Jeramie Messersmith for the subdivision plat
32 called Timpanogos Meadows Plat ‘C’ on property located at approximately 178 West 1100 North,
33 in the R1-8 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings
34 contained in the staff report, and as modified by the condition below:

- 35
36 1. All Final Planning, Engineering, and Fire Department requirements are met.

37
38 Commissioner Sanderson seconded the motion. The Commissioner unanimously voted “Aye”.
39 The motion carried.

1 **ITEM 2 – Public Hearing to Consider the Request of Daniel Thomas to Amend Pleasant Grove**
2 **City Code Section 10-19-3 E: Minimum Setbacks for Signs, and Section 10-19-6 D: Location**
3 **Standards for Signs, in Order to Allow for Commercial Signs to be Located Within the Public**
4 **Right of Way in a Landscape Median. CITYWIDE**
5

6 Director Cardenas presented that staff report and identified the applicant as St. Johns Properties,
7 represented by Daniel Thomas. He briefly addressed the current code for signage. Although the
8 City does not regulate what goes on a sign, they do regulate size, architectural standards,
9 dimensions, setbacks, buffers, and type of sign. The Code specifies that “all signage is prohibited
10 from being located within the City’s public right-of-way”. It also states that “for the location of
11 signs, no sign shall be erected in such a manner that any portion of the sign or support will extend
12 over a public or private right-of-way”. Staff was proposing language that would allow the City
13 Council to grant an exception or waiver to these regulations. Director Cardenas contacted several
14 cities in Utah but was unable to find a precedent for this use. The applicant was proposing to put
15 commercial signage in the medians of City right-of-way in the Interchange Subdistrict of The
16 Grove Zone.

17
18 Commissioner Oborn asked if the City or the private developer would be responsible for
19 maintenance. Director Cardenas said that was one of the questions staff had with this application.
20 The maintenance responsibility would be outlined in a development agreement or something
21 similar.

22
23 The applicant, Daniel Thomas, recognized that their request didn’t meet the current zoning. The
24 application was the result of a conversation he had with City Council Members regarding the
25 medians in the St. Johns Properties development in The Grove Zone. He noted that the roads had
26 been improved by St. Johns Properties and then dedicated to the City. Their intention was to come
27 up with something more attractive than a full concrete median. The concept of putting signs in the
28 right-of-way happens frequently on private roads, so it would not be entirely different from what’s
29 already been done. Mr. Thomas addressed the roundabout that St. Johns Properties owns and
30 maintains. They were willing to enter into an agreement with the City regarding maintenance.
31 Mr. Thomas indicated that he would rather not have the item continued and noted that they
32 submitted the application in December. He noted that one Council Member suggested co-branding
33 with the City on the signage. He presented conceptual plans for the sign and median.

34
35 Commissioner Sanderson noted that there was an intersection in Provo where BYU has been able
36 to paint a “Y” on the street. He asked if staff had spoken to the City about how what kind of
37 advertising was approved. Director Cardenas responded that he assumed it was allowed because
38 the school wasn’t a commercial business.

39
40 Director Cardenas noted that there would not be much harm in continuing this item because the
41 Planning Commission would meet again before the matter is scheduled to go before the City
42 Council.

1
2 Mr. Thomas presented a map of the commercial development and identified two locations where
3 they would like to place signage in the medians. It would not be difficult for them to maintain the
4 medians because they are already maintaining the roundabout.
5

6 Commissioner Fugal commented that there were legal concerns with the application. In a public
7 forum, there cannot be viewpoint discrimination, which means that the City cannot grant a waiver
8 to the applicant and then deny someone else. He worried about opening the use to any and all
9 private entities. Commissioner Fugal agreed that the design of the signs was nice, but they cannot
10 guarantee that all applications will be so well thought-out.
11

12 Commissioner Blake was concerned about being able to enforce maintenance if an owner does not
13 take care of their signs. It would be nice to have the medians look more professional, but the
14 proposed language was too vague.
15

16 Director remarked that normally he would find language from another municipality and tweak it
17 to meet the needs of Pleasant Grove. In this case, he was not able to find any base language to
18 work from. He found one legal case from South Carolina regarding political signs in a public
19 right-of-way and it was a complicated case.
20

21 The Planning Commission asked if the Legal Department had had an opportunity to review the
22 application. Director Cardenas responded that the City Attorney had seen the application but had
23 no feedback for the Planning Commission tonight. There was a limited amount of information he
24 could provide from a development standpoint on the issue. He believed the matter would have to
25 be handled more from a legal perspective.
26

27 Commissioner Oborn remarked that it was unethical to allow the City Council to grant waivers
28 just because they want to. It would be safer to have a set of standards to be met in order to be
29 eligible for a waiver.
30

31 Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed
32 the public hearing.
33

34 Commissioner Butler suggested that staff research the relationship between Daybreak and South
35 Jordan. He reported that a tech company in Orem has posted their signs in the medians, but the
36 company had since been sold. He assumed that the new owners do not maintain the private roads.
37

38 Commissioner Steele commented that there was a coordination issue with the proposed use. Other
39 properties are accessed by the road that are not owned by St. Johns Properties. He questioned how
40 they would determine which businesses have access to the medians for signage. There was
41 discussion regarding the possibility of having St. Johns Properties donate the sign to the City.
42 Doing so would allow them to have both the name of the City and that company on the sign.

1
2 **MOTION:** Commissioner Blake moved that the Planning Commission CONTINUE the request
3 of St. Johns Properties for the proposed amendments to City Code Section 10-19-3 and 10-19-6:
4 “Location Standards for Signs”, until the March 28, 2019, meeting based on the following finding:
5

- 6 1. The Planning Commission directs staff to review the application with the legal
7 department to determine:
8
9 a. If there were any concerns with freedom of speech;
10 b. If there were any maintenance or transferability issues based on the
11 ownership of the property;
12 c. How they could establish who was entitled to develop the property in the
13 right-of-way, because there were multiple owners around the property;
14 d. To go to Draper where they have the median sign for their Daybreak
15 community and study if it has an impact on the safety of the road.
16 e. To address the vague nature of the proposed wording; and
17 f. If it would be legal for St. Johns Properties to donate signage to the City.
18

19 Commissioner Steele seconded the motion. The Commissioners unanimously voted “Aye”. The
20 motion carried.
21

22 **ITEM 3 – Public Hearing to Consider the Request of Pleasant Grove City to Amend City Code**
23 **Section 10-12B-2: Permitted, Conditional, and Accessory Uses, by Revising the Permitted and**
24 **Conditional Uses and Adding Qualifying Provisions in the Manufacturing Distribution (MD)**
25 **Zone. CITYWIDE *Continued from the February 28, 2019, Planning Commission Meeting.**
26

27 Director Cardenas explained that the above item is a Code Amendment regarding the uses allowed
28 in the MD Zone. The proposal was to remove the following conditional uses from the code: Meat
29 Products Manufacturing, Manufacturing of Dairy Products, Solid Waste Transfer Station, and
30 Recycle Center. He chose to remove the uses based on the nature of the use and the heavy impact
31 on the surrounding developments. He explained that the MD Zone is not an ideal location for the
32 listed uses because of the lack of access for large trucks. He noted that the existing waste transfer
33 station would become legal non-conforming uses if the amendment were approved. Director
34 Cardenas stated that the Planning Commission could continue the item if they desire for the uses
35 to be permitted with a set of standards.
36

37 In response to a question from the Commission, Director Cardenas indicated that he had already
38 addressed three zones in the Code and removed the conditional uses. His goal was to remove all
39 conditional uses from the zone, either by eliminating the use or making it a permitted use with
40 specific standards. In this case, he was proposing to remove just the four uses, and they would
41 likely come back to this zone for further scrutiny. To address every conditional use in the Code

1 would require the help of the Planning Commission because he simply does not have enough staff
2 to address each zoning Code in addition to their regular duties.

3
4 Commissioner Oborn asked if the uses were allowed in any other zone in the City. Director
5 Cardenas responded that they are not but they do not need to be allowed in the City.

6
7 Commissioner Oborn expressed concern with allowing incompatible uses next to each other in the
8 MD Zone, specifically the sports complexes and dance studios. She asked if it would be beneficial
9 to consider creating a subdistrict within the MD zone so that these uses would be limited to one
10 area. Director Cardenas did not think it would be worth the trouble, because there wasn't enough
11 land in the MD zone to make a subdistrict.

12
13 The Planning Commission discussed the best approach to keeping incompatible uses from being
14 next to each other in the zone. There was concern expressed about safety.

15
16 Commissioner Butler asked about the uses and descriptions. Director Cardenas stated that staff
17 has a book containing an adopted list of uses and descriptions, which is separate from State Code.
18 Commissioner Butler asked if something like Agricultural could be misconstrued to include dairy
19 uses. Director Cardenas explained that the Agricultural use includes a list of sub-uses and dairy is
20 not listed.

21
22 Chair Phillips opened the public hearing. There were no public comments. Chair Phillips closed
23 the public hearing.

24
25 There was discussion regarding the possibility of allowing meat product manufacturing with strict
26 standards, including a regulation prohibiting the business from being a slaughterhouse.
27 Commissioner Steele thought that should still be more acceptable as a conditional use. He
28 suggested they remove the four proposed uses for now and reconsider them at a later date.

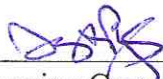
29
30 **MOTION:** Commissioner Steele moved that the Planning Commission forward a
31 recommendation of APPROVAL to the City Council for the proposed amendments to City Code
32 Section 10-12-B2: Permitted, Conditional and Accessory Uses in the Manufacturing Distribution
33 (MD) Zone; and adopt the exhibits, conditions, and findings contained in the staff report.
34 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
35 motion carried.

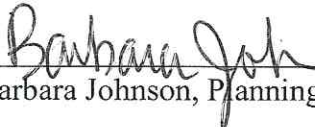
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37 **ITEM 4 – Review and Approval of the Minutes from February 14 and February 28, 2019, Planning**
38 **Commission Meetings.**

39
40 It was noted that Commissioner Sanderson was not present at the February 28th Planning
41 Commission Meeting and his name was removed from the first page.

1 **MOTION:** Commissioner Blake moved that the Planning Commission APPROVE the minutes
2 from the February 14 and February 28, 2019, Planning Commission meetings. Commissioner
3 Oborn seconded the motion. The Commissioner unanimously voted "Aye". The motion carried.

4
5 The Planning Commission Meeting adjourned at 8:29 p.m.
6

7
8 
9 _____
10 Planning Commission Chair

11 
12 _____
13 Barbara Johnson, Planning Tech

14 3-28-19
15 _____
Date Approved