



PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 13, 2020

PRESENT: Chair Todd Fugal, Vice-Chair Jeffrey Butler, Commissioners Dustin Phillips, Tamara Oborn, Lisa Coombs, Peter Steele, Bobbi Jo Blake, and Jim Martineau (Alternate)

STAFF: Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Shaun Hilton, Staff Engineer; Kara Kresser, Planning Assistant

EXCUSED: Commissioner Tim Clyde

Chair Fugal opened the regular session at 7:00 p.m.

Commission Business:

1. **Pledge of Allegiance:** Commissioner Coombs led the Pledge of Allegiance.

2. **Opening Remarks:** Commissioner Phillips gave the opening remarks.

3. **Agenda Approval:**

- **MOTION:** Commissioner Coombs moved to APPROVE the agenda as part of public record, with the removal of the last line on Item 2. Commissioner Blake seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

4. **Staff Reports:**

- **MOTION:** Commissioner Oborn moved to APPROVE the staff reports as part of the public record. Commissioner Phillips seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

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

1
2 **ITEM 1 – Public Hearing to Consider the Request of Lee Edwards for a Conditional Use Permit**
3 **for a Major Home Occupation to Allow Two (2) Employees and Additional Company Storage on**
4 **Property Located at 830 East 100 North in the R1-10 (Single-Family Residential) Zone.**
5 **MONKEY TOWN NEIGHBORHOOD**
6

7 City Planner, Rylee Hall, presented the staff report and stated that the applicant is requesting
8 approval to run a major home occupation from their residence located at 830 East 100 North, in
9 the R1-10 (Single-Family Residential) Zone. The applicant currently has an approved business
10 license for minor home occupation but was seeking approval of a major home occupation to allow
11 up to two non-resident employees and additional company storage on the property. Approval of
12 the Conditional Use Permit would increase the “intensity” of use. Intensity is a term used by
13 Planners to describe the size, scale, and impacts of a proposed use. The Planning Commission
14 may allow increases in the intensity of the home occupations through approval of a Conditional
15 Use Permit.
16

17 The applicant, Lee Edwards, was identified as the property owner. He was requesting approval of
18 a Conditional Use Permit that would allow him to have two non-resident employees on his property
19 during daytime business hours (8:00 a.m. to 5:00 p.m.) and to store an additional company vehicle,
20 given available parking, and no adverse impacts on the neighborhood. With a minor home
21 occupation business license, no outside storage of equipment is allowed, and only one company
22 vehicle may be stored on-site. With a Conditional Use Permit, an increase in the size and number
23 of company vehicles and equipment may be approved by the Planning Commission, with
24 appropriate mitigations, such as fencing and buildings. A site plan was provided that illustrated
25 how parking for the residents, employees, and patrons (if any) will be accommodated on the lot.
26 Two spaces were provided for residential use in the two-car garage, and two additional spaces are
27 reserved for two company cars. In addition, several spaces could be accommodated in the
28 driveway for employees or patrons (if any).
29

30 In response to a question from Commissioner Blake, Ms. Hall clarified that no outdoor storage is
31 allowed with minor home occupations, however, the Planning Commission could possibly allow
32 additional outside storage with a Conditional Use Permit and a major home occupation.
33 Commissioner Blake asked if there was language prohibiting company logos on vehicles. Ms.
34 Hall answered in the negative. There were other regulations regarding signage and other visual
35 advertisements. Director Cardenas informed the Commission that no outside storage of business
36 property would be allowed with either a minor or major home occupation permit.
37

38 The applicant, Lee Edwards, was not aware that he was out of compliance until he spoke with staff
39 about getting a Major Home Occupation Conditional Use Permit. He explained that his plumbing
40 business only has two other employees, his father and his neighbor. His neighbor simply walks to
41 his home and uses the company vehicles. They plan to meet at 8:00 a.m., get supplies, and leave
42 to work at other homes for the day. Rarely do they return to the home during the day. The business
43 has a minimal impact on the property, aside from the two waste trailers in his yard. Mr. Edwards

1 had received a complaint from his neighbor about seeing the waste trailers from his property, so
2 he was taking steps to cover them. He was working to build an accessory structure that would
3 house both waste trailers and the work vans.

4
5 There was discussion regarding fencing. Mr. Edwards described the fencing types he intends to
6 install. The Commission also addressed how the trailers will be covered until the structure is
7 completed.

8
9 Chair Fugal opened the public hearing.

10
11 Rich Guernsey stated that Mr. Edwards has been his plumber for the past two years. He was
12 pleased with his work and liked that it was a local business. He urged the Commission to interpret
13 the Code liberally and grant Mr. Edwards' request.

14
15 Vernon Aston reported that he lives directly behind the applicant and he previously complained
16 about excessive noise from Mr. Edwards' pool area. Recently, Mr. Edwards took down the chain-
17 link fence between their properties, claiming it was ugly and needed to be replaced. In doing so,
18 he changed the property line in his favor. Mr. Aston presented photographs of the subject property
19 and identified the areas of non-compliance. He suggested that the City revoke Mr. Edwards'
20 business license.

21
22 Rob Walker identified himself as the neighbor to the west. He was comfortable with the business
23 but hoped that Mr. Edwards would not put up an opaque fence on his side of the property line.

24
25 Morgan Francis had been a builder for many years and was astounded that Mr. Edwards would be
26 able to build a large accessory structure. He commented that he had difficulty receiving approval
27 to build a garden shed in other jurisdictions.

28
29 Gary Wulfenstien identified himself as the neighbor to the east and filed a complaint about the
30 trailers. He presented photographs to the Planning Commission proving the applicant's non-
31 compliance. He likes Mr. Edwards but was concerned about how the business looks on the subject
32 property.

33
34 Trevor Perkins reported that he lives next to the nearby water tank. When he purchased his home,
35 he knew it would be next to a water tank, and he would never consider coming to the City and
36 asking them to change how they control their property. He recognized that it was the City's
37 property, not his own. He encouraged the Commission and residents to respect the property rights
38 of others.

39
40 There were no further public comments. Chair Fugal closed the public hearing and invited the
41 Commission to either continue the discussion regarding this item or that he would entertain a
42 motion if no further discussion is necessary.

1 Commissioner Blake asked if the intended accessory structure would fit within Code requirements.
2 Community Development Director, Daniel Cardenas reported that he had not seen any plans for
3 the structure but it would be reviewed by staff once it is submitted. The applicant has a large lot,
4 so he did not foresee any issues with lot coverage.

5
6 Commissioner Blake expressed concerns about granting a major home occupation when the
7 applicant is already out of compliance with the minor home occupation. In the past, they had
8 denied applications with similar issues. Commissioner Phillips stated that in this situation the
9 applicant came to the Commission with a plan to come into compliance. Commissioner Oborn
10 commented that in the other instance, the Code was unclear. In this case, the Code is clear.

11
12 Commissioner Oborn noted that the Planning Commission does not have the power to revoke a
13 business license. That would be up to Code Enforcement. Running a business in a residential area
14 is a privilege and knowing and following the Code is the burden of the business owner. The idea
15 of regulating a business is important but the idea of regulating what a neighbor can do with their
16 backyard was something entirely different. Because the property owner has a business, they need
17 to find an appropriate balance. Commissioner Oborn was concerned about the applicant being out
18 of compliance until the structure was constructed. She suggested that the applicant find a different
19 location to store the waste trailers until they can be screened on the property.

20
21 Director Cardenas emphasized that the Planning Commission was not suggesting that it is
22 acceptable to be out of compliance. The applicant would have to work out those issues with
23 Planning, Code Enforcement, and the City Attorney. The matter before the Commission today
24 was a request to increase the business use to allow two vehicles and two non-resident employees.
25 Procedural issues were discussed.

26
27 **MOTION:** Commissioner Coombs moved that the Planning Commission APPROVE the
28 Conditional Use Permit to allow a major home occupation allowing up to two (2) employees and
29 additional company storage; and adopt the exhibits, conditions, and findings contained in the staff
30 report; and as modified by the conditions below:

- 31
- 32 1. At least two (2) parking spaces must be maintained for the residents' vehicles that are not
33 used for business purposes.
 - 34
 - 35 2. At least two (2) enclosed spaces must be maintained for the residents' company-related
36 vehicles, including trailers.
 - 37
 - 38 3. On-street parking for patrons and employees will be prohibited.
 - 39
 - 40 4. All applicable conditions in City Code Section 10-21-4 and Section 10-21-6 are met
 - 41
 - 42 5. All Final Planning, Engineering, and Fire Department requirements are met.

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

ITEM 2 – Public Hearing to Consider the Request of Magleby Construction (Ben Bond) for a Conditional Use Permit to Allow a Fence, 8 feet in height, on Property Located at 1101 West 2600 North in the R-R (Rural Residential) Zone. NORTH FIELD NEIGHBORHOOD

Ms. Hall reported that the applicant was requesting approval of a Conditional Use Permit for an eight-foot fence on property located at 1101 West 2600 North in the R-R (Rural Residential) Zone. The applicant, Magleby Construction (Ben Bond), was representing the property owners, Greg and Julie Cook. The purpose of the request was to provide more privacy in their backyard area. Primary access to the lot is provided on the southern side of the lot, near 2480 North. Staff informed the applicant that a fence permit for a six-foot fence does not require a fee or Planning Commission approval; however, the applicant felt that an eight-foot fence would be more suitable for the property line along 2600 North.

Pleasant Grove City Code specifies that a property owner may construct a fence of up to 10 feet in height if it is determined that additional screening is needed along a side or rear yard. Fences taller than six feet in height require Planning Commission approval and fences seven feet or taller require a building permit. Given the concerns of the applicant for the privacy of their yard, staff determined that additional screening was reasonable. The proposed eight-foot fence would be installed along the property line bordering 2600 North.

Commissioner Phillips asked why the fence is not straight. Staff Engineer, Shawn Hilton explained that there was a significant elevation change between the property and the road. The applicant would be installing a retaining wall on that side. He confirmed that street improvements will be installed as part of the project.

Cody Martin was present representing the applicant and the homeowners and confirmed the elevation change as described by staff. He noted that there is a landscaping plan for both sides of the wall.

Chair Fugal opened the public hearing. There were no public comments. Chair Fugal closed the public hearing and invited the Commission to either continue the discussion regarding this item or that he would entertain a motion if no further discussion is necessary.

MOTION: Commissioner Oborn moved that the Planning Commission APPROVE the request of Magleby Construction (Ben Bond) for a conditional use permit to allow a fence, eight feet in height, along the property line bordering 2600 North, of a property located at 1101 West 2600 North in the R-R (Rural Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the conditions below:

1
2 1. A building permit for the eight-foot section of fence shall be obtained before any
3 construction takes place.

4
5 2. All Final Planning, Engineering, and Fire Department requirements are met.

6
7 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
8 motion carried.

9
10 **ITEM 3 – Public Hearing to Consider the Request of Steve and Diane West for a One-Lot, One-**
11 **Parcel Residential Preliminary Subdivision Plat called Cherry Grove Subdivision Plat 'A', on**
12 **Property Located at Approximately 200 North 950 East in the R1-12 (Single-Family Residential)**
13 **Zone. GROVE CREEK NEIGHBORHOOD**

14
15 Ms. Hall presented the staff report and explained that the applicant is requesting approval of a one-
16 lot, one-parcel preliminary subdivision plat called Cherry Grove Subdivision Plat 'A,' at the
17 address stated above. The lot and parcel had never been part of a previously recorded subdivision.
18 An existing building on Parcel A will be demolished upon further development of the plat. Street
19 improvements will be required upon future development of the property. The total area of the
20 subject property is about 2.68 acres, and the proposed subdivision meets the minimum
21 requirements for residential lots in the R1-12 Zone. Street frontage for the lot and parcel will be
22 provided by the future public road, Murdock Drive.

23
24 Mr. Hilton addressed the conditions of approval as proposed by staff. At this time, the City would
25 only be requiring street improvements on a small portion of the lot. The remainder would be
26 required upon further development of Lot 2. With regard to the sewer connection, he explained
27 that the existing home is on a septic tank. With the development of the other lot, they would be
28 required to stub into the sewer with the existing home, however, they would not be required to
29 connect at this time. He explained that the Encroachment Agreement was required because a small
30 portion of the existing building would be in the right-of-way that would be dedicated to the City.

31
32 Chair Fugal opened the public hearing.

33
34 Rich Guernsey reported that Steve and Diane West have been his neighbors for a long time.
35 Although they've resisted development in the area, he understood that the new home would be for
36 their daughter. He was a firm believer that property owners should be able to do what they want
37 with their properties. He expressed his support for the request.

38
39 There were no further public comments. Chair Fugal closed the public hearing and invited the
40 Commission to either continue the discussion regarding this item or that he would entertain a
41 motion if no further discussion is necessary.

1 **MOTION:** Commissioner Steele moved that the Planning Commission forward a
2 recommendation of APPROVAL for the request of Steve and Diane West for the preliminary plat
3 called Cherry Grove Subdivision Plat A, on property located at approximately 200 North 950 East,
4 in the R1-12 (Single-Family Residential) Zone; and adopt the exhibits, conditions, and findings
5 contained in the staff report, and as modified by the conditions below:
6

- 7 1. Street improvements will be required upon further development of the property.
8
- 9 2. An agreement between the City and the property owner must be achieved regarding the
10 future connection of the existing home to the sewer system.
11
- 12 3. Storm drain infrastructure must be installed in the future roadway alignment of Murdock
13 Drive to the existing drainage facility, and the old drainage infrastructure be abandoned.
14
- 15 4. The property owner must obtain an encroachment agreement with the City for the portion
16 of the building that extends into Murdock Drive right-of-way.
17
- 18 5. All Final Planning, Engineering, and Fire Department requirements are met.
19

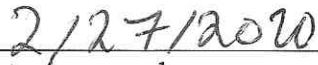
20 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
21 motion carried.
22

23 **ITEM 4 – Review and Approval of the Minutes from January 23, 2020, Planning Commission**
24 **Meetings.**
25

26 **MOTION:** Commissioner Coombs moved that the Planning Commission APPROVE the minutes
27 of the January 23, 2020, Planning Commission Meeting, as amended. Commissioner Steele
28 seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.
29

30 Prior to adjourning Chair Fugal thanked Commissioners Phillips and Oborn for the time they
31 served as Chair and Vice-Chair of the Commission during the previous year.
32

33 **MOTION:** Commissioner Coombs moved to adjourn the meeting at 8:20 p.m. Commissioner
34 Blake seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

1
2
3
4 
5 Planning Commission Chair
6
7 
8 Kara Kresser, Planning Tech
9
10 
Date Approved





