



PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
JANUARY 9, 2020

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

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

EXCUSED: Commissioner Jeffrey Butler; and Shaun Hilton, Staff Engineer

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

Commission Business:

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

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

3. **Agenda Approval:**

- **MOTION:** Commissioner Oborn moved to APPROVE the agenda as part of public record, with Items 1 and 4 being continued indefinitely. Commissioner Coombs seconded the motion. The Commissioners unanimously voted "Aye". The motion carried unanimously.

4. **Staff Reports:**

- **MOTION:** Commissioner Blake 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 unanimously.

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

1 ITEM 1 – Public Hearing to Consider the Request of Jacob Zonts for a Four-Lot Preliminary Flag
2 Lot Subdivision Plat called Zonts Hilton Subdivision Plat ‘A’, on Property Located at Approximately
3 65 East 1100 North in the R1-8 (Single-Family Residential) Zone NORTH FIELD
4 NEIGHBORHOOD *Continued indefinitely.

5
6 ITEM 2 – Public Hearing to Consider the Request of Kennedy Walker for a Conditional Use Permit
7 for a Major Home Occupation to Allow Dance Instruction on Property Located at Approximately 479
8 North 1200 East in the R1-10 (Single-Family Residential) Zone. GROVE CREEK
9 NEIGHBORHOOD.

10
11 City Planner, Rylee Hall, presented the staff report regarding a request for a Conditional Use Permit
12 to teach dance instruction as a major home occupation with up to eight students per class. By allowing
13 up to eight students, the intensity of the use increases and thus requires a Conditional Use Permit.
14 The applicant intended to teach children ages two to eighteen, with various classes throughout the
15 day, and adult dance instruction in the evenings. The following criteria apply to all home occupations:

- 16
17 a) The home occupation shall not exceed twenty-five percent (25%) of the total floor area of
18 the home.
19
20 b) Signs and Advertising: No sign or advertising shall be displayed on the premises, except
21 nameplates not exceeding two (2) square feet in area.
22
23 c) Displays: No display of any kind shall be visible from the exterior of the premises.
24
25 d) No on-street parking is allowed. This condition is derived from item “J.”

26
27 For minor home occupations, only resident employees are allowed. However, the Code regarding
28 major home occupations gives the Planning Commission authority to allow up to one non-resident
29 employee for homes with lots that are under 12,000 square feet, and or more non-resident employee
30 for homes with lots that are 12,000 square feet, or greater, provided that the number of nonresident
31 employees does not exceed the number of residents living in the home. The applicant did not have
32 any non-resident employees, and she was not currently requesting an increase. The subject property
33 is approximately 10,672 square feet in size, therefore the Planning Commission could grant up to one
34 non-resident employee if desired by the applicant.

35
36 A site plan was provided illustrating how parking for the residents and patrons would be
37 accommodated on the lot. Two spaces were provided for residential use in the two-car garage and
38 two spaces were reserved on the western portion of the property for a registered accessory apartment.
39 After this, up to six spaces could be accommodated in the driveway for patrons.

40
41 For major home occupations, the Planning Commission may impose additional conditions for the
42 visual appearance of the site, access improvements, noise limits, the scope of services allowed, and
43 other conditions deemed necessary by the Planning Commission.
44

1 Chair Phillips opened the public hearing.

2
3 Deborah Chavez gave her address as 848 East 350 North and asked for clarification on the parking
4 situation. She commented that it does not seem functional. Ms. Hall explained that the class sizes
5 would be limited by how many parking stalls she can provide on the property. On-street parking is
6 not allowed.

7
8 Sheila Scroggins, who resides at 433 North 1200 East, expressed concerns about the traffic increase
9 on the steep hill, especially during the winter. The owner also needs to be mindful of when the bus
10 drops off the school children and not plan any pickup or drop-offs at that time. Mrs. Scroggins did
11 not believe that parents would pull into the property to drop off their children. It was more likely that
12 they would pull up to the curb.

13
14 Chair Phillips agreed that this was a valid concern. It is the applicant's responsibility to communicate
15 the parking restrictions and drop-off procedures to students and parents. If the conditions are violated,
16 the conditional use permit will be revoked.

17
18 Commissioner Clyde commented that there is a difference between vehicles pulling up to the curb to
19 drop off children and parking on the street.

20
21 Commissioner Oborn stated that it is in the business owner's best interest to be respectful of the
22 neighbors and communicate well with the parents of students. Neighbors are encouraged to reach out
23 to the City if there are problems with the business.

24
25 Mrs. Scroggins felt that the Planning Commission had already decided to allow this use. The
26 Commissioners explained that it is their duty to follow the existing City Code. The proposed use is
27 already allowed but the applicant was asking to increase the number of allowed students with a
28 Conditional Use Permit. If the owner violates the permit, the City will revoke the permit and the
29 business license. The Planning Commission is able to impose conditions on the permit that will
30 mitigate impacts to the neighborhood and they want the input of the residents to better understand the
31 potential impacts.

32
33 Larry Scroggins gave his address as 433 North 1200 East and stated that the Conditional Use Permit
34 is open-ended as long as the conditions are met. This is not a trial period for the business. The
35 Commission confirmed this to be correct.

36
37 There were no further public comments. Chair Phillips closed the public hearing and invited the
38 Commission to either continue the discussion regarding this item or that he would entertain a motion
39 if no further discussion is necessary.

40
41 Commissioner Blake asked if it was possible to impose a condition stating that pickup and drop-offs
42 occur on the side of the street closest to the home. She worried about children crossing the street with
43 limited visibility. Some of the Commissioners felt this requirement might be overly cumbersome.

1
2 Community Development Director, Daniel Cardenas thanked the residents for their input. He stated
3 that the best-case scenario for drop-offs and pickups was for parents to pull into the driveway,
4 however, that would also create issues with cars continually backing out of the property. The
5 Conditional Use Permit allows the owner to have up to eight students per class but that does not mean
6 she would have eight students in each class.
7

8 The Commission discussed the conditions of the Conditional Use Permit. It was suggested that they
9 include a condition specifying that the traffic associated with the use not adversely affect the
10 neighborhood.
11

12 Commissioner Fugal noted that two of the parking spots designated for residential use were for the
13 accessory apartment. He asked if those two parking spots need to be reserved if the apartment is
14 unoccupied. Staff confirmed that the two spots need to remain open regardless of whether the
15 apartment is occupied. It was acknowledged that this would be difficult to monitor.
16

17 **MOTION:** Commissioner Steele moved that the Planning Commission APPROVE the request of
18 Kennedy Walker for a Conditional Use Permit to allow a dance instruction home occupation, on
19 property located at 479 North 1200 East, in the R 1-10 (Single-Family Residential) Zone; and
20 adopt the exhibits, conditions, and findings contained in the staff report, and as modified by the
21 conditions below:
22

- 23 1. At least four (4) parking spaces need to be maintained for the residents' vehicles that are not
24 used for parking purposes.
25
- 26 2. On-street parking for patrons will be prohibited.
27
- 28 3. All applicable conditions in City Code Section 10-21-4 and Section 10-21-6 are met.
29
- 30 4. All Final Planning, Engineering, and Fire Department requirements are met.
31
- 32 5. Use of Business may not materially impact the flow of traffic or the safety of pedestrians on
33 the street.
34

35 Commissioner Blake seconded the motion. The Commissioners unanimously voted "Aye". The
36 motion carried.
37

1 **ITEM 3 – Public Hearing to Consider the Request of Steve and Diane West to Apply the R1-12**
2 **(Single-Family Residential) Zone to Approximately 2.67 Acres on Property Located at 200 North**
3 **950 East. GROVE CREEK NEIGHBORHOOD.**

4
5 Director Cardenas presented the staff report regarding a request to rezone 2.67 acres of property from
6 R1-20 to R1-12. He identified the subject property on an aerial photograph. He gave a brief history
7 of the property and explained that the surrounding properties had all been rezoned to R1-12 already.
8 The existing orchard will remain a non-conforming use and operations will be able to continue. The
9 rezone would allow another portion of the property to be subdivided and developed. Director
10 Cardenas reported that the request falls within the General Plan. Staff recommended approval.

11
12 The applicant, Blake Peterson, identified himself as the son-in-law of the property owner. As long as
13 the non-conforming agricultural use can continue, the owners had no objection to the rezoning.

14
15 Chair Phillips opened the public hearing.

16
17 Ed Sanderson gave his address as 312 North 700 East and stated that several residents had concerns
18 about the canal crossing near the subject property. The crossing was supposed to be closed, but it
19 was continually used by the construction vehicles of the developer of the new neighborhood. The
20 City and Provo River Water Users assured the residents that the access would be blocked off but it
21 was not. The crossing was not built to accommodate such heavy vehicles and the underground pipe
22 was in danger of rupturing. If that occurred, all of the residents downstream would be impacted.

23
24 Debbie Chavez gave her address as 848 East 350 North and stated that she and the other residents had
25 no problem with the rezone request, but the canal crossing needs to be addressed. She attended two
26 City Council meetings and made comments on the issue. She emailed the City Council and Mayor,
27 contacted Provo River Water Users, and had the police visit the area several times. The residents
28 received promises that were never fulfilled. She wanted the issue to be resolved.

29
30 The applicant, Blake Peterson, explained that the canal crossing was the only access Steve and Diane
31 West had to their property. There is a road that should connect to their property, but it is currently
32 only a half road and does not provide adequate space to access their property. Once the road is
33 complete, the canal crossing can be blocked; but for now, this is the owners' only access to the
34 property. Provo River Water Users was aware of the situation. He understood that the canal crossing
35 was not part of the application but he wanted that information to be shared with the neighbors.

36
37 Director Cardenas reported that the discussion needs to focus on the rezone because the issue of the
38 canal crossing was not noticed. Legally, they cannot make a decision on the canal at this time.
39 However, all of the comments made by the residents would be recorded in the minutes.

40
41 Lon Chavez, who resides at 848 East 350 North, asked about the plans for the road that will provide
42 access for the Wests.

Commissioner Clyde responded that the next step will be for the applicant to submit a site plan to the City for review and approval. At that time, the issue of the canal would be addressed. The Commissioners now have an understanding of the concerns of the residents and could take that into account when discussing the site plan. The site plan application would also be noticed. Staff expected the matter to be heard by the Commission in February.

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

MOTION: Commissioner Fugal moved that the Planning Commission recommend that the City Council APPROVE the request of Steve West to rezone approximately 2.67 acres of property at approximately 200 North 950 East, from the R1-20 (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 Coombs seconded the motion. The Commissioner unanimously voted "Aye". The motion carried.

ITEM 4 – Public Hearing to Consider the Request of Pleasant Grove City to Amend City Code Section 10-15: Supplementary Design Standards, by Adding the Following Section, Section 10-15-49: Frontage Requirements for Commercial Developments, to Specify Requirements for Commercial Development Only Regarding Frontage and Accessibility on a Public Street. CITYWIDE *Continued indefinitely.

ITEM 5 – Review and Approval of the Minutes from December 12, 2019, Planning Commission Meetings.

MOTION: Commissioner Oborn moved that the Planning Commission APPROVE the minutes for the December 12, 2019, Planning Commission Meeting, as amended. Commissioner Steele seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

MOTION: Commissioner Coombs moved to adjourn the meeting at 8:00 p.m. Commissioner Oborn seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

1 DKB
2 Planning Commission Chair
3
4 Kara Kresser
5 Kara Kresser, Planning Tech
6
7 1/23/2020
8 Date Approved