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3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 MAY 14, 2020
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7 **PRESENT:** Chair Todd Fugal, Vice-Chair Jeffrey Butler, Commissioners Dustin Phillips, Lisa
8 Coombs, Peter Steele, Tim Clyde, Bobbi Jo Blake, and Jim Martineau (Alternate)
9

10 **STAFF:** Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Kara
11 Kresser, Staff Assistant
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13 Chair Fugal opened the Regular Session at 7:00 p.m.
14

15 **Commission Business:**
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17 1. **Pledge of Allegiance:** Commissioner Coombs led the Pledge of Allegiance.
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19 2. **Opening Remarks:** Commissioner Butler gave the opening remarks.
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21 3. **Agenda Approval:**
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- 23 • **MOTION:** Commissioner Coombs moved to APPROVE the agenda as part of public
24 record, with Items 2, 3, 4, and 5 continued to the May 28, 2020, meeting.
25 Commissioner Phillips seconded the motion. The Commissioners unanimously voted
26 "Aye". The motion carried.
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28 4. **Staff Reports:**
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- 30 • **MOTION:** Commissioner Coombs moved to APPROVE the staff reports as part of
31 the public record. Commissioner Steele seconded the motion. The Commissioners
32 unanimously voted "Aye". The motion carried.
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34 5. **Declaration of Conflicts and Abstentions from Commission Members:** There were none.
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36 **ITEM 1 – Public Hearing to Consider the Request of Daniel Thomas to Amend City Code Section**
37 **10-14-24-3D: The Grove Interchange Subdistrict, Permitted Uses, Expanding the Permitted Use in**

1 Order to Include Use #5194 Retail Trade of Tobacco and Tobacco Products within the Interchange
2 Subdistrict of The Grove Zone. **SAM WHITE'S LANE NEIGHBORHOOD**

3
4 Community Development Director, Daniel Cardenas presented the staff report regarding a proposal
5 to amend the City Code to allow Use #5194: Retail Trade of Tobacco and Tobacco Products within
6 the Interchange Subdistrict of The Grove Zone. Within the Interchange Subdistrict, the project areas
7 are required to have at least 50% of sales tax-generating uses. Director Cardenas gave a history of
8 the creation of The Grove Zone and stated that the Interchange Subdistrict is meant to act as a gateway
9 into Pleasant Grove City. When the Interchange Subdistrict was created, the Council at the time
10 determined that the sale of tobacco products was not a desired use in the area. Staff considered
11 making it a conditional use, but tobacco sales are already regulated by the State. The proposed use
12 would not include cannabis but does include vaping products. Staff recommended denial of the
13 application because the use is not compatible with the surrounding uses in the zone.

14
15 Chair Fugal asked why staff feels the use does not fit their image of the Interchange Subdistrict. He
16 asked if it was the product they were concerned about. Director Cardenas stated that it was the use
17 as well as the aesthetics of the area. It was difficult to interpret because it was subjective.

18
19 Commissioner Butler asked if there were measures within the State ordinance regarding signage and
20 appearance. Director Cardenas was not certain about signage but stated that the ordinance includes
21 buffering requirements.

22
23 Commissioner Coombs commented that there are two other tobacco specialty stores in the City, and
24 it seemed arbitrary to not allow the use in this location simply because they do not like the use.
25 Commissioner Blake added that the look of the building should be more important than the use. She
26 questioned why the previous Council excluded the tobacco use originally. Commissioner Clyde
27 remarked that much of the Interchange area had been developed and an image had already been
28 established. Commissioner Phillips agreed that the appearance of the building and the architectural
29 standards of the structure are more important. Chair Fugal added that this was one of the last areas
30 in the City that can be developed with retail uses.

31
32 The Commission discussed the possibility of adding Use #5194 as a conditional use, which gives the
33 City control over what it looks like. Director Cardenas commented that staff considered this but many
34 of the conditions they would place on a tobacco shop were covered in other City Code standards.

35
36 *NOTE: Commissioner Coombs was excused from the remainder of the meeting at 7:32 p.m.*

37
38 Chair Fugal did not have an issue with allowing the proposed use because the purpose of the
39 Interchange Subdistrict is to generate sales tax revenue, and this is a retail use. Commissioner Blake
40 felt that the use should be conditional, while Commissioner Phillips felt that making it a conditional
41 use would be overreaching.

1 Chair Fugal opened the public hearing. The public hearing remained open for several minutes to
2 allow for online comments to be submitted.

3
4 The applicant, Daniel Thomas, joined the meeting via telephone. He was unaware that staff's
5 recommendation was to deny the application, and for the reasoning behind it. Director Cardenas
6 explained that staff considered the use incompatible with the uses that already exist in the Interchange
7 Subdistrict. Mr. Thomas agreed that the label of "tobacco specialty stores" is broad. He explained
8 that they were planning on putting in a barbershop and not a tobacco retailer. The barbershop, which
9 is an existing tenant in Park City, sells tobacco products. The reason for the request was that the
10 tobacco sales may exceed 35% of their use and State Law requires a specialty tobacco license for that.
11 The use would be in an existing building, and the signage will be consistent with other tenants in the
12 building. Mr. Thomas understood that this requirement is for the entire zone but he wanted to provide
13 some background with the request.

14
15 Commissioner Butler asked about the distance requirements for the proposed use. Director Cardenas
16 stated that it is 1,000 feet from schools and residential areas.

17
18 There were no further public comments. Chair Fugal closed the public hearing and invited the
19 Commission to either continue the discussion regarding this item or that he would entertain a motion
20 if no further discussion is necessary.

21
22 **MOTION:** Commissioner Phillips moved that the Planning Commission forward a recommendation
23 of APPROVAL to the City Council for the proposed amendments to City Code Section 10-14-24-
24 3D: The Grove Interchange Subdistrict, Permitted Uses; by adding Use #5194: Retail Trade of
25 Tobacco and Tobacco Products as a permitted use; and adopt the exhibits, conditions, and findings
26 contained in the staff report. Commissioner Clyde seconded the motion. The Commissioners
27 unanimously voted "Aye". The motion carried.

28
29 **ITEM 2 – Public Hearing to Consider Amending City Code Section 10-9B-7-F2: Single Family**
30 **Residential, Height Considerations for Accessory Structures, Eliminating the Conditional Use**
31 **Requirements and Modifying the Qualifying Provisions for the Height of Accessory Structures in all**
32 **the R-1 (Single Family Residential) Zones. CITY-WIDE *Continued to the May 28, 2020,**
33 ***Planning Commission Meeting.***

34
35 Although the above items were continued, Director Cardenas gave a brief update on the issue.
36 Currently, the permitted height of accessory structures is up to 18 feet and up to 25 feet with a
37 conditional use permit. The concern was that neighbors with concerns were under the impression
38 that the Planning Commission could deny the application, even if the neighbors were opposed to it.
39 The Commission could impose reasonable conditions. Staff's approach to resolving the issue was to
40 make it a permitted use but require a larger setback with the additional height. It was also suggested
41 that a courtesy notice be sent to the neighbors but not hold a public hearing. This would allow the
42 neighbors to approach the applicant with their concerns.

1 Director Cardenas explained that they are also addressing concerns with the square footage of an
2 accessory building. Currently, the allowed square footage of an accessory structure is 10% of the
3 minimum lot size of the zone and up to 15% with a conditional use permit. Staff suggested including
4 greater architectural requirements for larger structures. He invited the Commission to send any
5 feedback to staff as they prepare the staff report.

6
7 **ITEM 3 – Public Hearing to Consider Amending City Code Section 10:9B-7-F3: Single-Family**
8 **Residential, Size Considerations for Accessory Buildings, Eliminating the Conditional Use**
9 **Requirements and Modifying the Qualifying Provisions for the Area of Accessory Structures in all**
10 **the R-1 (Single-Family Residential) Zone. CITY-WIDE *Continued to the May 28, 2020, Planning**
11 **Commission Meeting.**

12
13 **ITEM 4 – Public Hearing to Consider Amending City Code Section 10-9A-8: Yard Requirements,**
14 **Eliminating the Conditional Use Requirements for Height Considerations for Accessory Structures**
15 **in the R-R (Rural Residential) Zone. CITY-WIDE *Continued to the May 28, 2020, Planning**
16 **Commission Meeting.**

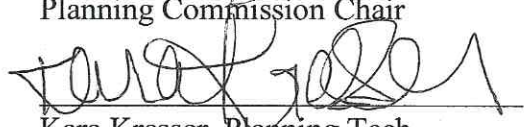
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18 **ITEM 5 – Public Hearing to Consider Amending City Code Section 10-15-38: Fencing Standards,**
19 **Modifying the Requirements for the Installation of Fences Over Six Feet Tall. CITY-WIDE**
20 ***Continued to the May 28, 2020, Planning Commission Meeting.**

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22 **ITEM 5 – Review and Approval of the Minutes from April 9, 2020, Planning Commission Meeting.**

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24 **MOTION:** Commissioner Butler moved that the Planning Commission APPROVE the minutes for
25 the April 9, 2020, Planning Commission Meeting, as amended. Commissioner Steele seconded the
26 motion. The Commissioners unanimously voted “Aye”. The motion carried.

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28 **MOTION:** Commissioner Clyde moved to adjourn the meeting at 8:26 p.m. Commissioner Blake
29 seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

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Planning Commission Chair

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35 Kara Kresser, Planning Tech

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37 5.28.2020
38 Date Approved