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2
3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 March 25, 2021
6

7 **PRESENT:** Vice-Chair Peter Steele, Commissioners Jeffrey Butler, Todd Fugal, Tim Clyde, and
8 Dustin Phillips
9

10 **EXCUSED:** Chair Bobbi Jo Blake, and Lisa Coombs
11

12 **STAFF:** Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Aaron
13 Wilson, City Engineer; Kara Kresser, Planning Assistant; Lauren Drubay, Planning Tech
14

15 Vice-Chair Peter Steele called the meeting to order at 7:04 p.m.
16

17 **Commission Business:**
18

19 1. **Pledge of Allegiance and Opening Remarks:** Commissioner Fugal led the Pledge of
20 Allegiance. Commissioner Phillips gave the opening remarks.
21

22 2. **Agenda Approval:**
23

- 24 • **MOTION:** Commissioner Phillips moved to APPROVE the agenda as part of
25 public record, as written. Commissioner Fugal seconded the motion. The
26 Commissioners unanimously voted "Aye". The motion carried.
27

28 3. **Staff Reports:**
29

- 30 • **MOTION:** Commissioner Fugal moved to APPROVE the Staff Reports.
31 Commissioner Clyde seconded the motion. The Commissioners unanimously
32 voted "Aye". The motion carried.
33

34 4. **Declaration of Conflicts and Abstentions from Commission Members.**
35

36 There were no conflicts of interest.
37

1 **ITEM 1** – Public Hearing – Preliminary Condominium Subdivision Plat – Located at
2 Approximately 220 South and Pleasant Grove Boulevard (Sam White’s Lane Neighborhood).
3 Public Hearing to Consider the Request of McKay Christensen for a 42-Lot Preliminary
4 Condominium Subdivision Plat, Called The Boulevard 120 Subdivision Plat ‘A’ on Property
5 Located at Approximately 220 South and Pleasant Grove Boulevard in The Grove Zone District –
6 The Boulevard Mixed-Use Overlay.

7
8 City Planner, Rylee Hall presented the staff report and stated that Items 1 and 2 would be presented
9 together. She shared a zoning map with the Planning Commission. The proposed condominium
10 plat is on a site that is currently vacant, with an existing approved subdivision, The Boulevard
11 Subdivision Plat ‘A.’ The Boulevard 120 Subdivision Plat ‘A’ will occupy existing Lot 4 and The
12 Boulevard 120 Subdivision Plat ‘B’ will occupy existing Lot 1 of The Boulevard Subdivision Plat
13 ‘A’. Planner Hall shared an aerial image and reported that the project had not yet received site
14 plan approval.

15
16 Proposed Plat ‘A’ will occupy 1.774 acres or 77,265 square feet and will have 42 total buildings.
17 Proposed Plat ‘B’ will occupy 1.316 acres or 57,316 square feet and will have 32 total buildings.
18 Each of the units in the condominium plats will be approximately 2,146 square feet in size. The
19 buildings and common areas will be managed by the owner’s association for the properties. Each
20 individual building will privately own its dwelling. They will jointly own the open space,
21 amenities, private roads, and common areas.

22
23 Plats ‘A’ and ‘B’ have two different footprints shown for each of the units. There is a Type ‘A’
24 unit and a Type ‘B’ unit. Each unit may be reversed. The main difference is whether the entrance
25 to the units will be on the left or right side of the building. The setbacks for any structure in The
26 Grove Zone – Boulevard Mixed-Use Overlay are 10 feet from local roads (100 South) and 18 feet
27 from collector roads (1300 West) and are measured only from public streets.

28
29 The Grove Zone – Boulevard Mixed-Use Overlay has a maximum residential density of 23 units
30 per acre. The density requirements will apply to the Master Plan area for the whole project,
31 including all lots shown in The Boulevard Subdivision Plat ‘A,’ except for a portion of Lot 5 that
32 is not within Boulevard Mixed-Use Overlay. The entire master-planned project area is
33 approximately 10.7 acres in size and approximately 246 units will be allowed for the entire project
34 area, with the caveat that a certain amount of commercial space included in the project will be
35 dedicated to sales tax-generating use. The density distribution of the units may be uneven, as there
36 is an existing commercial buffer requirement of 64 feet in width along Pleasant Grove Boulevard.
37 The intent of the ordinance is to eliminate any residential use located along Pleasant Grove
38 Boulevard and to devote those areas to commercial uses.

39
40 The site plan for the development had not yet been approved. When the site plan is presented to
41 the Planning Commission it will include additional details, including building design, parking
42 requirements, open space requirements, landscape requirements, and all other relevant

1 requirements. Since each of the proposed condominium plats meets all City Code requirements,
2 staff recommended the Planning Commission forward approval to the City Council for each
3 preliminary condominium subdivision plat. Planner Hall explained that there would need to be
4 two different motions for Plat 'A' and Plat 'B.'

5
6 The applicant, McKay Christensen, clarified that the total site is closer to 12 acres in size and the
7 total density will be around 270 units. Community Development Director, Daniel Cardenas stated
8 that staff would need to review that further.

9
10 Vice-Chair Steele opened the public hearing. There were no public comments. Vice-Chair Steele
11 closed the public hearing and invited the Commission to either continue the discussion regarding
12 this item or that he would entertain a motion if no further discussion is necessary.

13
14 **MOTION:** Commissioner Phillips moved to forward a recommendation of APPROVAL for the
15 request of McKay Christensen for the preliminary condominium subdivision plat called The
16 Boulevard 120 Subdivision Plat 'A,' located at approximately 220 South and Pleasant Grove
17 Boulevard in The Grove Zone District – The Boulevard Mixed-Use Overlay; and adopting the
18 exhibits, conditions, and findings of the Staff Report, and as modified by the condition below:

- 19
20 1. All Final Planning, Engineering, and Fire Department requirements are met.

21
22 Commissioner Fugal seconded the motion. The Commissioners unanimously voted "Aye". The
23 motion carried.

24
25 **ITEM 2 – Public Hearing – Preliminary Condominium Subdivision Plat – Located at**
26 **Approximately 220 South and Pleasant Grove Boulevard. (Sam White's Lane Neighborhood).**
27 **Public Hearing to Consider the Request of McKay Christensen for a 32-Lot Preliminary**
28 **Condominium Subdivision Plat, Called The Boulevard 120 Subdivision Plat 'B' on Property**
29 **Located at Approximately 220 South and Pleasant Grove Boulevard in The Grove Zone District –**
30 **The Boulevard Mixed-Use Overlay.**

31
32 **MOTION:** Commissioner Phillips moved to forward a recommendation of APPROVAL for the
33 request of McKay Christensen for the preliminary condominium subdivision plat called The
34 Boulevard 120 Subdivision Plat 'B,' located at approximately 220 South and Pleasant Grove
35 Boulevard in The Grove Zone District – The Boulevard Mixed-Use Overlay; and adopting the
36 exhibits, conditions, and findings of the Staff Report, and as modified by the condition below:

- 37
38 1. All Final Planning, Engineering, and Fire Department requirements are met.

39
40 Commissioner Butler seconded the motion. The Commissioners unanimously voted "Aye". The
41 motion carried.

1 **ITEM 3** – Public Hearing - Code Text Amendment – Section 10-19-7 E: Miscellaneous Signs,
2 Electronic Message Signs. (City Wide). Public Hearing to Consider a Request from Pleasant
3 Grove City to Amend City Code Section 10-19-7 E: Miscellaneous Signs, Electronic Message
4 Signs. The Applicant is Proposing to Modify the Requirements for the Establishment of Electronic
5 Message Signs as well as the Zones where the Signs are Permitted. ***Continued from March 11,*
6 *2021, ***

7
8 Director Cardenas reported that Items 3 and 4 would be presented together. He noted that the item
9 had previously been continued from the March 11, 2021, Planning Commission Meeting. Director
10 Cardenas explained that the most common types of signs in Pleasant Grove are freestanding signs,
11 wall signs, and monument signs. There are already dimensions established for these types of signs.
12 The monument signs would be the focus of the Planning Commission discussion. Staff previously
13 proposed that there be a distinction between commercial signs and civic or public use signs. The
14 intent of that distinction was to allow the LED, or electronic part of the sign, to be increased to the
15 entire area of the monument sign.

16
17 The dimensions of monument signs were shared. Director Cardenas explained that with any
18 project that is less than 10 acres, the sign area square footage is 32 and the sign height is four feet.
19 The Code also allows for an additional two feet because of the base or berm. According to the
20 current Code, the panel area may not exceed 50% of the total sign area. The initial proposal was
21 to make a distinction so that commercial signs would adhere to the existing regulations, while civic
22 and public signs could use the entire panel. However, under the direction of the Planning
23 Commission, a second proposal was drafted to increase the electronic panel area of any monument
24 sign across the City. It would not make a distinction between civic, public, or commercial uses.

25
26 Staff took the Code text amendment to the City Attorney and the 50% requirement was removed
27 from the 10-19-2 definition and monument signs were removed from 10-19-7 E1. The 50%
28 requirement remained for freestanding signs and wall signs.

29
30 Commissioner Fugal questioned whether the intention was captured sufficiently. He expressed
31 concern that the language might accidentally give free rein to signs that were not defined as a
32 monument or freestanding. Director Cardenas reported that permitted electronic message signs
33 include monument signs, freestanding signs, or wall signs. He noted that wall signs could be added
34 to the language but noted that all three types of signs have their own sections. Vice-Chair Steele
35 clarified that each sign type has its own limits and definitions.

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

40
41 Vice-Chair Steele appreciated all the work staff put into the Code text amendment. Director
42 Cardenas reported that there would need to be two different motions for 10-19-7 E1 and 10-19-2.

1
2 **MOTION:** Commissioner Fugal moved to forward a recommendation of APPROVAL to the City
3 Council for the proposed amendment to City Code Section 10-19-7 E1: Miscellaneous Signs,
4 Electronic Message Signs; and adopting the exhibits, conditions, and findings of the staff report.
5 Commissioner Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The
6 motion carried.
7

8 **ITEM 4 – Public Hearing – Code Text Amendment – Section 10-19-2: Definitions for Signs and**
9 **Outdoor Advertisement. (City Wide). Public Hearing to Consider a Request from Pleasant Grove**
10 **City to Amend City Code Section 10-19-2: Definitions for Signs and Outdoor Advertisement.**
11 **The Applicant is Proposing to Modify the Definition of Electronic Message Centers and Change**
12 **the Established Percentage of the Total Sign Area Dedicated to the Electronic Message Part.**
13 *****Continued from March 11, 2021, *****
14

15 **MOTION:** Commissioner Fugal moved to forward a recommendation of APPROVAL to the City
16 Council for the proposed amendment to City Code Section 10-19-2: Definitions for Signs and
17 Outdoor Advertisement; and adopting the exhibits, conditions, and findings of the staff report.
18 Commissioner Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The
19 motion carried.
20

21 **ITEM 5 – Public Hearing – City Code Text Amendment – Section 10-15-47 C: Accessory**
22 **Apartments, Owner Occupied (City Wide). Public Hearing to Consider Amendments to City Code**
23 **Section 10-15-47 C: Accessory Apartments, Owner Occupied, to Further Define the Term “Owner**
24 **Occupied” for Accessory Apartments and Tiny Homes. ***Continued from March 11, 2021, *****
25

26 Director Cardenas reported that the language for the City Code Text Amendment was proposed by
27 the Legal Department based on cases the City was currently facing. He stressed the importance of
28 further defining the term “owner-occupied.” Some of the Planning Commission comments were
29 incorporated into the language. Not all comments from the Planning Commission were
30 incorporated but they were all taken into consideration. Staff recommended that the Planning
31 Commission forward approval to the City Council.
32

33 Vice-Chair Steele identified a missing word in 10-15-47 C where it stated, “...can show that said
34 dwelling is their primary residence and has been for at least one (1) prior to establishing an
35 accessory dwelling unit on the property,” the word “year” needed to be added following “one (1).”
36

37 Commissioner Butler clarified that the City wanted to make the “owner-occupied” term more
38 defined. Director Cardenas explained that a group of approximately 30 constituents came to the
39 City and asked that more specificity be added. They wanted it to be more comprehensive.
40

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

1 **MOTION:** Commissioner Phillips moved that the Planning Commission forward a
2 recommendation of APPROVAL to the City Council for the proposed amendments to City Code
3 Section 10-15-47 C: Accessory Apartments, Owner Occupied, by modifying the definition for
4 “owner occupancy” for the establishment of accessory apartments in the single-family dwelling
5 zones; and adopting the exhibits, conditions, and findings of the staff report, and as modified by
6 the condition below:
7

- 8 1. The addition of the word “year” to the last line of 10-15-47C -4.
9

10 Commissioner Butler seconded the motion. The Commissioners unanimously voted “Aye”. The
11 motion carried.
12

13 **ITEM 6 – Public Hearing – Text Amendment – Section 10-14-27-2E: Storage.** (The Grove Zone
14 District – Boulevard Mixed-Use Overlay). Public Hearing to Consider the Request of McKay
15 Christensen to Amend City Code Section 10-14-27-2E: Storage, by Modifying Limitations for
16 Storage Uses within any Unit, Only within The Grove Zone District – Boulevard Mixed-Use
17 Overlay.
18

19 Director Cardenas reported that Items 6 and 7 would be presented together. A Code text
20 amendment to create the Boulevard Mixed-Use Overlay (“BMU”) Zone was first brought before
21 the Planning Commission on June 14, 2018. After that meeting, the applicant made changes to
22 the proposal based on suggestions from the Planning Commission. The item was brought before
23 the Planning Commission again on June 28, 2018, to discuss the proposed changes. At that time,
24 the Planning Commission sent a recommendation of approval to City Council, the ordinance was
25 adopted, and a new zoning overlay was created.
26

27 The applicant, Mr. Christensen, had since platted the property and was now proposing to amend
28 the Code to eliminate a commercial-only buffer requirement along Pleasant Grove Boulevard and
29 amend the Code regarding restrictions to the amount of storage that can be associated with
30 commercial uses within the zone. Director Cardenas reported that the text amendment items were
31 last discussed at the February 25, 2021, Planning Commission Meeting. He shared a zone map
32 and aerial map of the applicant property and overviewed the proposed Code text amendment
33 related to the density of allowed uses. Director Cardenas discussed the 64-foot commercial buffer
34 along Pleasant Grove Boulevard and the need for residential parking.
35

36 Conversations had taken place with Mr. Christensen, who suggested putting amenities on the main
37 floor to make the eventual apartment complex appear commercial. There were also discussions
38 related to the addition of a hedge or a berm. Director Cardenas explained that a site plan had not
39 yet been approved. However, when the original idea was proposed, there was going to be an
40 apartment building with a restaurant and retail businesses on the main floor. The applicant stated
41 that was difficult to do and wanted to build only residential units in the apartment building.
42 Mr. Christensen would still need to provide commercial space and proposed that the commercial

1 space be in a different area of the project. Staff recommended that the Planning Commission put
2 the text amendment on hold or forward a recommendation of denial to the City Council until the
3 applicant is ready to begin the design phase.

4
5 Director Cardenas reported that the second Code text amendment relates to storage. The current
6 Code states that storage use within any of the units is permitted as an incidental use to any of the
7 permitted uses and will be limited to 1,500 square feet per building. However, Mr. Christensen
8 pointed out that the Code text could be restrictive to businesses in the City. As a result, the
9 language proposed by the applicant stated the following:

- 10
11 • Storage use within any of the units within the Boulevard Mixed-Use Zone qualifies as sale
12 tax-generating use, but shall be limited to 6,000 square feet; provided, however, that the
13 storage use will not constitute more than 50% of the building gross square footage.

14
15 Director Cardenas explained that staff proposed the following language:

- 16
17 • Storage use within any of the units is only permitted as an incidental use to any of the
18 permitted uses listed above. The area designed for storage counting toward a sales tax
19 generation use shall be limited to 1,500 square feet per building.

20
21 Commissioner Fugal commented that the 1,500 square foot number seemed like it was based on
22 restaurants and their need for storage. He wondered if other types of sales tax-generating uses and
23 the associated storage requirements had been reviewed. Director Cardenas reported that staff also
24 looked at smaller retail businesses.

25
26 Mr. Christensen shared a map with the Planning Commission and overviewed the information
27 shared by Director Cardenas. He understood the intent of the 64-foot buffer and reported that retail
28 was always going to be put out front. Discussions with Director Cardenas led to suggestions such
29 as a berm to shield parking and to have the majority of the amenities on the ground floor so there
30 would be a continuity of experience from the outside. Mr. Christensen shared a drawing of what
31 the building may look like from the street and overviewed possible design elements. He stated
32 that the text amendment had to do with how the stalls were allocated. No commercial space,
33 commercial stalls, or residential space would be sacrificed.

34
35 Commissioner Butler asked how he felt about the text amendment being delayed until the site plan.
36 Mr. Christensen commented that it is always better to have things done upfront. He mentioned the
37 costs that would be invested in architectural fees and stated that it was preferable to know what
38 could and could not be done before investing those funds. Mr. Christensen also discussed the
39 proposed text amendment related to storage. He discussed different retail uses and stated that some
40 could do more than others within a certain amount of space. He commented that they wanted to
41 include the 6,000 square feet as part of the sales tax-generating use amount that counts. It is the
42 space that supports the retail that is actually doing the sales.

1
2 Commissioner Fugal asked what would happen if the text amendment was included as written,
3 with only 1,500 square feet allocated to the sales tax-generating use. Mr. Christensen commented
4 that they may need to look for a different type of user for that spot. He noted that it would not
5 necessarily be because of space allocation and stated that retail requires a lot of parking.
6

7 Vice-Chair Steele opened the public hearing. There were no public comments. Vice-Chair Steele
8 closed the public hearing and invited the Commission to either continue the discussion regarding
9 this item or that he would entertain a motion if no further discussion is necessary.
10

11 Vice-Chair Steele shared a suggestion related to the buffer. He noted that a Development
12 Agreement could be put in place. Director Cardenas commented that a Development Agreement
13 cannot override what the Code states. Vice-Chair Steele believed there would likely be a Code
14 change plus a Development Agreement. Director Cardenas thought it was a good idea but stated
15 that he would need additional time to discuss it with the Legal Department.
16

17 Commissioner Fugal liked the idea of a Development Agreement and offered an alternative
18 suggestion as well. The Code could read that any residential along Pleasant Grove Boulevard
19 within the overlay would have a requirement that it must be a multi-tiered residential mixed-use
20 with no apartments on the bottom floor or no residential units on the bottom floor. However, it
21 would still allow for amenities. This would allow the architects to start their process and provide
22 some additional security for the applicant as well.
23

24 Mr. Christensen asked for additional information about a Development Agreement. Vice-Chair
25 Steele commented that there would involve a Code change to specify that the City Council could
26 modify the buffer requirement as long as they sign a contract with the applicant. That was
27 something the City had used on other developments. Vice-Chair Steele explained that a
28 Development Agreement is a contract between a developer and the City. Director Cardenas added
29 that a Development Agreement would be very specific about the design. Instead of adding certain
30 things to the Code, it would be added into the Development Agreement. If the City Council liked
31 what was included, they could choose to reduce or eliminate the 64-foot buffer.
32

33 Director Cardenas commented that he would need to speak to the Legal Department to determine
34 if a Development Agreement was an option. If it was, staff would come up with language to
35 present to the Planning Commission. He reported that staff was currently proposing to table or
36 deny the item until there was a more defined design for the property. Since the applicant was
37 looking for additional certainty, staff could speak to the Legal Department and potentially work
38 on a Development Agreement. Discussions were had about continuing Item 7 to allow Director
39 Cardenas to speak to the Legal Department and determine appropriate next steps.
40

41 Commissioner Fugal wondered if there could be a text amendment giving the City Council the
42 ability to enter into a Development Agreement. Then there would not need to be a specific

1 Development Agreement written ahead of time. Director Cardenas stated that he would speak to
2 the Legal Department to determine if that was a viable option. Language could be included in the
3 Code to state, "Upon the acceptance of a Development Agreement by the City Council, the buffer
4 can be reduced." Mr. Christensen thought that the suggestions made by the Planning Commission
5 were fair and he would speak further with Director Cardenas.
6

7 Continued discussions were had related to storage. Commissioner Fugal did not understand the
8 preference for smaller retail and why storage that supported retail was not considered part of the
9 retail square footage requirement. If a retail use required a certain amount of storage, he did not
10 understand why there would be a 1,500 square foot limit. Commissioner Clyde believed the
11 reasoning was that the more products there were in a showroom, the more opportunities there were
12 to sell. However, he noted that that does not always apply and depends on the business. He
13 commented that the City wanted Mr. Christensen and the retail spaces to be successful. He had a
14 difficult time understanding the restrictions and whether they really apply.
15

16 Commissioner Phillips commented that the City could potentially be restricting options by having
17 the 1,500 square foot storage limit in place. Discussions were had about what would be most
18 beneficial to the City. Director Cardenas mentioned a previous development on State Street and
19 the Development Agreement that was in place. He added that staff would honor any decision
20 made by the Planning Commission. Commissioner Phillips noted that the previous development
21 on State Street had been a highly developable area compared to what was currently being
22 examined. The Commissioners discussed the ratio between residential and retail.
23

24 Vice-Chair Steele noted that there were two options to make a recommendation on. One from the
25 applicant and one from staff. Commissioner Fugal suggested adopting the first sentence proposed
26 by the applicant.
27

28 **MOTION:** Commissioner Fugal moved that the Planning Commission forward a
29 recommendation of APPROVAL to the City Council for the request of McKay Christensen to
30 amend city code Section 10-14-27-2E: Storage in the Boulevard Mixed-Use Overlay (BMU) Zone;
31 and adopting the exhibits, conditions, and findings of the Staff Report, and as modified by the
32 condition below:
33

- 34 • Section E reads as follows: "Storage: Storage use within any of the units is only permitted
35 as an incidental use to any of the permitted uses listed above."
36

37 Commissioner Phillips seconded the motion. The Commissioners unanimously voted "Aye". The
38 motion carried.
39

ITEM 7 – Public Hearing – Text Amendment – Section 10-14-27-3A: Density of Allowed Uses. (The Grove Zone District – Boulevard Mixed-Use Overlay). Public Hearing to Consider the Request of McKay Christensen to Amend City Code Section 10-14-27-3A: Density of Allowed Uses, by Changing the Requirement for Certain Dedicated Uses, for Buildings, Parking Areas, Drive Aisles, and/or Outparcels Directly Fronting Pleasant Grove Boulevard, within a Minimum Buffer of Sixty-Four Feet (64’), only within The Grove Zone District – Boulevard Mixed-Use Overlay.

MOTION: Vice-Chair Steele moved that the Planning Commission CONTINUE the request of McKay Christensen to amend City Code Section 10-14-27-3A: Density of Allowed Uses in the Boulevard Mixed-Use Overlay (BMU) Zone, until April 8, 2021, based on the following findings:

- To allow staff time to coordinate with the City Attorney regarding whether flexibility can be included in the code to allow modification of the designated buffer area with a development agreement with the City Council.

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

ITEM 8 – Review and Approve the Minutes from the March 11, 2021, Planning Commission Meeting.

MOTION: Commissioner Fugal moved to accept the minutes of March 11, 2021. Commissioner Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.

MOTION: Commissioner Fugal moved to adjourn the meeting at approximately 8:35 p.m. Commissioner Clyde seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.



Planning Commission Chair



Kara Kresser, Planning Tech



Date Approved