



PLEASANT GROVE CITY
PLANNING COMMISSION MEETING MINUTES
August 26, 2021

PRESENT: Chair Bobbi Jo Blake, Commissioners Lisa Coombs, Todd Fugal, Dustin Phillips, Peter Steele

STAFF: Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Lauren Droubay, Planning Tech; Aaron Wilson, City Engineer; Kara Kresser, Planning Assistant

EXCUSED: Jeffrey Butler, Tim Clyde

Chair Bobbi Jo Blake called the meeting to order at 7:00 p.m.

Commission Business:

1. Pledge of Allegiance and Opening Remarks: Commissioner Dustin Phillips led the Pledge of Allegiance. Commissioner Lisa Coombs offered the opening remarks.

2. Agenda Approval.

Chair Blake reported that Item 6, Public Hearing: General Plan Amendment Chapter 2: Land Use (City Wide), had been continued to the September 9, 2021, Planning Commission Meeting.

- MOTION:** Commissioner Todd Fugal moved to APPROVE the agenda with the one continuance indicated by Chair Blake. Commissioner Lisa Coombs seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

3. Staff Reports:

- MOTION:** Commissioner Dustin Phillips moved to APPROVE the Staff Reports. Commissioner Peter Steele seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

1 **4. Declaration of Conflicts and Abstentions from Commission Members.**

2
3 There were no declarations or abstentions.

4
5 **ITEM 1 – Public Hearing – Preliminary Subdivision Plat – Located at Approximately 90 North**
6 **200 East.**
7 **(Old Fort Neighborhood)**
8 Public Hearing to Consider the Request of Race E. Ostler for a Two-Lot Preliminary Subdivision
9 Plat, Called Ostler Place Plat 'A', on Property Located at Approximately 90 North 200 East in the
10 Downtown Village Zone – Transitional Subdistrict.

11
12 City Planner, Rylee Hall, presented the staff report and stated that the request involves the approval
13 of a two-lot preliminary subdivision plat called Ostler Place Plat 'A'. The zones in the area include
14 the Village Commercial District, R1-8, and R1-7. An aerial image of the plat showed that street
15 improvements for the plat were non-existent and an existing home is located on proposed Lot 1.
16 Each of the lots was determined to meet the requirements for the Downtown Village Zone-
17 Transitional Subdistrict and require a minimum area size of 5,000 square feet, minimum frontage
18 of 50 feet, and a minimum width of 50 feet. Frontage for the subdivision will be provided by 100
19 North and 200 East, which are public roads. Staff reviewed the proposed plat and determined that
20 it meets all requirements for the Downtown Village Zone-Transitional Subdistrict. Staff
21 recommended approval with the conditions set forth in the staff report.

22
23 Mark Greenwood from ALM & Associates, Inc. was present representing the applicant, Race E.
24 Ostler. In response to Chair Blake's inquiry as to the proposed use of the property, it was noted
25 that the property, which has been split into two lots, was to be sold with the intent that a residence
26 be built on one lot.

27
28 Chair Blake opened the public hearing.

29
30 *Mark Ingerson* reported that he has no personal interest in the property but asked if the existing
31 home was to be torn down. Chair Blake stated that the existing home was to remain. Mr. Ingerson
32 also asked if a home was built on one of the lots if new curb and gutter would be required. Chair
33 Blake stated that it would be required as part of the approval process. Mr. Ingerson further about
34 the meaning of the phrase "transitional area", which he thought might be temporary.
35 Commissioner Fugal explained that the zoning referenced did not mean temporary, but rather is a
36 transitional or buffer zone between commercial and residential zones. The transitional zoning does
37 not allow for high-rise buildings. Commissioner Steele explained how a transition zone works and
38 stated that the lots are typically smaller.

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

1
2 **MOTION:** Commissioner Fugal moved to forward a positive recommendation of APPROVAL
3 for the request of Race E. Ostler for a subdivision plat called Ostler Place Plat 'A,' on property
4 located at approximately 90 North 200 East, in the Downtown Village Zone-Transitional
5 Subdistrict; and adopting the exhibits, conditions, and findings of the staff report, as modified by
6 the conditions below:
7

- 8 1. Street improvements will be required upon further development of the property;
9 and
10
- 11 2. All Final Planning, Engineering, and Fire Department requirements are met.
12

13 Commissioner Coombs seconded the motion. The Commissioners unanimously voted "Aye". The
14 motion carried.
15

16 **ITEM 2 – Public Hearing – Preliminary Subdivision Plat – Located at Approximately 383 South**
17 **Turley Avenue.**

18 (String Town Neighborhood)

19 Public Hearing to Consider the Request of Mark Johnson for a One-Lot Preliminary Subdivision
20 Plat, Called Turley Cove Plat 'B' on Property Located at Approximately 383 South Turley Avenue
21 in the RM-7 (Medium Multiple – Residential) Zone.
22

23 **ITEM 3 – Public Hearing – Site Plan – Located at Approximately 383 South Turley Avenue.**

24 (String Town Neighborhood)

25 Public Hearing to Consider the Request of Mark Johnson for a Site Plan for a Multi-Family
26 Residential Building Containing 14 Units on Property Located at Approximately 383 South Turley
27 Avenue in the RM-7 (Medium Multiple – Residential) Zone.
28

29 **ITEM 4 – Public Hearing – Conditional Use Permit – Located at Approximately 383 South Turley**
30 **Avenue.**

31 (String Town Neighborhood)

32 Public Hearing to Consider the Request of Mark Johnson for a Conditional Use Permit to Allow
33 an Apartment Building (Use #1141) Containing 14 Total Units on Property Located at
34 Approximately 383 South Turley Avenue in the RM-7 (Medium Multiple - Residential) Zone.
35

36 The above three items were discussed together but voted on separately.
37

38 For the preliminary subdivision plat, Planner Hall identified the RM-7 (Medium Multiple-
39 Residential) Zone on the map displayed and described its specific location. She noted the
40 proximity to State Street, the Downtown Village Zone, and the General Commercial Zone. An
41 aerial image showed adjacent apartments and higher-density residences to the south.

1 The proposed subdivision occupies a total area of .97-acres and consists of one lot. Staff found
2 that the proposed plat meets all the requirements for area, width, and frontage. Planner Hall
3 identified unique City Code requirements and conditions that apply to the property.
4

5 The City Code for the RM-7 (Medium Multiple-Residential) Zone requires that no lot or parcel in
6 the RM-7 zone may be improved or developed to have more than one dwelling unit per 7,000
7 square feet of land area. Further, in the case of multiple-family residential units, an additional
8 2,500 square feet of land is required for each additional dwelling unit. This means that for the first
9 unit, 7,000 square feet is sufficient, but for each of the additional 13 units, 2,500 square feet of
10 area is required for a total of 39,500 square feet. As the total plat contains 42,093 square feet, it
11 was determined to exceed the requirements. The minimum width for the lot was 70 feet, which
12 also met the requirements.
13

14 With regard to the frontage requirements, Planner Hall stated that a variance was granted from the
15 frontage requirement on December 2, 2020. Although City Code language does not allow for
16 development to occur on a lot in the RM-7 zone that has less than 45 feet of frontage on a public
17 street, because the subject parcel abuts State Street, which is a state highway and does not provide
18 afford practical access to the parcel. Historical access was through a lane connecting to the
19 abutting state highway that was terminated by the Utah Department of Transportation ("UDOT")
20 when a railroad overpass was constructed. In addition, State Street was raised approximately eight
21 feet making public access impossible. Moreover, a narrow strip of land was found to separate the
22 property from access to Turley Avenue. The property owner could not acquire a fee title to that
23 strip of land but was able to obtain a perpetual access easement, which gives the parcel owner
24 access between Turley Avenue and the subject property. The variance provides the minimum
25 frontage requirement of 45 feet to be met by adding the area of the easement, which allows
26 unrestricted access to the property. Therefore, the proposed Subdivision Plat was determined to
27 meet all the zoning requirements.
28

29 Planner Hall reported that the site plan occupies the same lot and will contain 14 two-bedroom
30 units. The allowable density for the zone is 14 units per acre, which was met by the site plan. The
31 setback requirements for the site includes 25 feet for the front yard and 20 feet for the rear yard.
32 Both front and rear yard setbacks were met in the proposed site plan. City Code also requires a
33 minimum yard setback of six feet but specifies that both side yard setbacks should not be less than
34 18 feet total. Both side-yard setbacks were nine feet for a total of 18 feet, which meets the
35 requirements. The maximum allowable building height in the zone is 35 feet or 2 ½ stories.
36 Although the photo of the proposed building shows three stories, the submitted building elevations
37 on pages 12 and 13 of the staff report, show that the ground level is below grade and meets the
38 requirement. The maximum allowed lot coverage in the zone is 40%. This requirement was met
39 as the footprint of the proposed building is 7,175 square feet, which is approximately 17% of the
40 lot.
41

1 The parking requirements for multi-family units are two parking spaces for each residential unit.
2 For 14 units, at least 28 parking stalls are required. The site plan met that requirement as it provides
3 32 spaces with two being Americans with Disabilities Act ("ADA") and City Code compliant.
4 With regard to the proposed Landscaping Plan, staff found it to be compliant with all requirements.
5 City Code requires all open areas between the front property line and the rear line of the main
6 building (except driveways, parking areas, walkways, utility area, improved decks, patios, porches,
7 etc.) to be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar natural
8 landscaping materials. At least 40% of the required front yard area shall be devoted to landscaping,
9 which was met by the plan. Additionally, at least 35% of the total land area should be devoted to
10 landscaping. This requirement was met as well. At least one tree is required per two units and
11 two shrubs are required for each unit. The Landscaping Plan included eight trees and 30 shrubs,
12 which met the requirements.

13
14 For the Conditional Use Permit, Planner Hall reported that in the zone, Use #1141 (apartments) is
15 listed as a conditional use. City Code allows conditional uses to be approved if the subject use is
16 not detrimental to the health, safety, or general welfare of persons residing in the vicinity and will
17 not injure property in the vicinity. Further, a proposed conditional use shall be detrimental to the
18 health, safety, or general welfare of persons residing in the vicinity or injurious to property in the
19 vicinity if:

- 20
21 a) The use will cause unreasonable risk to the safety of persons or property because
22 of vehicle traffic or parking, a large gathering of people, or other causes;
23
24 b) The use will unreasonably interfere with the lawful use of surrounding property;
25
26 c) The use will create a need for essential city services which cannot be reasonably
27 met; or
28
29 d) The use will in any other way be injurious to property in the vicinity.
30

31 City Code parking requirements are to be provided to accommodate residents and were determined
32 to have been met. Planner Hall reported that reasonable effects were anticipated during the
33 construction period, including dust and noise generated by construction. Given these impacts, staff
34 expected no unreasonable hazard to the safety, health, or general welfare of nearby residents,
35 property, or use. Staff also determined that the use was feasible and will not be detrimental to
36 other properties or uses in the area. Having the opportunity to review the site plan, the plat, and
37 Conditional Use Permit, staff determined that the zoning requirements for RM-7 (Medium
38 Multiple-Residential) Zone were met and recommended approval.

39
40 Chair Blake asked about access to the property. Planner Hall reported that access is from Geneva
41 Road, 700 South, or Main Street. Chair Blake asked for additional information about the project
42 on the State Street side. Planner Hall displayed an aerial photo of the area and indicated that the

1 parking lot will be in that State Street area. She also noted that State Street is raised and a wall is
2 present there. There is no need for fencing and currently, no proposed landscape screening is
3 planned for the area, other than grass.

4
5 Mark Johnson was present representing the applicant and stated that the process has been difficult
6 and lengthy. The northern boundary line along State Street and the west side have been the subject
7 of negotiations for the 1 ½ years between UDOT, the applicant, and another party to straighten the
8 north boundary line by an agreed-upon exchange of property. The issue had not yet been resolved.
9 The documents submitted for approval represent what the property is to look like if that exchange
10 takes place. If it is not able to be resolved, the applicant will return to the Planning Commission
11 with a slightly different boundary line. Mr. Johnson understood that the proposal meets all
12 requirements but was concerned that the issue remains unresolved since the applicant did not want
13 to delay the matter further. Mr. Johnson identified the small piece of land that is owned by UDOT
14 and the property owned by another person involved in the transaction. Once the agreement is
15 complete, it reduces the overall square footage slightly but not enough to affect the requirements.

16
17 Chair Blake stated that because the plat drawing assumes that the property exchange has occurred,
18 it was unclear whether the Planning Commission had the power to approve this project under these
19 conditions without the UDOT approval. Community Development Director, Daniel Cardenas,
20 stated that final approval will require the approval of UDOT. If approval does not take place, the
21 applicant will need to come back to the Planning Commission. It was noted that there will be
22 continued contact with UDOT who has been advised that if it does not act, the project will go back
23 to its original condition. Commissioner Fugal asked Planner Hall to identify the size of the
24 property that was originally owned by the applicant without the additional parcel marked on the
25 aerial map. The original parcel belonging only to the applicant, without including any property
26 being negotiated, was approximately 40,900 square feet in size.

27
28 Chair Blake opened the public hearing. There were no public comments. The Chair closed the
29 public hearing and invited the Commission to either continue the discussion regarding these items
30 or she would entertain motions if no further discussion was necessary.

31
32 Chair Blake assumed that with plat approval all final engineering requirements would require the
33 UDOT issue be resolved and nothing further would need to be added. Director Cardenas explained
34 that if the UDOT issue is not resolved, the applicant would return to the Planning Commission.
35 Commissioner Fugal asked if there were any issues related to neighbor complaints about lighting
36 in that the building is two stories high. Planner Hall stated that a photometric plan is required and
37 part of the review involves making sure that the lighting does not extend into neighboring
38 properties. That issue was reviewed and the requirements met. Chair Blake noted that the area
39 surrounding the project has similar development, which was positive. It would be beneficial to
40 have a landscape buffer in the State Street area. Discussion continued about access points
41 including three different points of access off of Geneva Road to get access to Turley but none of
42 700 South as indicated previously. There was discussion regarding potential issues pertaining to

1 parking due to the proximity of the cul-de-sac and other issues. City Engineer, Aaron Wilson,
2 reported that parking within the project should be adequate, however, if there are problems it would
3 become a Code Enforcement issue.

4
5 **MOTION:** Commissioner Steele moved to forward a recommendation of APPROVAL for the
6 request of Mark Johnson for the proposed plat on property located at 383 South Turley Avenue in
7 the RM-7 (Medium Multiple-Residential) Zone; and adopting the exhibits, conditions, and
8 findings of the staff report, and as modified by the condition below:

- 9
10 1. All Final Planning, Engineering, and Fire Department requirements are met.

11
12 Commissioner Coombs seconded the motion. The Commissioners unanimously voted "Aye". The
13 motion carried.

14
15 **MOTION:** Commissioner Fugal moved to APPROVE the request of Mark Johnson for a
16 Conditional Use Permit to allow an apartment building (Use #1141) containing 14 total units on
17 property located at approximately 383 South Turley Avenue in the RM-7 (Medium Multiple-
18 Residential) Zone; and adopting the exhibits, conditions, and findings of the staff report, as
19 modified by the condition below:

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

22
23 Commissioner Phillips seconded the motion. The Commissioners unanimously voted "Aye". The
24 motion carried.

25
26 **MOTION:** Commissioner Coombs moved to forward a recommendation of APPROVAL for the
27 request of Mark Johnson for the proposed site plan on property located at approximately 383 South
28 Turley Avenue in the RM-7 (Medium Multiple-Residential) Zone; and adopting the exhibits,
29 conditions, and findings of the staff report, and as modified by the condition below:

- 30
31 1. All Final Planning, Engineering, and Fire Department requirements are met.

32
33 Commissioner Steele seconded the motion. The Commissioners unanimously voted "Aye". The
34 motion carried.

35
36 **ITEM 5 – Public Hearing – Rezone – For the Property with Identification Number 14:055:0010.**
37 **(Sam White's Lane Neighborhood)**

38 Public Hearing to Consider a Request from Hamlet Development Corporation, for a Rezone of the
39 South Portion (.24 acres) of Parcel Number 14:055:0010 to Extend the Mixed Housing Subdistrict
40 into the .24 Acres of Land. This is Currently Located in the Commercial Sales Subdistrict within
41 the Grove Zone.

1 Director Cardenas presented the staff report and identified the general subdivision areas including
2 the interchange area, mixed housing, and commercial areas. Lately, the City has received multiple
3 requests from potential applicants about rezoning commercially designated land to residential use.
4 The Grove Mixed Housing Subdistrict allows residential use for 12 units per acre of mixed
5 housing. The term "Mixed Housing" refers to a requirement in the Subdistrict that developments
6 contain a combination of multi-family and single-family residential units.

7
8 The subject parcel is irregularly shaped and contains three sections composed of two different
9 Subdistricts (Mixed-Housing Subdistrict and Commercial Sales Subdistrict). Upon submission
10 and after evaluating the initial requirements for development, it was discovered that the applicant
11 had insufficient Mixed Housing Subdistrict land for the project requested. The Commercial Sales
12 Subdistrict zoning does not allow for residential uses. Therefore, the applicant requested to rezone
13 a strip of commercial land running along the southern border of the Mixed Housing Subdistrict,
14 extending the residential land use by .24 acres (approximately 10,455 square feet). On the aerial
15 map, the length of the property is approximately 400 feet, which means that the width of the
16 proposed strip of land at issue is not larger than approximately 26.2 feet. The boundary line for
17 the Mixed Housing Subdistrict is moved to the south. The land to the west is for commercial
18 development. Changing the amount of commercial property to mixed housing was not of concern
19 to staff as it does not impact surrounding areas and does not interfere with subsequent commercial
20 development. Staff recommended approval.

21
22 Director Cardenas reported that Garden Grove Lane will be continued to the north and will be the
23 frontage road for the residential project. In speaking with the applicant, single-family dwellings
24 will be located along Garden Grove Lane and the townhomes will be in the back. The land to be
25 added will not accommodate dwellings but will meet the open space requirements. It was
26 recognized that the land was to be used for a fenced dog park, with additional amenities.

27
28 Director Cardenas noted that only rezoning is to be considered by the Planning Commission at this
29 date as staff is working on the second review. If, for some reason, the applicant does not go
30 forward with the project, and someone else does, with rezoning approval, such action could
31 additionally add 2.8 extra units to the project and the configuration could change. Such an addition
32 was not expected to have a significant impact.

33
34 Chair Blake asked about the land to the north. Director Cardenas stated that property was not
35 included in the rezone. There are two other applications being reviewed, one for a plat and one
36 for a site plan. The site plan does include the property to the north. He agreed that there would be
37 no development to the west because it is zoned commercial. Chair Blake asked about the acreage
38 of the subject parcel as currently zoned. It was reported as being two to three acres in size. Director
39 Cardenas stated that if the rezoning is not approved, the project needs to decrease the number of
40 units. Currently, the project has 56 units.

1 Commissioner Fugal inquired about the impact on generating commercial sales tax revenue if
2 commercial land is reduced. Director Cardenas stated that based on staff's review, it was not
3 expected to have an impact on the commercial property in the area. The project is considered an
4 "inside project", meaning that it is not situated along one of the boulevards where access is better
5 because of passing traffic. Commissioner Phillips disagreed and state that the variance could
6 possibly make or break a project. Commissioner Fugal commented that it might be a trade-off. If
7 there were three additional units (at issue are 2.8 units), the relinquishment of some square footage
8 of a commercial building that might potentially generate more sales tax could be offset by the gain
9 of 2.5 people per unit who would spend more money locally. Director Cardenas pointed out that
10 most likely any commercial building development would be offices because of the interior nature
11 of the parcels and sales tax would not be at issue.

12
13 The applicant, Michael Brodsky from Hamlet Development Corporation, stated that Hamlet is the
14 proposed project developer. He noted that this small .25-acre parcel does not add density but is
15 needed to preserve the mixed-use concept. There was some misunderstanding as to when they
16 initially began with regard to the size of the garages and homes. He noted that when those changes
17 were made open space was lost. The request for rezoning was to restore the open space that was
18 lost and get back to what was a viable mixed-use concept.

19
20 Mr. Brodsky explained what the rezoning will do for the open space and identified the yellow line
21 at the bottom of the exhibit, which represents the additional .25-acres. The concept of the projects
22 meets the intent of mixed-use and the perimeter of the neighborhood has single-family detached
23 housing on all public roads. The proposed Landscaping Plan uses deciduous evergreen and
24 flowering trees along the roadway and shrubbery along with the foundations, which creates an
25 attractive entrance. The townhouses are also extensively landscaped with street trees between the
26 units and plants along with the foundations. Additionally, the plan calls for significant community
27 amenities and an enclosed dog park with a covered pavilion and amenities nearby. Without the
28 rezoning of this one-quarter acre, the project risks losing four townhomes. Mr. Brodsky also
29 identified another benefit that involves the creation of the neighborhood as it provides the existing
30 commercial businesses to the south with additional tenants, which makes the area more viable.
31 The frontage road will also provide additional utilities. They have been through the initial plan
32 review and resubmitted their proposals addressing all staff comments. Their hope was to get back
33 to the Planning Commission for final subdivision approval in four to six weeks.

34
35 Chair Blake asked if they could still achieve the concept if the rezoning does not take place and
36 they lose four townhomes. Mr. Brodsky stated that they could but it is a financially "thin" project.
37 The loss of four townhomes could potentially jeopardize the project.

38
39 Chair Blake opened the public hearing. There were no public comments. The Chair closed the
40 public hearing and invited the Commission to either continue the discussion regarding this item or
41 she would entertain a motion if no further discussion was necessary.

1 Chair Blake struggled with taking commercial space zoning to allow for homes. She stated that
2 the project could still happen without the extra property. She felt it was important to preserve
3 commercial space and did not know that this project justified taking that commercial space even
4 though it seemed insignificant. Such a change could make or break a commercial development.
5 Commissioner Steele commented that the project is on the border of the zone and he was generally
6 in favor of flexibility. Twenty-six feet is not a large area and is not one where a large commercial
7 building will likely be erected. It appeared to be an area more suited for small office buildings.

8
9 Discussion continued regarding types and sizes of commercial buildings and tax generation issues.
10 For this proposal, it was noted that giving up .25-acre still allows a viable option for the
11 development of a small commercial building. It was noted that not much land is available for
12 commercial use. The developer was to pay for the widening of Garden Grove Lane, which was
13 believed to be a fair tradeoff. Director Cardenas stated that the applicant intends to finish two
14 public roadways or rights-of-way. There was further discussion regarding potential future changes
15 to the roadways in the area and the likelihood of future development.

16
17 Chair Blake expressed concern that approval would be seen as an expression of willingness to
18 accommodate residential development over commercial development.

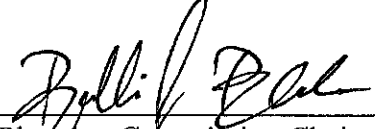
19
20 **MOTION:** Commissioner Phillips moved to forward a recommendation of APPROVAL to the
21 City Council for the request of Hamlet Development Corporation for the rezoning of
22 approximately .24 acres as drawn in the attached map from The Grove Commercial Sales
23 Subdistrict Zone to The Grove Mixed Housing Subdistrict Zone, and adopt the exhibits,
24 conditions, and finding of the staff report. Commissioner Steele seconded the motion. The
25 Commissioners held a roll call vote: Commissioner Coombs, "Aye"; Commissioner Phillips,
26 "Aye"; Commissioner Fugal, "Nay"; Chair Blake, "Nay"; and Commissioner Steel, "Aye". The
27 motion passed 3-to-2.

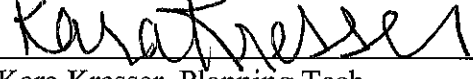
28
29 **ITEM 7 – Review and Approve the Minutes from the August 5, 2021, Planning Commission**
30 **Meeting.**

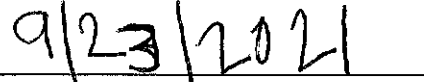
31
32 **MOTION:** Commissioner Steele moved to ACCEPT the minutes of August 5, 2021.
33 Commissioner Fugal seconded the motion. The Commissioners unanimously voted "Aye". The
34 motion carried.

35
36 **MOTION:** Commissioner Coombs moved to ADJOURN the meeting at 8:16 p.m. Commissioner
37 Steele seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.
38

1 The meeting adjourned at 8:16 p.m.

2
3 
4 _____
5 Planning Commission Chair

6
7 
8 _____
9 Kara Kresser, Planning Tech

10 
11 _____
Date Approved