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2
3 PLEASANT GROVE CITY
4 PLANNING COMMISSION MEETING MINUTES
5 October 28, 2021
6

7 **PRESENT:** Chair Bobbi Jo Blake, Commissioners Tim Clyde, Dustin Phillips (arrived at
8 7:13 p.m.), Lisa Coombs, Todd Fugal
9

10 **STAFF:** Daniel Cardenas, Community Development Director; Rylee Hall, City Planner; Aaron
11 Wilson, City Engineer; Kara Kresser, Planning Assistant
12

13 **EXCUSED:** Peter Steele, Jeffrey Butler, Lindsey Hargett
14

15 Chair Bobbi Jo Blake called the meeting to order at 7:00 p.m.
16

17 **Commission Business:**
18

19 **1. Pledge of Allegiance and Opening Remarks:** Commissioner Tim Clyde led the Pledge
20 of Allegiance. Commissioner Lisa Coombs offered the opening remarks.
21

22 **2. Agenda Approval.**
23

24 Chair Blake reported that Item 3 on the agenda had been canceled and Item 9 was
25 withdrawn by the Applicant.
26

- 27 • **MOTION:** Commissioner Coombs moved to APPROVE the agenda with the
28 changes announced by Chair Blake regarding Items 3 and 9. Commissioner Clyde
29 seconded the motion. The Commissioners unanimously voted "Aye". The motion
30 carried.
31

32 **3. Staff Reports:**
33

- 34 • **MOTION:** Commissioner Todd Fugal moved to APPROVE the Staff Reports.
35 Commissioner Coombs the motion. The Commissioners unanimously voted
36 "Aye". The motion carried.
37

38 **4. Declaration of Conflicts and Abstentions from Commission Members.**
39

40 There were no declarations or abstentions.

ITEM 1 - Public Hearing: Rezone – Located at Approximately 1045 North 1300 West.
(Mud Hole Neighborhood)

Public Hearing to Consider the Request of Steve Tidwell to Apply the R1-8 (Single-Family Residential) Zone to approximately Two Acres on Property Currently Zoned R-R (Rural Residential) Zone, located at approximately 1045 North 1300 West.

Community Development Director, Daniel Cardenas, presented the staff report and stated that the request is for the rezoning of two acres, which he identified on a map displayed. The subdivision, a vicinity plan, and the location of roads, sidewalks, and setbacks were not up for discussion tonight. Such discussion would be appropriate in the future when a subdivision application is submitted.

The two acres, which are currently zoned R-R (Rural Residential Zone), are located at 1300 West and 1100 North. The Land Use Designation in the General Plan is Medium-Density Residential ("MDR"), which is typically for low-density suburban neighborhoods with single-family homes on individual building lots. An aerial map was displayed. Director Cardenas reported that the area below 1100 North is zoned R1-8, R1-7, and RM-7 (multi-family). The applicant proposed to rezone the two acres from RR to R1-8 to match the neighboring property. Upon closer examination, Director Cardenas identified a section next to the subject property that is already zoned R1-8.

The applicant was not present.

Chair Blake asked about the situation with the small parcel labeled R-R below the subject R-R property on the zoning map. Director Cardenas did not think anything could be done with that property and stated that it will likely remain as-is. The applicant did not include that parcel in the application. Director Cardenas explained that property cannot be included in the application unless the applicant owns the parcel or represents the owner, in which case an affidavit showing that would be required. It was noted that the neighboring property will not be rezoned.

General conversation occurred about how roads will be placed in the future. Director Cardenas referenced Agenda Item 9, which was withdrawn by the applicant, was a Vicinity Plan amendment. As soon as this parcel is developed, it must have roads going through it. The problem is that it is difficult to work on the road network when only two acres of the vicinity are addressed. The Vicinity Plan needs to be comprehensive for the entire area, which is one of the main reasons why the applicant withdrew the item.

Commissioner Dustin Phillips joined the meeting at 7:13 p.m.

Chair Blake asked if there are structures currently on the property. Using Goggle Earth, Director Cardenas identified a corral and farmland. Chair Blake noted there also was a structure, then identified as a house. Director Cardenas said the rezone does not affect any of the structures. They would be affected when a subdivision is applied for..

1 Chair Blake stated that the rezoning will be consistent with the surrounding property. She further
2 reminded everyone that Items 3 and 9 were not being heard this evening but will be re-noticed for
3 another date.
4

5 Chair Blake opened the public hearing. There were no public comments. The Chair closed the
6 public hearing and invited the Commission to either continue the discussion regarding this item or
7 she would entertain a motion if no further discussion was necessary.
8

9 **MOTION:** Commissioner Coombs moved to forward a recommendation of APPROVAL to the
10 City Council for the request of Steve Tidwell for the rezone of approximately two acres, for
11 property located at 1045 North 1300 West, as drawn in the attached map, from The Rural
12 Residential Zone to the R1-8 Single-Family Zone, and adopting the exhibits, conditions, and
13 findings of the staff report. Commissioner Clyde seconded the motion. The Commissioners
14 unanimously voted "Aye". The motion carried.
15

16 Commissioner Fugal was excused at 7:17 p.m.
17

18 **ITEM 2 - Public Hearing: Preliminary Subdivision Plat – Located at Approximately 472**
19 **North 2000 West.**

20 **(Sam White's Lane Neighborhood)**

21 Public Hearing to Consider the Request of Jean A. Shoaee for an Eight-Unit Preliminary
22 Subdivision Plat, Called Gunn Condominiums Plat 'A' on Property located at approximately 472
23 North 2000 West in The Grove Zone – Commercial Sales Subdistrict.
24

25 City Planner, Rylee Hall, presented the staff report and displayed a zoning map and existing plat.
26 She reported that the property is in the Grove Zone – Commercial Sales Subdistrict, directly
27 adjacent to the Grove Zone Mixed Housing Subdistrict and across the street from the RM-7
28 residential zone. Across the street from North County Boulevard is American Fork City. The
29 aerial image of the property shows the proposed condo plat on the site with existing approved site
30 plans for a two-story multi-tenant medical office building that was approved last year.
31 Additionally, an approved plat was recorded on the property called Gunn Plat 'A'. With the
32 approval of the proposed condo plat, the existing plat will be vacated.
33

34 Planner Hall displayed an aerial map showing the proposed plat called Gunn Condominium Plat
35 "A". It will occupy .9 acres and includes eight units located inside an existing building. The
36 remainder of the site will be designated as common area. The eight units range in size from 1,180
37 to 1,880 square feet. Planner Hall showed a Preliminary Plat drawing (page 7 of 8) which shows
38 each of the eight units cross-hatched to designate they are private areas. The areas in black are
39 shown as limited common areas, which include roof, floors, and typically exterior and unit division
40 walls. Each of the units will be owned individually and the building and common areas will be
41 managed by the owners' association for the property. The owners will jointly own the common
42 areas, which includes parking areas, access to the parking lot, and building landscaped area. If
43 the applicant wishes to change the footprint of the building the plat will need to be amended and
44 the applicant will have to return to the Planning Commission for approval and recording.
45

1 Staff reviewed and determined that the proposed condominium plat meets all City Code
2 requirements for the Grove Zone Commercial Sales Subdistrict and recommended approval.

3
4 When asked if this was a rezone to condominiums, Planner Hall explained that it is not a rezone
5 but rather a condominium plat. There has been no change in ownership from the prior approved
6 plat. The individual units will change ownership when sold. The building is currently under
7 construction. Chair Blake asked about access to the property. Planner Hall stated that it is off of
8 North County Boulevard.

9
10 The applicant, Jean Shoace reported that from the beginning, the County has required a survey be
11 done on the property. To get the property recorded, a description of each unit needed to be
12 included. That information requires a survey.

13
14 Commissioner Clyde asked about the separation of the water for each unit. The applicant indicated
15 there is only one water meter per requirement. There are eight electric meters and eight gas meters.
16 All were a part of the plan from the beginning. They could not do the condominiums, however,
17 because they did not have the survey. The building had to be built to have the survey done to get
18 it to this point in the process.

19
20 Commissioner Clyde explained that because the building was under construction, he wanted to
21 make sure there are no conflicts with the Building Department or the permit. The applicant stated
22 that there are no conflicts, and the proposed plat has been approved by the City Engineer. The
23 project had been done properly from the beginning.

24
25 Chair Blake commented that this is a unique process and asked Planner Hall if what was being
26 done was because they want it recorded. Planner Hall stated that condominium plats can occur at
27 any time in the development process. Sometimes they are done after the building is built, as was
28 heard at the last meeting. Sometimes the condominium plat is done when the site plan is approved.

29
30 Commissioner Clyde stated that requirements exist when property is being changed to
31 condominium status because of changes involving individual ownership. Commissioner Phillips
32 stated that there are Covenants, Conditions, and Restrictions (CC&Rs) that the condominium
33 owners will be working under. City requirements are already applied in the CC&Rs.

34
35 Chair Blake opened the public hearing. There were no public comments. The Chair closed the
36 public hearing and invited the Commission to either continue the discussion regarding this item or
37 she would entertain a motion if no further discussion was necessary.

38
39 The applicant, in addressing access issues, stated that there is an easement on the north side of the
40 subject property. The road near the building has a Tenant Easement. The building has a right-of-
41 way to the parking lot. It was noted when the State Road is extended and will take part of the
42 parking lot, but the access will remain. The applicant was working with the bank on projects in
43 the parking lot. Access issues were discussed.

44 **MOTION:** Commissioner Clyde moved to forward a positive recommendation of APPROVAL
45 for the request of Jean A. Shoace for the Preliminary Condominium Subdivision Plat called Gunn

1 Condominiums Plat 'A, located at approximately 472 North 2000 West in the Commercial Sales
2 Subdistrict of the Grove Zone; and adopting the exhibits, conditions, and findings of the staff
3 report, and as modified by the condition below:
4

- 5 1. All Final Planning, Engineering, and Fire Department requirements are met.
6

7 Commissioner Coombs seconded the motion. The Commissioners unanimously voted "Aye". The
8 motion carried.
9

10 **ITEM 4 - Public Hearing: Preliminary Subdivision Plat – Located at Approximately 100**
11 **East 300 South.**

12 **(String Town Neighborhood)**

13 Public Hearing to Consider the Request of Cynthia Cook for a One-Lot Preliminary Subdivision
14 Plat, Called Cook Corner Plat 'A' on Property located at approximately 100 East 300 South in the
15 Downtown Village Zone – Commercial Subdistrict.
16

17 **ITEM 5 - Public Hearing: Conditional Use Permit – Located at Approximately 100 East 300**
18 **South.**

19 **(String Town Neighborhood)**

20 Public Hearing to Consider the Request of Cynthia Cook for a Conditional Use Permit to Allow a
21 Mixed-Use Building (Use #1133) Containing Three Residential Units and One Commercial Unit,
22 on Property located at approximately 100 East 300 South in the Downtown Village Zone –
23 Commercial Subdistrict.
24

25 **ITEM 6 - Public Hearing: Site Plan – Located at Approximately 100 East 300 South.**
26 **(String Town Neighborhood)**

27 Public Hearing to Consider the Request of Cynthia Cook for a Site Plan for a Mixed-Use Building
28 Containing Three Residential Units and One Commercial Unit, on Property located at
29 approximately 100 East 300 South in the Downtown Village Zone – Commercial Subdistrict.
30

31 The above three items were discussed together but voted on separately.
32

33 Planner Hall presented the staff report and stated that the project has been ongoing for nearly three
34 years. That effort was now culminating in the form of a plat, Conditional Use Permit, and site
35 plan.
36

37 A Zoning Map of the property was displayed, and Planner Hall identified the location of the subject
38 project. Directly adjacent to the Downtown Village Zone is the Transitional Subdistrict. Across
39 State Street is both RM-7 (Medium Multiple-Residential Zone) and C-S (Commercial Sales Zone).
40 An aerial image of the property included nearby landmarks, including the Purple Turtle on the
41 corner of State and 100 East.
42

43 The subject property is .3178-acre in size and includes one lot, which was determined to meet all
44 lot requirements of the Downtown Village Zone - Commercial Subdistrict. It includes a minimum
45 lot area of 5,000 square feet, minimum frontage of 50 feet, and a minimum lot width of 50 feet.

1 Frontage for the subdivision is provided by 300 South and 100 East. The subdivision was found
2 to meet all zoning requirements found in City Code. Engineering staff also reviewed the
3 subdivision for all general requirements and found that all were met. The minimum lot size for a
4 lot to accommodate a three-family dwelling is 7,500 square feet. The proposed plat was also
5 determined to meet this requirement.

6
7 The proposed lot has a site plan that will include three residential units and one commercial space
8 on the main floor totaling approximately 1,000 square feet. Each residential unit will have three
9 to four bedrooms and a garage facing 300 South. Access to the garage is from 300 South. The
10 commercial space will be directly accessed from 100 East. Planner Hall identified the locations
11 of the patron access for parking and walk-ups. The exit will be on 100 East. A driveway provides
12 access from 300 South and goes around the building to a drive-thru window and exits onto 100
13 East.

14
15 In the Downtown Village Zone - Commercial Subdistrict, new development of three or more
16 residential units must provide 1,000 square feet of commercial space. The applicant meets the
17 requirement by including restaurant space on the main floor that will total about 1,000 square feet.
18 The setbacks for the site are 20 feet. Because it is a corner lot, that 20-foot setback is measured
19 from both the property line along 300 South and 100 East. The interior side yard setback is eight
20 feet and is measured from the property lines on the west and south. Encroachment into the setback
21 as allowed by Code and is a drive-thru that is at least 12 feet wide to accommodate one-way traffic.
22 Parking for each multi-family unit includes two spaces and a two-car garage that can be accessed
23 from 300 South.

24
25 The proposed use for the commercial space is a restaurant. For parking, City Code requires one
26 space for every 3.5 seats or one space per 100 square feet of gross floor area, excluding the kitchen
27 and storage, whichever is greater. The applicant intends to provide minimum seating with most
28 of the service taking place through the drive-thru window or a walk-up area on the eastern side of
29 the building. The total square footage allotted for parking was approximately 200 square feet.
30 Therefore, two total spaces are required, including one Americans with Disability Act ("ADA")
31 compliant space. The proposed site plan meets these requirements. City Code also requires
32 parking areas to be supplemented by bicycle parking in the amount of 5% of the total automobile
33 spaces. The applicant is providing a bicycle rack that is accessible to both tenants and customers
34 on the northeastern portion of the, which meets the bicycle parking requirement.

35
36 Landscaping requirements require one tree per 500 square feet of landscaped area. The site
37 contains about 2,773 square feet of landscaping, which requires a total of six trees. Two of the
38 trees must be evergreens. The plan shows seven trees, with two being evergreen, thus meeting the
39 requirement. It was noted there are minor differences between the site plan and the Landscape
40 Plan, mostly in the sitting area and bicycle rack. Those plans will be changed to be the same when
41 the applicant submits the final plan.

42
43 On May 17, 2021, the site plan was reviewed by the Design Review Board and determined to meet
44 the building maintenance and design in the Downtown Village Zone Commercial Subdistrict. It
45 further was found to be compliant with the 20th Century Design theme required in the Zone.

1
2 Planner Hall showed the elevations and the renderings submitted by the applicant for the
3 Commission's review. One rendering shows the commercial unit on the east side of the building
4 and garages. The second rendering shows the front of the commercial space as viewed from the
5 east, and the third shows the garages and residential units.
6

7 In the Downtown Village Zone - Commercial Subdistrict, Use #1131, multi-family dwellings are
8 listed as a conditional use. City Code allows Conditional Use Permits to be approved if the
9 following conditions are met:
10

- 11 1. A Conditional Use Permit may be granted if the subject use will not be detrimental
12 to the health, safety, or general welfare of persons residing in the vicinity or
13 injurious to property in the vicinity.
14
- 15 2. A proposed Conditional Use shall be detrimental to the health, safety, or general
16 welfare of persons residing in the vicinity or injurious to property in the vicinity,
17 if:
18
 - 19 a. The use will cause unreasonable risks to the safety of persons or property
20 because of vehicular traffic or parking, large gatherings of people, or other
21 causes;
22
 - 23 b. The use will unreasonably interfere with the lawful use of surrounding
24 property;
25
 - 26 c. The use will create a need for essential city services which cannot be
27 reasonably met; and
28
 - 29 d. The use will in any other way be injurious to property in the vicinity.
30

31 Similar uses are found throughout the Downtown Village Zone and staff had never had concerns
32 with any of them. Approving the Conditional Use Permit to allow a mixed-use building in this
33 location would be in line with the intent of the Downtown Village Zone – Commercial Subdistrict
34 and would advance the primary function of this District, which is to create a livable and walkable
35 downtown area.
36

37 Parking requirements per City Code will be provided to accommodate residents and patrons of the
38 business. Reasonable impacts are anticipated during the construction period, including dust and
39 noise generated by construction. Given these impacts, staff generally anticipates there will be no
40 unreasonable hazards to the health, safety, or general welfare of nearby residents or other uses
41 property in the vicinity. Staff determined that the use is feasible and will not be detrimental to
42 other property or uses in the vicinity.
43

44 Because the plat, site plan, and Conditional Use Permit meet all zoning requirements for the
45 Downtown Village Zone – Commercial Subdistrict, staff recommended approval.

1
2 Commissioner Coombs asked if the City has limits on hours of service for the commercial
3 business. Planner Hall was not aware of any such limitations.
4

5 Commissioner Blake asked about elevations. Planner Hall presented the building elevations
6 provided by the application. She identified the walk-up and drive-thru areas. It was noted that
7 there is a walled area between the residences and the commercial business. The residential units
8 will have two stories.
9

10 Commissioner Blake asked about potential traffic impacts. Planner Hall stated that the City
11 Engineer and the Public Works Department reviewed the request to ensure that they were in
12 compliance with traffic and access requirements.
13

14 The applicant, Cynthia Cook and Garrett Macklin, the Project Architecture were present.
15

16 Chair Blake opened the public hearing.
17

18 *Carlos and Anna Arroyo* identified their property which they purchased in February. They want
19 something built on the subject property due to fire concerns in the summer and vagrancy.
20 However, their main concern pertained to the commercial portion, especially the drive-thru. They
21 pull out of their property onto 100 East, which is already congested. To add another business,
22 coupled with traffic from the nearby Purple Turtle, will increase traffic congestion. They state that
23 drive-thru traffic from the Purple Turtle sometimes overflows onto 100 East and backs up traffic.
24 Their primary concern was the potential for increased congestion and danger pulling out of their
25 driveway. Mrs. Arroyo was also concerned that there will be an increase in parking congestion.
26 She noted that parking is already an issue. She also did not like the idea of a lot of people being
27 there late at night and was worried about the effects of the commercial lighting. She was also
28 concerned that their property value will decrease as a result of the project.
29

30 *Randall and Laura Trenkamp* indicated that traffic is a significant problem. Mr. Trenkamp
31 reported that he has a camp trailer, which is difficult to back out in traffic currently. His concern
32 was that increased traffic will make it even more difficult. They were also concerned that the
33 business will be open late into the evening, and they will have to contend with an overabundance
34 of floodlights. Their environment will no longer be dark, and they will not be able to enjoy the
35 stars. Mr. Trenkamp indicated that he works the graveyard shift and needs to sleep when the
36 business is open.
37

38 *Skylar Jepson* was pleased with the proposed development. He was concerned, however, about
39 increased traffic on an already busy road. He stated that most of the traffic has nothing to do with
40 the neighborhood. There used to be a business in an old Victorian home, and he did not see much
41 impact on traffic when it was operating. He wondered if there were any restrictions on what kind
42 of business can go in and if any thought had been given to property values. Planner Hall stated
43 that there are lists of what businesses are permitted in the various zones including offices, retail,
44 and restaurants. Manufacturing uses are not allowed. The issue of property values is not addressed
45 by the Planning Commission.

1
2 *Randall Trenkamp* commented that the business in the Victorian house is an antique business that
3 shut down just before they moved to the area. The owner then opened a five-unit rental, which he
4 was a nightmare for police. Individuals in the audience informed Mr. Trenkamp that he was talking
5 about the wrong house.
6

7 There were no further public comments. The Chair closed the public hearing and invited the
8 Commission to either continue the discussion regarding these items or she would entertain a
9 motion if no further discussion was necessary.
10

11 Chair Blake asked if there is a Lighting Plan. Planner Hall confirmed that there was. She noted
12 that there are requirements regarding how much light can extend into neighboring properties. City
13 Engineer, Aaron Wilson, stated that they studied the issue in detail to make sure there is proper
14 lighting. The City requires that lighting not trespass onto neighboring properties, particularly
15 business lighting. As there is not a lot of space or parking within the project, there will not be
16 much lighting. Chair Blake also stated that there are requirements that the lighting not extend
17 beyond a certain point.
18

19 Commissioner Clyde asked if there are any requirements for fencing between the residences and
20 commercial building to limit the impact of car lights. Planner Hall stated that the request is for a
21 Conditional Use Permit and the Planning Commission could request that the applicant put up a
22 fence or buffer. Mr. Macklin stated that the owner is planning to put a privacy fence around the
23 property to address issues with car lights.
24

25 Commissioner Clyde thought that when separating the residents from the commercial space, taller
26 fencing would be needed. Planner Hall stated that that would be difficult because there is no such
27 requirement in the Downtown Village Zone. Here, residential units and businesses are in the same
28 zone. Commissioner Coombs asked if the corner lot makes a difference regarding lights or
29 fencing. Planner Hall stated that a setback was needed but City Code allows drive-thrus to
30 encroach into setback areas. Commissioner Clyde was concerned about the lights turning directly
31 at the Arroyo's house. Planner Hall stated that their home is the most impacted.
32

33 Chair Blake asked if fencing would deter noise. Planner Hall stated that it could. Mr. Macklin
34 stated that the fence was intended to be solid and not an open slotted fence to reduce sound, dust,
35 and debris.
36

37 Ms. Cook stated that she owns property elsewhere and they control and maintain it. They do not
38 allow on-street parking and do their best to control the environment. They cannot make everyone
39 happy, but they do their best.
40

41 Chair Blake asked if the applicant about the proposed hours of operation. The applicant stated that
42 they have studied some of the fast drink places and would ideally be similar to them. The intent
43 would be to open at 7:00 or 8:00 a.m. and close no later than 10:00 p.m. They also have residents
44 to consider.
45

1 Commissioner Phillips stated that the Planning Commission is not the entity that will approve the
2 Business License. The Planning Commission looks at conditions and not the preferences of the
3 current owner. Chair Blake asked the applicant if they had an option to do residential only.
4 Ms. Cook indicated that that would reduce the value of the property. Additionally, there is
5 commercial property all around. A duplex would devalue the property and is why they opted for
6 their current proposal, which she considered to be the best use of the property.

7
8 Chair Blake asked if the mixed residential and commercial projects have been seen elsewhere. It
9 was noted that there are mixed residential and commercial projects in Provo. This one is
10 considered unique as it is the first in this area of the City.

11
12 Access issues were discussed. Engineer Wilson noted that the project was originally designed to
13 have a right-out to prevent motorists from backing up to get out. That was also why the drive-thru
14 was proposed from 300 South. The traffic lane there was large enough to not create a traffic issue.
15 It was anticipated that most people will make a right turn out and not block traffic. Commissioner
16 Coombs commented that it still will be crowded at certain times. Chair Blake agreed that that is
17 of concern. It was noted that any drive-through has the potential for traffic to back up. Chair
18 Blake asked if there was any way they could prohibit left-turn movements.

19
20 In response to a question raised, it was reported that the Utah Department of Transportation
21 ("UDOT") controls the lights on State Street. All lights on 100 East are County owned. The City
22 does not own the road. It was noted that UDOT monitors the lights and adjusts them as needed.

23
24 Chair Blake asked if the Planning Commission could legally impose hours of operation. Planner
25 Hall stated that the City has a noise ordinance that implicitly limits hours of operation. When the
26 issue of access was mentioned, Engineer Wilson stated that there is no concern with the 300 South
27 access with the drive-thru. Traffic on 100 East is known and this project will not have a significant
28 impact on the current traffic conditions.

29
30 Chair Blake raised the issue of requiring a certain fence height to decrease noise and light issues.
31 Commissioner Clyde stated that a six-foot fence is high enough. The main impact is the drive-
32 thru on the neighbors. There are two parking stalls with limitations on lighting. The light spray
33 can be adjusted if needed.

34
35 Engineer Wilson stated that the reality of 100 East is that this is a three-lane collector and there is
36 a two-way left-turn lane. The traffic, in making a left-hand turn, must wait until there is a gap,
37 make the turn, and merge into the other lane. That helps with the issue of left turns. He also agreed
38 that most motorists will likely make a right turn when exiting at 100 East.

39
40 Chair Blake was supportive of the plat and subdivision, but she questioned the need for additional
41 conditions. Commissioner Coombs stated that the owner has been in business for years and will
42 want the business to be successful and to be a good neighbor. The consensus of the Commission
43 was to not add additional conditions.

1 **MOTION:** Commissioner Coombs moved to forward a recommendation of APPROVAL for the
2 request of Cynthia Cook for the proposed plat on property located at 100 East 300 South in the
3 Downtown Village Zone – Commercial Subdistrict; and adopting the exhibits, conditions, and
4 findings of the staff report, and as modified by the conditions below:
5

- 6 1. All Final Planning, Engineering, and Fire Department requirements are met.
7

8 Commissioner Phillips seconded the motion. The Commissioners unanimously voted “Aye”. The
9 motion carried.
10

11 **MOTION:** Commissioner Clyde moved to APPROVE the request of Cynthia Cook for a
12 Conditional Use Permit to allow a mixed-use building, containing 3 residential units and one
13 commercial unit (Use#1131) on property located at approximately 100 East 300 South in the
14 Downtown Village Zone – Commercial Subdistrict; and adopting the exhibits, conditions, and
15 findings of the staff report, and as modified by the conditions below:
16

- 17 1. All Final Planning, Engineering, and Fire Department requirements are met.
18

19 Commissioner Coombs seconded the motion. The Commissioners unanimously voted “Aye”. The
20 motion carried.
21

22 **MOTION:** Commissioner Phillips moved to forward a recommendation of APPROVAL for the
23 request of Cynthia Cook for the proposed site plan on property located at approximately 100 East
24 300 South in the Downtown Village Zone – Commercial Subdistrict; and adopting the exhibits,
25 conditions, and findings of the staff report, and as modified by the conditions below:
26

- 27 1. All Final Planning, Engineering, and Fire Department requirements are met.
28

29 Commissioner Coombs seconded the motion. The Commissioners unanimously voted “Aye”. The
30 motion carried.
31

32 **ITEM 7 - Public Hearing: Preliminary Subdivision Plat – Located at Approximately 314**
33 **South Garden Grove Lane.**
34 **(Sam White’s Lane Neighborhood)**

35 Public Hearing to Consider the Request of Michael Brodsky for a 5-lot preliminary subdivision
36 plat, called Tayside Farms Plat ‘A’ on property located at approximately 314 South Garden Grove
37 Lane in The Grove Zone – Mixed Housing and Commercial Sales Subdistricts.
38

39 Planner Hall presented the staff report and state that the matter item pertains to a one-lot four parcel
40 subdivision. No other changes were proposed to the plat. The lot sizes and boundaries are
41 functionally the same and it was determined to be inappropriate to re-notice the item. The plat and
42 final maps were displayed. Planner Hall identified the lot along North County Boulevard and the
43 four parcels. She explained that there was nothing different with the five lots. Each designated
44 parcel will remain a parcel until the property is further platted. They then will become developable

1 and buildable. It was clarified that the lot on the first parcel is labeled as number 1. This is the
2 only lot that is buildable in the subdivision until the parcels are further developed.

3
4 The property is located in the Grove Zone Commercial Sales Subdistrict and the Grove Zone –
5 Mixed-Housing Subdistrict. Referencing the aerial image of the property, Planner Hall identified
6 several existing structures on the proposed plat including a single-family home and accessory
7 buildings. There are some street improvements, including curb and gutter along North County
8 Boulevard. Street improvements will be required with a further extension of Garden Grove Lane.
9 Eventually,, Garden Grove Lane will be extended to 100 South. Currently, an area designated as
10 future right-of-way was shown on the plat. This is where Garden Grove Lane will continue
11 through. With further platting, the road will continue through to 100 South.

12
13 The subject property consists of 14.19 acres and the subdivision was found to meet all City Code,
14 Grove Zone Commercial Sales Subdistrict, and Grove Zone Mixed Housing Subdistrict
15 requirements. It was noted that there is no minimum requirement for lot size, lot width, or lot
16 frontage. Engineering staff also reviewed the subdivision and found that all subdivision
17 requirements were met. Staff recommended approval. Planner Hall identified where the location
18 of the subject property.

19
20 The applicant, Michael Brodsky with Hamlet Development Corporation. Originally, the intent
21 was to create a subdivision plat, which would enable him to purchase the property. The City's
22 process, however, has taken much longer to get through. This application is an interim step. They
23 are in the process of acquiring properties from multiple owners. There are two different sellers
24 who each own property that contains both commercial and mixed-housing zones. For them to
25 purchase the property, it was necessary to do the plat, which is the primary reason for this
26 application. Mr. Brodsky clarified that the title of the proposed plat says Tayside Farms, which
27 will be the name of the neighborhood they are developing. The plat, however, is misnamed. He
28 had not realized that one of the property owners preferred to name the plat Oliver's Place. Mr.
29 Brodsky stated that by the time the matter gets to the City Council, they will change the name.

30
31 Planner Hill stated that a name change would require re-noticing of the plat and a vote by the
32 Planning Commission. Mr. Brodsky stated that he has no option as the property owner has very
33 strong feelings about the name. Planner Hall stated that if the plat is approved tonight and the
34 name needs to be changed, there will be a 14-day notice required for re-hearing the matter. The
35 next Planning Commission Meeting is scheduled for November 18. Commissioner Phillips
36 suggested approving the plat tonight and, if needed, the applicant can come back before the
37 Commission. Mr. Brodsky stated that they cannot purchase the property until the plat is approved,
38 but they are making good progress. He preferred to go forward tonight.

39
40 Chair Blake opened the public hearing.

41
42 *Caleb Herman* reported that he and his children like to go on walks but are limited to two roads.
43 The proposed plan was exciting to them because of the increase in the number of sidewalks,
44 quicker access to other walking areas, and access to businesses near the major highways. He stated

1 that it will be nice to have more walking areas and sidewalks and having Garden Grove Lane cut
2 through would make that easier. He expressed his support for the plan.

3
4 *Debra Wells* stated that she concerned about having Garden Grove Lane developed as she believes
5 it will result in increased traffic. Their neighborhood is currently all townhomes with very little
6 parking. People already park on 100 South. She thought it might increase on-street parking on
7 Garden Grove Lane depending on what is developed in the area. Ms. Wells had also been told that
8 it would be residential but did not have any details on the type of residential housing or the parking
9 situation. She was also told that there will be commercial elsewhere. She purchased her property
10 because of the calm and the green space in front of her townhome. That will all change with the
11 proposed development. She noted there are no large green spaces or trails and she asked if the
12 project is approved if there are plans for trails or green space.

13
14 Commissioner Clyde stated that nothing has been proposed. The City's Master Plan is available
15 on the City's website and shows the zoning throughout the City. The zoning for this area is already
16 established and includes both residential and commercial. Issues such as green space are discussed
17 only when someone presents an actual development to the Planning Commission. This action is
18 not yet to that point.

19
20 Chair Blake stated that Ms. Wells' concerns are valid and will be addressed in the future. They,
21 however, do not pertain to the action to be taken tonight. She encouraged Ms. Wells to talk with
22 the developer to see what is being proposed and share her thoughts. Chair Blake stated that the
23 developer wants to be a good neighbor and as a City, they are sensitive to green space. There are
24 Code requirements in that regard and each step in the process is noticed to the public.

25
26 Commissioner Clyde stated that they are trying to address lots that have dual zoning. The
27 Commission is bound by City Code, but the process is open to discussion. The General Plan
28 changes over time and roads are planned for. The Vicinity Map shows that potential.

29
30 There were no further public comments. The Chair closed the public hearing and invited the
31 Commission to either continue the discussion regarding this item or she would entertain a motion
32 if no further discussion was necessary.

33
34 Mr. Brodsky stated that the Plan extends Garden Grove Lane in both directions, so it will be a
35 complete continuation. Also, the Grove is a mixed-use zone, and the plan combines single-family
36 homes and townhomes. The single-family homes all face the public road all around the property
37 with rear access alleys and driveways. What will be seen from the roadway will be yards that are
38 heavily landscaped with trees and shrubs along the road.

39
40 **MOTION:** Commissioner Phillips moved to forward a positive recommendation of APPROVAL
41 for the request of Michael Brodsky for the Subdivision called Tayside Farms Plat 'A' on property
42 located at approximately 314 South Garden Grove Lane in the Grove Zone – Mixed Housing and
43 Commercial Sales Subdistricts; and adopting the exhibits, conditions, and findings of the staff
44 report, and as modified by the condition below:

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

2
3 Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The
4 motion carried.

5
6 It was noted that if the landowner wants a different name to appear on the subdivision plat he will
7 have to come back before the Planning Commission.

8
9 **ITEM 8 - Public Hearing: Conditional Use Permit – Located at Approximately 48 North**
10 **1400 East.**

11 **(Battle Creek Neighborhood)**

12 Public Hearing to Consider the Request of Brandon Doyle for a Conditional Use Permit to Allow
13 an Addition to an Existing Non-Conforming Detached Structure on Property located at 48 North
14 1400 East in the R1-20 (Single-Family Residential) Zone.

15
16 Planner Hall presented the staff report and displayed a zoning map of the area. She identified the
17 R1-20 and R1-12 zones located along the edge of the City border. She displayed an aerial image
18 and identified the location of the proposed structure. Per City Code, a Conditional Use Permit is
19 required for additions or structural alterations to a non-conforming building. The applicant has an
20 existing detached structure located very close to or on the northern property line. The structure
21 was built around 1980, which is before the existing City Code regulation for setbacks for accessory
22 structures was created. As a result, the structure is legal non-conforming. That Code specifies that
23 setback requirements for the accessory structure can total 22 feet in height and be 13 feet from the
24 rear and side property lines. The existing structure is zero feet from the nearest northern property
25 line, 85 feet to the rear property line, and about 56 feet from the structure to the southern property
26 line. It meets all property setbacks except for the northern property line. With that exception, the
27 existing structure conforms to all other current setback and other requirements for accessory
28 structures.

29
30 The detached structure is approximately 260 feet to the nearest existing structure, which is a
31 garage. Planner Hall presented the site plan and stated that over 300 feet away is the existing home
32 on the property. On the neighboring property directly to the north, there are no nearby accessory,
33 or primary structures. The applicant is proposing to construct an addition onto the non-conforming
34 existing structure. The proposed addition would expand the structure to the south and east. The
35 site plan provided by the applicant was presented to the Commission. The areas outlined in red
36 were to be included with the proposed addition. The portion to be added on the south of the
37 structure would extent 20 feet to the south. The addition on the eastern side of the structure would
38 extend 11 feet. The entire addition to the accessory structure would add approximately 1,200
39 square feet to the existing building footprint. The site plan shows that the proposed addition on
40 the rear portion of the building would be setback about six feet from the northern property. Staff
41 included a condition of approval that the setback be adjusted to conform to the current setback
42 standards, which would require a 13-foot setback from the property line.

43
44 It was reported that the proposed structure does not meet City Code requirements in two respects.
45 First, the lot is legally non-conforming with regard to the required side yard setback from the

1 northern property line. In addition, the proposed addition on the rear side of the existing structure
2 encroaches into the required 13-foot setback on the north property line. As this is not considered
3 legal non-conforming, correcting the setback will be a condition of approval. This adjustment will
4 need to be made before issuance of a Building Permit.

5
6 The five standards to be met in order for a conditional use permit will be allowed are as follows:
7

- 8 1. **Granting the expansion will not adversely impact the attainment of the**
9 **General Plan.** The General Plan Designation for the subject property is Low-
10 Density and Very Low-Density Residential. This designation provides for single-
11 family homes on individual lots at a density of one to four dwelling units per acre.
12 This lot is about 1.8 acres in size and includes one dwelling unit and two accessory
13 structures, which are permitted by City Code requirements for the R1-20 (Single-
14 Family Residential) zone. Therefore, it appeared that the proposed addition
15 matches the intent of the General Plan Land Use Designation for this area.
16
- 17 2. **The expansion will improve the general appearance or safety of the area.** The
18 curb appeal of the property will remain unaffected by the proposed addition. The
19 existing structure is older, and the applicant intends to update the exterior material.
20 The addition will also generally enhance the visual appeal of the building.
21
- 22 3. **By expanding the building, the character of the neighborhood is not adversely**
23 **impacted.** The existing accessory structure is more than 300 feet from the existing
24 home on the property and from the neighboring homes to the north and south. The
25 structure is also not visible from the street because there is significant sloping from
26 the eastern portion of the property to the left where it meets 1400 East. Due to these
27 factors, staff anticipated that the character of the neighborhood, or neighboring
28 properties, will not be adversely impacted by the addition to the structure.
29
- 30 4. **The expansion will improve the area by providing additional or adequate**
31 **parking.** The existing home already meets the requirements for the number and
32 type of parking stalls required for a single-family building. The Code requires two
33 covered and two uncovered stalls. The proposed addition to the accessory structure
34 would include additional trailer parking for the property. Planner Hall identified
35 the location of the trailer parking.
36
- 37 5. **Any expansion will be adequately screened or buffered if needed, so as not to**
38 **increase impacts to the adjoining properties.** Staff did not anticipate any
39 impacts, negative or otherwise, to the neighboring properties that would be caused
40 by the addition to the existing accessory structure. Staff did not recommend any
41 type of screening or buffering.
42

43 The applicant, Brandon Doyle was present along with the Contractor, Joel Farrar. Mr. Doyle stated
44 that the addition was to cover a small camping trailer from the snow. Commissioner Clyde asked
45 if it was possible to move the addition to meet the 13-foot requirement. He stated that there must

1 be a 13-foot setback from the property line. Planner Hall stated that the decision is where to grant
2 the Conditional Use Permit and not to allow the new addition to be closer to the property line than
3 is required by Code.

4
5 Commissioner Clyde referenced the requirement that the material used must be similar to the
6 home. Planner Hall stated that the reason for the requirement is that people are usually building
7 something new and not adding on. The applicant stated that the structure is a red barn so the
8 addition will maintain the same look as the existing home. The structure may not be red. If that
9 is not allowed, it will be difficult to match the house, as it is a completely different design. Planner
10 Hall stated that the new portion must match the home in some way, but that issue will be addressed
11 with the permitting process. It can match the barn but must also match the existing home.
12 Mr. Farrar wanted to ensure that the structure is safe and may need to replace the roof. He stated
13 that the 13-foot setback was not an issue.

14
15 Chair Blake opened the public hearing.

16
17 *Mark Bezzant* reported that he maintains the property to the south. He stated that Mr. Doyle is a
18 wonderful neighbor and he encouraged staff to allow them to match the red barn. Mr. Doyle's
19 home is white brick which does not match the barn.

20
21 *Blain Thatcher* identified himself as Mr. Doyle's neighbor. He had no problem with the proposal
22 and encouraged the Planning Commission to grant the variance.

23
24 Planner Hall reported that the Planning Commission does not have the power to do that. Such a
25 request would go before Land Use Hearing Officer, who would make the determination. This
26 process is used when the interpretation of staff and the property owner differ. The process is begun
27 by an application for a hearing.

28
29 There were no further public comments. The Chair closed the public hearing and invited the
30 Commission to either continue the discussion regarding this item or she would entertain a motion
31 if no further discussion was necessary.

32
33 **MOTION:** Commissioner Coombs moved to APPROVE the request of Brandon Doyle for a
34 Conditional Use Permit to allow an addition to an existing nonconforming detached structure
35 located on property at 48 North 1400 East in the R1-20 (Single Family Residential) Zone and
36 adopting the exhibits, conditions, and findings of the staff report, and as modified by the conditions
37 below:

- 38
39 1. Any part of the proposed addition will meet current setback requirements (13 feet
40 from rear and side property lines).
41
42 2. All Final Planning, Building, Engineering, and Fire Department requirements are
43 met.
44

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

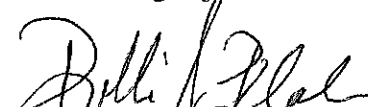
ITEM 10 – Review and Approve the Minutes from the September 23, 2021, and October 14, 2021, Planning Commission Meeting.

MOTION: Commissioner Coombs moved to APPROVE the minutes from the September 23, 2021, Planning Commission Meeting. Commissioner Phillips seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

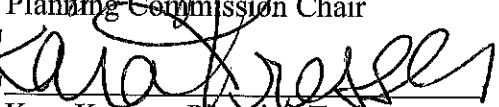
MOTION: Commissioner Coombs moved to APPROVE the minutes from the October 14, 2021,, Planning Commission Meeting. Commissioner Clyde seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

MOTION: Commissioner Coombs moved to adjourn the meeting. Commissioner Phillips seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

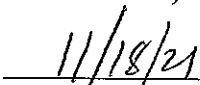
The meeting adjourned at 9:07 p.m.



Planning Commission Chair



Kara Kresser, Planning Tech



Date Approved