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PLEASANT GROVE CITY
PLANNING COMMISSION MINUTES
August 8, 2013

PRESENT: Chair John Stevens, Commissioners: Dianna Andersen, Scott Richards and James Malone

Excused: Commissioners: Jeff Cardon, Dallin Nelson, Amy Cardon and Julia Whetman

Absent: Commissioner Steven Shrader

Others present:

Neighborhood Chair: Libby Flegal

Councilmember: Kim Robinson

STAFF: Community Development Director-Ken Young, City Engineer-Degen Lewis, Planning Intern- Marcus Wager and Planning Technician-Barbara Johnson

The Meeting commenced at 7:00 p.m.

Chair John Stevens welcomed those present and said they are waiting for Commissioner Malone to arrive so until then the commissioners will discuss the items but no action will be taken until there is a quorum present.

Commission Business:

a. Opening Remarks: Commissioner Andersen

Chair Stevens read Item 1. He said a, b and c have been continued indefinitely and d. has been continued to August 21, 2013.

ITEM 1 Motion to continue the following public hearings indefinitely:

- a. Consider the request of David Flinders for a 1-lot subdivision called Creekside North Plat A located at approx. 482 West 3300 North in the RR (Rural Residential) Zone. **MANILA NEIGHBORHOOD**
- b. Consider the request of MLC Development LLC for a 67-lot Preliminary plat called Muirfield Estates located at approx. 1450 West 3300 North in RR (Rural Residential) Zone. **MANILA NEIGHBORHOOD**
- c. Consider approval of the Site Plan for Auto Zone located at approx. 743 South State Street in C-S (Commercial Sales) zone. **STRING TOWN NEIGHBORHOOD**

- 1 d. Consider a Petition for Annexation from Sid and Karen Smart, to
2 annex ½ acre of real property with the RR (Rural Residential) zone designation into the
3 city of Pleasant Grove, Utah from Utah County under the provisions of Sections 10-2-
4 403 and 10-2-405, Utah Code Annotated, 1953, as amended. The subject property is to
5 be known as “Smart Annexation” located at approximately 1240 West 3300 North.

6 **MANILA NEIGHBORHOOD**
7

8
9 ITEM 2 Public Hearing to consider the request of Artisan Construction for a 25-lot Preliminary plat called Palisades
10 Plat B located at approx. 882 East 640 South in R1-9 (Single Family Residential) Zone. **SCRATCH GRAVEL**
11 **NEIGHBORHOOD** *continued from July 11, 2013
12

13 Chair Stevens read Item 2 and then turned the time over to staff.
14

15 Director Young showed an aerial of the property and said the applicant is requesting approval of a
16 26-lot preliminary plat called Palisades Plat B located at approximately 882 East 640 South in the
17 R1-9 (Single Family Residential) Zone, with a General Plan designation of Medium Density
18 Residential. He said the proposed plat is to divide the existing property into 26 lots, all of which
19 exceed the minimum 9,000 sq. ft. size in the R1-9 zone.
20

21 Director Young said lot number 14 has a house being built on it and has already been made a
22 separate lot from the rest of the property; it will fit into the overall plan.
23 Lot 20 will have the existing house remain there, while lots 18 and 22 will have the existing
24 buildings removed.
25

26 Director Young said the proposed subdivision will feed into other areas going north and south on
27 the west and east ends of the property and will connect with other neighborhoods. The property to
28 the south is not developed yet but a vicinity plan shows how the property can be developed.
29

30 Applicant: Fred Clark, 9448 North Timpanogos Cove in Cedar Hills came forward and said he
31 was the engineer representing Artisan Construction had no comments at this time but was willing
32 to answer any questions that the Commissioners may have.
33

34 Chair Stevens asked if there were any questions for staff or the applicant. There were none. He
35 then opened the meeting to a public hearing.
36

37 Terry Carson, 639 South 780 East came forward and said he lives next to the property and was
38 concerned with the street layout and asked if the road was planned to have a dead end. Mr. Lewis
39 responded and said Mr. Carson will be at the end of the road.
40

41 Micah Smith, 891 East 640 South came forward and said he lives directly across the street from
42 this proposed subdivision and has lived there for 7 years. He said to build 26 new homes in this
43 area is over whelming. He was concerned with the CC&R’s for this development and hoped they
44 would be restricted to what has been built in the area to maintain property values. He said this is a
45 very nice quite section of Pleasant Grove and he enjoys living there. He was concerned with the

1 increase of traffic on Pleasant Drive.

2

3 Mr. Smith commented on a personal level and said he has spent the last 7 years looking at a very
4 pretty orchard, there are a lot of deer living in the orchard which is unique part of our city. He
5 also mentioned we are trying to sell ourselves as a city of trees, why cut down more trees in the
6 last remaining orchard in the city. He asked the developer if this proposal is approved to please
7 preserve some of the trees.

8

9 Mr. Colton Perry, 642 South Loader Drive came forward and wanted to see a vicinity plan for the
10 neighborhood to make sure no one gets land locked. Mr. Lewis referred to the site plan and
11 explained how the roads would connect throughout the neighborhood.

12

13 Chair Stevens are if there were any other comments. There were none. He then closed the public
14 hearing and brought the discussion back to the Commissioners.

15

16 Commissioner Andersen asked staff if there was only one entrance to this subdivision which is on
17 Pleasant Drive. Director Young answered and said the traffic heading south will be on Pleasant
18 Drive which has always been planned to be a connector road for properties in this area. The fact
19 that there exists an orchard in a nice open space this is private property and they do have property
20 right to develop, so if you want to have an orchard by your house you need to buy it.

21

22 Commissioner Malone was still not present so they moved to Item 3.

23

24 ITEM 3 Public Hearing to consider the request of Jackson Jones for a 3-lot Preliminary Plat called Loader
25 Estates located at approx. 1100 East 200 South in the R1-9 (Single Family Residential) zone. **BATTLE**
26 **CREEK NEIGHBORHOOD**

27

28 Chair Stevens read Item 3 and then turned the time over to staff.

29

30 Planning Intern, Marcus Wager showed an aerial of the property and said the applicant is
31 requesting approval of a 3-lot preliminary plat called Loader Estates located at approximately
32 1100 East 450 South in the R1-9 (Single Family Residential) Zone, with a General Plan
33 designation of Medium Density Residential.

34

35 Mr. Wager said the proposed plat is to divide the existing property into 3 lots, all of which exceed
36 the minimum 9,000 sq. ft. size in the R1-9 zone. The lots are separated by 1100 East with lot 1 on
37 the west side of the road and lots 2 and 3 on the east side of the road.

38

39 Chair Stevens asked if there were any questions for staff.

40

41 Director Young said there is a vicinity map but as of date has not been completed. The map that
42 we are anticipating receiving does provide the proper roadways through the area to the north.
43 Unfortunate it is not available tonight.

44

1 Applicant: Jackson Jones, 136 South 400 East came forward and referred to the aerial and said the
2 road will continue out and connects to the Johnson property. He said he has met with the
3 Johnsons and they talked about having a half cul-de-sac and then the road would come back down
4 to Loader Ave. This vicinity plan would allow for all property owners to have access and not be
5 land locked.
6

7 Mr. Jones asked about phasing the project. Mr. Lewis, the city engineer said phasing is something
8 that needs to be proposed and approved by the Planning Commission but is a possibility.
9 Chair Stevens asked if there were any questions for the applicant. There were none. He then
10 opened the meeting to a public hearing.
11

12 Mr. Mark Barraclough, 1100 East 363 South said he lives next to this property to the east. He had
13 some questions on the way the plan is configured and was concerned with only one access into the
14 property. Mr. Lewis said a vicinity plan will show how the rest of the undeveloped property as it
15 develops how the street network will continue in a logical manner, similar to what's there.
16 Eventually the road will connect back down to Loader.
17

18 Mr. Barraclough also asked about phasing the project and when the improvements would be
19 installed. He then asked if this property had animal rights. Director Young responded and said the
20 situation with animal rights is that they have to be maintained in order to be preserved. If there
21 have not been animals on the property for over a year then there would not be any animal rights on
22 the property regardless of the size of the property. Mr. Young said it was his understanding that
23 we are going on the basis that there are no animal rights on this property. Mr. Barraclough wanted
24 to know how this is documented with regards to legalities. Director Young said it is done through
25 the zoning that is in place. He said it is the burden of the property owner if they want to have
26 animal rights to show or give evidence to the city that there had been maintenance of animals on
27 the property during the last year. Director Young said at this point we do not have evidence that
28 there have been animals maintained on the property so, therefore according to the current zone in
29 place animal rights are not permitted.
30

31 Cheryl Johnson came forward and said she was a neighbor to this property and was wondering
32 about being land locked. Mr. Lewis said the vicinity plan will show all remaining undeveloped
33 properties can be developed. Mrs. Johnson mentioned that she has animals on her property.
34

35 Sally Lyon, 992 East 200 South wondered if the road from the Jackson property would go down
36 and join Loader Drive. Director Young responded and said roads get built one development at a
37 time.
38

39 Commissioner Malone entered the meeting at 7:23 p.m.
40

41 Chair Stevens closed the public hearing and brought the discussion back to the Commissioners.
42

43 **MOTION: At the Public Hearing Commissioner Andersen moved that the Commission**
44 **approve the preliminary plat, known as Loader Estates, and adopting the exhibits,**

1 **conditions and findings of the staff report. Commissioner Richards seconded the motion**
2 **and the Commissioners unanimously voted “AYE”. Motion carried.**

3
4 Chair Stevens said we now have a quorum and went back to the beginning of the meeting.

5
6 **Commission Business:**

7
8 **b. Agenda approval:**

9 **MOTION:** Commissioner Andersen moved to approve the agenda with the
10 following changes: Item 1. a, b, c be continued indefinitely and d. be continued
11 to August 21, 2013. Commissioner Richards seconded the motion, and the
12 Commissioners unanimously voted “Aye”. The motion carried.

13 **c. Staff Reports:**

14 **MOTION:** Commissioner Andersen moved to approve the staff reports as
15 written and part of the public record. Commissioner Malone seconded the motion,
16 and the Commissioners unanimously voted “Aye”. The motion carried.

17 **d. Declaration of conflicts and abstentions from Commission Members:** No
18 conflicts were declared.

19
20 Chair Stevens referred to Item 2 and asked Commissioner Malone if he needed more time for
21 discussion or was ready to vote. Commissioner Malone said he was ready to vote.

22
23 Chair Stevens read Item 2 again and then called for a motion.

24
25 **MOTION: At the Public Hearing, Commissioner Richards moved to approve the**
26 **preliminary plat, known as Palisades Plat B, and adopting the exhibits, conditions and**
27 **findings of the staff report. Commissioner Andersen seconded the motion and the**
28 **Commissioners unanimously voted “AYE”. Motion passed.**

29
30 ITEM 4 Public Hearing to consider the request of Knight West Construction to adjust boundary
31 lines for a 4-lot Preliminary Plat called Walker Landing Plat B located at approx. 140 South 600
32 East in an R1-7 (Single Family Residential) zone. **OLD FORT NEIGHBORHOOD**

33
34 Chair Stevens read Item 4 and then turned the time over to staff.

35
36 Planning Intern, Marcus Wager said this preliminary plat for Plat A was approved on April 11,
37 2013 by the Planning Commission, and the final plat was approved by the City Council on
38 May 7, 2013.

39
40 He showed an aerial of the property said the applicant is requesting to adjust boundary lines for a
41 4-lot preliminary plat on .83 acres called Walker Landing plat B, located at approximately 140
42 South 600 East in an R1-7 (Single Family Residential) Zone.

1 Director Young said the difference here is that the street right-of-way as the property was initially
2 divided was more than what is required that this time so the adjustment to the entire property now
3 is including a little bit more of the street right-of-way into the overall project. Nothing really major
4 is being changed on this plat, just the lot lines.

5 Chair Stevens asked to see Plat A and then then changes that were made on Plat B. Director
6 Young showed the changes on the aerial photos.

7
8 Applicant: Bill West came forward and said the boundary curve adjustments were off so the new
9 plat shows the adjustments that were made.

10
11 Chair Stevens asked if there were any more comments or questions for the applicant. There were
12 none. He then opened the meeting to a public hearing. There were no comments. The discussion
13 was brought back to the Planning Commission.

14
15 Chair Stevens said this was pretty straight forward and called for a motion.

16
17 **MOTION: At the Public Hearing, Commissioner Andersen moved to approve the**
18 **preliminary plat boundary adjustments, known as Walker Landing Plat B, and adopting**
19 **the exhibits, conditions and findings of the staff report.**

20 **Commissioner Richards seconded the motion and the Commissioners unanimously voted**
21 **“AYE” Motion carried.**

22
23 ITEM 5 Public Hearing to consider the request of Marsha Saetrum for a Conditional Use Permit to
24 operate Learning Zoo Preschool located at approx. 807 East 1150 North in the R1-9 (Single
25 Family Residential) zone. **BIG SPRING NEIGHBORHOOD**

26
27 Chair Stevens read Item 5 and then turned the time over to staff.

28
29 Planning Intern, Marcus Wager stated the applicant is seeking a conditional use permit approval to
30 have a preschool in her home located at 1150 North 807 East in the R1-9 (Single Family
31 Residential) Zone, low density residential.

32
33 Mr. Wager said the home occupation shall be conducted wholly within the structure on the
34 premises and shall not exceed 25% of the total floor area. The home is approximately 3,600 sq. ft.
35 and the preschool within the home is approximately 600 sq. ft., making it about 16.7% of the total
36 floor area. The hours of operation would be between the normal daytime business hours of 8 A.M.
37 to 5 P.M., and the only employee would be her mother.

38
39 The proposed location of the preschool is in the basement of the home, and this room has its own
40 entrance on the north side of the home. There will be no sales going on as it is only going to be a
41 preschool. No on-street parking is allowed, and if the driveway or garage is used for the parking of
42 customers, at least 2 parking spaces need to be maintained for the use of the home owners. If a
43 business sign is desired, only a 2 sq. ft. name plate may be displayed on the premises.

1 Staff recommends, if the applicant agrees to the conditions below, that the Planning Commission
2 **APPROVE** a conditional use permit to have a major home occupation preschool located at 1150
3 North 807 East, including the following conditions:

- 4 1. All Final Planning, Engineering, and Fire Department requirements are met.
- 5 2. All the conditions in City Code Section 10-21 regarding home occupations are met.

6
7 Chair Stevens asked if the business sign had to be attached to the home. Mr. Wager answered yes
8 and said if they want to advertise something that faces the street; the sign needs to be attached to
9 the home.

10
11 Chair Stevens asked if there were any questions for staff. There were none.

12
13 Applicant: Marsha Saetrum had no comments at this time.

14
15 Chair Stevens opened the meeting to a public hearing. There were no comments.

16
17 Commissioner Richards asked how many students she would have. Mrs. Saetrum said currently 5
18 but would like to have 12 students.

19
20 Commissioner Malone asked if the employees in the home have to be related. Director Young said
21 no, it just happens that the employee is the applicant's mother.

22
23 Commissioner Richards said one of the requirements is to obtain the proper licenses both from the
24 city and the state.

25
26 Chair Stevens asked if there were any other questions. There were none. He then called for a
27 motion.

28
29 **MOTION: At the Public Hearing, Commissioner Malone moved to approve a conditional**
30 **use permit to have a major home occupation preschool located at 1150 North 807 East and**
31 **adopting the exhibits, conditions and findings of the staff report.**

32 **Commissioner Andersen seconded the motion and the Commissioners unanimously voted**
33 **"AYE" Motion carried.**

34
35 ITEM 6 Public Hearing to consider the request of McDonald's Corp for an extension on the approval of
36 the McDonald's site plan located at approximately 2000 West Pleasant Grove Blvd. in the Grove Zone.

37 **SAM WHITE'S LANE NEIGHBORHOOD**

38
39 Chair Stevens read Item 6 and then turned the time over to staff.

40
41 Director Young said this item was continued from the July 11, 2013 meeting. The Commission
42 asked to get further information from the McDonald's company regarding their intent to move
43 forward with the development of the restaurant. Staff met with Mr. Gary Blau of McDonald's
44 who has provided the attached letter describing their current situation. (*see attachment #1)

1 In the letter, Mr. Blau states that meeting with staff and getting an update from us has helped them
2 to understand better the current situation in Pleasant Grove, which may help them to decide later
3 this month whether they shall proceed with the store this year.

4 The applicant is requesting a 12-month extension of the approval of the site plan for a McDonald's
5 Restaurant on 1.58 acres on the corner of North County Boulevard and Pleasant Grove Boulevard.

6
7 **ANALYSIS**

8 The McDonald's Site plan was originally reviewed by the Planning Commission in January of
9 2012 and approved by the City Council on February 7, 2012. City Code stipulates that the
10 approval of a development site plan is good for 12 months if development does not occur, and it
11 may expire after that if the approval is not extended.

12
13 Section 11-7-7 states that the Planning Commission has the authority to grant the extension.

14
15 Mr. Blau stated that although they would like to extend the current site plan approval, that there is
16 a chance that the building and site plan could be modified.

17
18 Staff recommends that the Planning Commission continue / extend the approval on this item for
19 one more month to see whether McDonald's can determine if they will be ready to move forward
20 this next year.

21
22 Commissioner Andersen thanked Director Young for making contact with Mr. Blau.

23
24 Chair Stevens asked if there were any questions for staff.

25
26 Commissioner Malone asked if granting an extension is in the best interest of the city or would it be
27 best to deny the request.

28
29 Commissioner Richards suggested granting another 30 day extension to McDonald's to keep them
30 engaged and let them know that we want something to happen on the property. If the request is
31 denied we may not hear from them for several months.

32
33 Commissioner Andersen asked about granting a 6 month extension. Commissioner Richards said
34 no, just another 30 days and then they come back before the Planning Commission. At that time get
35 a commitment from them on a time frame and what their plans are.

36
37 Applicant: Not present.

38
39 Chair Stevens opened the meeting to a public hearing. There were no comments. The discussion
40 was brought back to the Planning Commission.

41
42 **MOTION: At the Public Hearing, Commissioner Richards moved to continue the request**
43 **for a 30-day extension of the approval of McDonald's Commercial Site Plan until the Sept.**

1 **12, 2013 Planning Commission meeting. Commissioner Andersen seconded the motion and**
2 **the Commissioners unanimously voted**
3 **“AYE” Motion carried.**
4

5 Chair Stevens asked for a motion to amend the agenda to add the review and approve the June 13,
6 2013 and July 11, 2013 Planning Commission meetings. He stated the July 11, 2013 minutes
7 cannot be approved because of lack of quorum.
8

9 **MOTION: At the Public Hearing, Commissioner Malone moved to amend the agenda by**
10 **adding: Review and Approve Report of Actions and the Minutes from the June 13, 2013**
11 **Planning Commission meeting. Commissioner Andersen seconded the motion and the**
12 **Commissioners unanimously voted “AYE” Motion carried.**
13

14 Chair Stevens then called for a motion.
15

16 **MOTION: At the Public Hearing, Commissioner Andersen moved to approve the June 13,**
17 **2013 Planning Commission minutes as written. Commissioner Richards seconded the**
18 **motion and the Commissioners unanimously voted “AYE” Motion carried.**
19

20 **Business:** Director Young reminded the Commissioners that the next Planning Commission
21 meeting will be held on **WEDNESDAY, August 21, 2013.**
22

23 **MOTION: Commissioner Andersen moved to adjourn. The Meeting adjourned at 7:55 p.m.**
24

25 _____
26 Chair John Stevens
27

28 _____
29 Barbara Johnson, Planning Tech
30

31 _____
32 Date Approved
33

34 Attachments: #1. Letter from Mr. Blau (McDonald's)
35
