

**MINUTES OF A REGULAR PLEASANT VIEW CITY
PLANNING COMMISSION MEETING HELD
May 5, 2022**

MEMBERS PRESENT

Andy Nef
Dean Stokes
Chad Cotter
James Cummings *aka Jim*
Jeff Bolingbroke
Julie Farr
Manya Stolrow
Sara Urry, City Council
Amy Mabey, City Administrator
Amber Corbridge, Planning & Zoning Administrator
Dana Shuler, City Engineer

VISITORS

Brad Ouderick
Brad Reeves
Cameron Cook
Brent Jorgensen
Kathleen D. Mason
Bill Caron
Terry Mason
Judy Sherman
Suzanne Ernst
Steve Weller
Brent Bailey
Vanglen Hansen
Ann Arrington

Commission Chair, Andy Nef, called meeting to order at 6:00pm

OPENING PRAYER: Dean Stokes

PLEDGE OF ALLEGIANCE: Dean Stokes

DECLARATION OF CONFLICT OF INTEREST: There were no conflicts of interest designations.

SCHEDULED ITEMS:

COMMON CONSENT

1. Conditional Use Permit to allow an Attached Accessory Apartment for the owner-occupied single-family dwelling at 365 W 3925 N.

ADMINISTRATIVE

2. Site Plan review for Office/Storage Space at 2647 N 1000 W
3. Consider a Preliminary Subdivision Plat Approval for Boyer Pleasant View containing two (2) lots on 20.17 acres at approximately 3155 N HWY 89 in the MP-1 Zone.

LEGISLATIVE

4. Consider amending the Pleasant View City Municipal Code Chapter 18.66 Attached Accessory Apartments Ordinance by adding "Attached Accessory

Apartments (AAA)” to the permitted uses in each chapter namely sections 18.09 (RE-20 Zone), 18.10 (RE-15 Zone), 18.16 (A-2 Zone) and 18.18 (A-5 Zone) and obtain an AAA permit reviewed and issued by staff.

5. Consider amending the Pleasant View City Municipal Code Chapter 18.42 - Supplementary Use Regulations Ordinance by allowing existing storage facilities outside the location limitations to expand until December 31, 2022, to the section 18.42.015 “Storage Facilities, Special Regulations”.
6. Consider amending the Pleasant View City Municipal Code Chapter 18.09 and 18.10 - Single Family Residential Zones to add a provision allowing accessory structures or detached garages to be placed within the side yard setback

1. Conditional Use Permit to allow an Attached Accessory Apartment for the owner-occupied single-family dwelling at 365 W 3925 N.

Ms. Corbridge stated this request should be removed from common consent for discussion. Commissioner Bolingbroke made a motion to remove item no. 1 from common consent for discussion. Commissioner Farr seconded the motion.

Ms. Corbridge stated this review is conditional and an attached accessory apartment is incidental to the main use. She said the apartment is in the basement and has a separate entrance. The attached garage for the home includes three parking spaces and a maximum of two parking spaces are allowed for the unit. She showed the floor plan where the attached garage and unit will be located. She stated the Commission will review conditional use requirements and listed the requirements. She stated the proposed accessory apartment has minimal impact on the community and land, as the use is within an existing owner-occupied single-family home. She stated the proposed AAA meets the code requirements.

Ms. Corbridge recommends approval of the conditional use permit to allow an attached accessory apartment at 365 W 3925 N, subject to obtaining required remodel permits. She stated the building plan reviewer indicated the plans are approved and ready for permits. Ms. Corbridge stated the public had comments of support for the AAA. She stated one comment stated they did not see a reason why this property owner could not rent out their basement if it meets codes. She shared another comment mentioned how the state code allows for these types of uses.

Chair Neff stated I believe there were two more public comments which came in regarding this proposal. The comments were both in favor and concerned the HOA was opposed it. He stated this body does not control or enforce any of the HOAs. He stated the state laws supersede the HOA laws.

Commissioner Farr stated there was a comment about limiting the number of allowed people in these units. Ms. Mabey stated the maximum number allowed for a single-family home is five unrelated individuals. Commissioner Farr stated we need to address this concern. She said one other concern he had was there was no posting about this being

rented out. Ms. Mabey stated this type of signage would need to meet the sign code. Chair Neff stated the HOA could supersede such a signage request.

Chair Neff stated the public may make comments to Commission.

Mr. Weller stated that he is not opposed to what is going on and understands state law. He questioned who enforces the HOA? Commissioner Stokes stated the HOA committee is in charge will enforce their rules, including CC&Rs. Mr. Weller states who enforce rules that are not a part of the CC&Rs.

Mr. Weller stated the subdivision does not comply with the current subdivision ordinance, where the lots are less than half an acre, but with common area it makes up the difference and lots are around one third of an acre. He discussed issues with the HOA common space. Chair Neff stated we need to address what we are here for tonight. Mr. Weller stated he bought a single-family home like his neighbors. He stated if we allow this to happen, then we will allow this to happen anywhere else. Ms. Mabey stated that per state law we have a lot of conditional uses in our code, where you cannot deny a conditional use but set conditions. She stated these come before the Commission so that if anything needs to be mitigated the Commission can approve the use with conditions.

Mr. Weller stated he bought a single-family home. He stated the notes indicate that the city is looking to allow this use as a permitted use and not a conditional use. Ms. Mabey stated that per state law you cannot deny a conditional use permit if the negative impacts are being mitigated. She stated the Planning Commission has authority to issue mitigating conditions for the use. Mr. Weller stated that he does not support all the homes in the neighborhood having apartments. He stated that is not what the neighborhood bought into. He stated that this opens this neighborhood opens this area up to having apartments, which has an effect on everyone in the neighborhood.

Chair Neff stated this use is already there. He stated there have been similar comments and concerns regarding this use. He stated that the city should look at how many we could allow in the city. He stated that the number of this use is few in number and applaud those which come to the city to receive proper approval. He also stated that the comments for these items are limited to three minutes.

Ms. Mason stated she is the neighbor of the applicant. She asked the Commission and staff if the city has the infrastructure for this type of use. Chair Neff stated that with the amount of these hitting our city, the number is so small that it is not an issue at this time. She stated she has concerns that the city needs to assess if the city is ready for this type of use being approved everywhere. She stated that she doesn't think the roads are adequately ready for this.

Chair Neff stated that we need to look at how all the surrounding cities look at this and right now the body looks at how this meets the codes, and whether or not we allow it or not. He also stated that we as a community should look at our laws and see if we should recommend to the City Council that other things need to be looked at. Ms. Mabey stated that since 1998 the accessory apartments have been allowed and is not a brand new thing for the entire city, however is now allowed in HOAs. She stated there is a valid concern

that needs to be brought to legislature regarding how this affects HOAs as they have different standards.

A neighbor, name not stated clearly, stated the support of the applicant in taking the right steps for approval.

The HOA president stated they are all emotionally charged as this development was approved as single-family homes in 1993. He stated people bought knowing that they were in a single-family community and are frustrated by the laws and changes imposing the neighborhood. He said this is a bad law and asked how many people are allowed in the unit. Commissioner Farr stated in Pleasant View the number allowed in a unit is five. The president asked how this will be enforced, especially those which are not legal issued. He brought up concerns with how the vehicles on the street will be affecting the snowplows. Ms. Mabey stated the city has a code officer that will work with residents for complaints.

Commissioner Stokes stated that the major concerns are parking, infrastructure, and occupancy. He stated one of the benefits of using a unit within a dwelling or structure is that the number of occupancy is not increasing. He stated that for example there could be 10 members of the family in the structure and all the infrastructure and parking are already in place. He stated there are concerns with parking and snowplows, but it does not change the occupancy standards.

Ms. Corbridge stated that detached accessory structures are not allowed in Pleasant View and the state code states that the law applies to internal units only. Ms. Mabey stated our code requires the units to be attached or internal and not detached. Commissioner Farr stated the state law supersedes what we can do here. She asked does this contribute to the general well-being of the community? She stated that she understands that in the state there is a shortage of housing and affordable housing is not available. She stated that the accessory apartments comply with what is in the books and state law allows it.

Commissioner Stokes made a motion to approve with staff recommendations noted in the packet and the application meets staff review comments. Commissioner Bolingbroke seconded the motion. All voted in favor of the motion.

2. Site Plan review for Office/Storage Space at 2647 N 1000 W

Ms. Corbridge stated this is a site plan review for approval of a steel commercial office and storage in the C-2 Zone. She stated this is proposed on a site with an existing stucco building shown in the site plan on the aerial. She stated this is the site plan and building footprint with parking. The applicant stated they do not have approval from Bona Vista for secondary water used for outdoor irrigation. She stated factors for consideration with this review include how this site meets safety and convenience of traffic movement and the plans need to meet all requirements of the zoning ordinance. She stated the Commission may impose conditions or requirements. She stated there are design standards that need to be met. She stated a landscape plan needs to be submitted for review including plant materials, a two-foot berm, and a total of 15 percent of the site shall be landscaped. She

stated staff recommends the applicant include water-efficient plant materials with a drip irrigation system to meet this requirement. She stated staff would be willing to work with Bona Vista to see if they would approve of secondary water for outside irrigation if a drip irrigation system was used. She stated this is an issue with meeting code, but the applicant will need to meet this requirement and work with staff on getting approval of landscaping or amending the code. She also stated the plans did not include a dumpster enclosure and will need to be included on an updated site plan and meet the code. The plans also need to be updated to show parking stall dimensions and an ADA compliant stall and aisle.

Ms. Corbridge stated the proposed structure needs to be compatible with the existing stucco structure and have a primary entrance defined. It will need to meet the design treatments, materials and colors of the code and stated staff recommends the structure match the existing stucco building with materials, colors, and treatments. She also stated the rear wall of the building may be metal, but other walls viewed from the street may not be metal. She stated the plans are still in review and will need to meet all department staff review comments and recommends approval with these conditions.

Chair Neff asked if the site plan shows the proposed parking. Staff showed on the site plan display and counted the stalls. He stated there are a lot more offices shown than parking spots. He stated his concern for having enough parking. Commissioner Stokes asked if this property is owned by one owner. Ms. Corbridge stated yes this is all owned by one person. \

Ms. Shuler stated there needs to be frontage improvements and dedication along 1000 W where driveway needs to be brought to conformance and may lose some parking stalls. She stated they could easily reconfigure the parking to meet standards.

The applicant stated there are enough parking spaces for the employees in the building. Chair Neff asked if the current use has enough parking for the daycare and with the new use and recommends the parking meet both parking requirements for the office and warehouse and daycare center. Ms. Shuler stated there are redlines that are returned to the applicant and will need to be corrected.

The applicant stated there are no other buildings in the city with a three-foot overhang where the report stated a three feet overhang is required and wondered if it was a typo. Ms. Corbridge stated the code requires the overhang of three feet on the front elevation. Commissioner Stokes stated that is a valid question. The applicant stated they would like a light manufacturing use in the back of the building, but not sure if it is allowed. He stated they'd like that use to be reviewed by the Commission. Chair Neff stated that use is required to be reviewed at another time. Ms. Corbridge said this site plan may move forward with review of the offices, but for the manufacturing it will need to go through a separate review.

The applicant stated there is no need for a sidewalk to be put in and if requested getting around that requirement. Ms. Mabey stated this road will be improved on both sides having sidewalks. The applicant requested steel and rock instead of stucco. Chair Neff stated this is a requirement and must meet the DRC review.

Commissioner Bolingbroke asked if the landscaping applies to the whole site not just this project. Ms. Corbridge stated a landscaping plan would need to be reviewed for compliance. Commissioner Bolingbroke clarified that this site does not have secondary water for landscaping. Commissioner Stokes stated there may already have a water connection for the existing use. Ms. Mabey stated the property across the street is looking into obtaining secondary water through Bona Vista, as well.

Commissioner Stokes made a motion to approve of the site plan including the comments by staff and city engineer and knowing that parking may be an issue and a future conditional use maybe reviewed. Commissioner Bolingbroke seconded the motion.

The vote in favor passed unanimously.

3. Consider a Preliminary Subdivision Plat Approval for Boyer Pleasant View containing two (2) lots on 20.17 acres at approximately 3155 N HWY 89 in the MP-1 Zone.

Ms. Corbridge stated the subdivision is for a new warehouse proposed. She stated the subdivision includes two lots. She stated lot one has street frontage and lot two does not have street frontage as this will be used for detention. She stated the detention pond will be dedicated to the city as part of the proposal as this serves as an upstream development. She stated the plat includes a 40-foot cross-easement. She said the Commission will consider the design and compatibility of the subdivision in relationship to the existing natural environment and surroundings. The Commission considers how the subdivision meets the General Plan.

Ms. Corbridge stated Lot 2 does not have frontage, but due the nature of the parcel the name of the lot should be named Parcel A and be dedicated to the city. She also stated the ordinance requires street trees and a six-foot-tall solid fence along the rear property line. She stated the plans have corrections and redlines and will need to be addressed and resubmitted to the city for further review and approval. She said staff recommends approval of the preliminary subdivision Boyer Pleasant View subject to conditions listed in the report.

Commissioner Farr asked if there is secondary water. Ms. Shuler stated there is a conditional will serve letter to obtain secondary water through Bona Vista. Chair Neff asked the city engineer for clarification about a frontage road on the backside of the lot. Ms. Shuler stated that there is a streets masterplan which shows a north and south road through the properties on the west side which will connect to the station and the multi-sports complex. She stated the easement is in place to provide access and held in reserved for a future road and that the pond will not encroach into the easement and is a correction comment. Chair Neff stated the gray shaded area is the road easement or potential future road easement. He stated the on the other end an easement is included to tie into HWY 89. Ms. Shuler stated that UDOT approved and issued an agreement for the access to 89 and will be recorded with the plat.

Chair Neff asked if we take the road out of the retention pond, does that leave adequate space for retention. Ms. Shuler is retaining accessible ground and there is enough catch basin with the retention pond. Chair Neff asked about the fence required along the west

property line. Ms. Shuler stated the fence is required to be between the property and the railroad on the outside of the easement or subdivision boundary. She stated there is an existing building on a parcel next to the subdivision which encroaches and is requiring the lot to be included in the subdivision plat.

Mr. Cook stated the plan is to quick claim the adjacent parcel with the house on it. Chair stated finalizing that parcel can happen offline. Commissioner Stokes asked if the detention pond is required. Ms. Mabey stated that it is required per engineering standards. Ms. Shuler stated part of the pond is existing.

Chair Neff asked if they are a recommending body to City Council. Staff stated they are. Commissioner Stokes asked what the use is. Chair Neff stated this is for a warehouse.

Commissioner Bolingbroke made a motion to approve the Preliminary Subdivision per staff recommendations. Commissioner Stokes seconded the motion. The motion passed in favor, unanimously.

4. Consider amending the Pleasant View City Municipal Code Chapter 18.66 Attached Accessory Apartments Ordinance by adding “Attached Accessory Apartments (AAA)” to the permitted uses in each chapter namely sections 18.09 (RE-20 Zone), 18.10 (RE-15 Zone), 18.16 (A-2 Zone) and 18.18 (A-5 Zone) and obtain an AAA permit reviewed and issued by staff.

Ms. Corbridge stated the proposal is to amend the code to have Attached Accessory Apartments (AAA) an owner-occupied conditional use to be a permitted use in agricultural and residential zones, where an application is made to obtain a AAA permit, review and issued by staff. She stated the Commission considers if the proposed ordinance amendment is in the best interest in the city and meets the goals and objectives of the General Plan. She stated the Commission will make a recommendation to City Council.

Ms. Corbridge stated the AAA will go through a simple staff review, consideration, approval, and permitting. She stated if the review meets the ordinance there is no need for the Commission to review this use as a conditional use because there are minimal impacts to the neighborhood. She added the negative impacts are already being mitigated through city codes and will need to meet the owner-occupied requirement. She clarified these reviews still need to go through a review and approval process, just at the staff level.

Ms. Corbridge stated the parking and noise associated with the use may be a concern for the surrounding neighborhood, and amendments to the AAA design standards may be considered. She stated staff recommends maintaining the existing design standards for the apartment and parking, however limiting the number of vehicles or occupants may be beneficial. She stated staff recommends approval of the ordinance amendment subject to the staff conditions listed in the report.

MEETING OVERVIEW AND OTHER BUSINESS

Chair Neff clarified the Planning Commission is the recommending board to the City Council regarding the David Erickson Subdivision

Adjourned at: 8:28 pm