

**Pleasant Grove City Council Minutes**  
**September 2, 2008**  
**7:00 p.m.**

**PRESENT:**

Mayor:

Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Cindy Boyd

Bruce Call

Mark Atwood

Excused:

Lee Jensen

Deputy Recorder:

Mary Burgin

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

Tom Paul, Police Chief

Libby Flegal, NAB Chair

The City Council and staff met at the City Council Chambers (south entrance), 86 East  
100 South, Pleasant Grove, Utah

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**1. CALL TO ORDER**

Mayor Daniels noted that himself as well as Council Members Boyd, Atwood, Call and Wilson were in attendance. He excused Council Member Jensen.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was lead by Council Member Boyd.

**3. OPENING REMARKS**

Opening Remarks were given by Council Member Wilson.

**4. APPROVAL OF MEETING'S AGENDA**

Mayor Daniels asked if there were any changes to the agenda. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve the agenda. Council Member Call seconded and the motion passed unanimously with Council Members Atwood, Boyd, Wilson and Call voting, “Aye.”

**5. CONSENT AGENDA** (Consent items are only those which have been discussed beforehand, are non-controversial and do not require further discussion):

**MINUTE REVIEW AND APPROVAL:**

1. Work Session for August 12, 2008
2. City Council for August 19, 2008
3. To consider approval of paid vouchers (August 25, 2008)

Mayor Daniels asked if there were any questions or comments on the Consent Items. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve the consent items. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Atwood, Wilson and Call voting “Aye.”

**6. OPEN SESSION**

Mayor Daniels invited anyone that wanted to come forward to do so. He asked that they state their name and address.

- Ms. Jennifer Batista identified herself as the Health and Safety Chair for the Grovecrest PTA. She thanked the members of the Council that attended the previous week’s “Walk Along” with the parents and students along 1100 North to Grovecrest Elementary. She said they were able to provide donuts and drinks as well as the advertising for the event with monies allocated by the state through the “Safe Route To School” program.

Ms. Batista said that 146 adults and 428 children participated in the walk. She said that City officials received both written and verbal suggestions from both the parents and the students. In a survey taken of respondents, the largest amount of comments went to the road safety and lack of sidewalks along 1100 North. However, she indicated that the students and parents were excited that City officials were willing to participate and listen to their concerns.

Mayor Daniels thanked Ms. Batista and those that helped her organize the walk. He said that he personally noted a couple of immediate safety concerns with the Public Works’ staff. For the public’s information, he added that there was a Special Improvement District (SID) that was approved for a section of 1100 North about two years before. He said when the pricing went out for bid on the project; the bids came back at 30 to 40% higher than the engineer’s estimate; so the City withdrew its proposal. The project was then put on hold until construction costs were again favorable.

- Mrs. Carol Harmer from 755 East 100 South then came forward. She said she and her husband, Jay, had been the co-chairs over the Utah County Fair for this year. She wanted

to thank Pleasant Grove City staff for all of the help they had afforded them in the setting up and running of the fair. Each community in the county was asked to participate, but she noted that Pleasant Grove consistently had the largest number of volunteers helping. She also indicated that Administrator Mills and his wife Annette as well as Director Clay had been indispensable in their many hours of work on the event.

## **7. NEIGHBORHOOD ADVISORY BOARD REPORT**

Mrs. Libby Flegal said that she didn't really have anything to report.

## **8. BUSINESS:**

### **A. PUBLIC HEARING TO CONSIDER JOHN OGDEN'S REQUEST TO VACATE THE VILLA'S AT MAPLEWOOD GROVE, PLAT "D" CONDOMINIUM PLAT, AND TO CREATE CONDOMINIUM PLATS "E-S" FOR PROPERTY LOCATED AT APPROX. 750 WEST 220 SOUTH, IN THE GROVE (GROVE MIXED USE SUBDISTRICT) ZONE. (SAM WHITE'S LANE NEIGHBORHOOD)**

Following Mayor Daniels reading this item, Director Young explained that the applicant, Mr. John Ogden of PG Villas, LLC, was requesting to be granted an approval to vacate the Villas at Maplewood Grove, Plat D, in favor of Plats E through S. This is located at approximately 750 West and 220 South in the Grove Mixed Use sub-district zone.

He next indicated that Mr. Ogden had approached the Community Development Department with the request to breakdown the existing Plat D phase of the development into separate plats to be known as plats E through S.

The plat and site development were previously approved, which included the Conditional Use Permit to construct multi-family dwellings. He explained that the permit runs with the land; however, may be modified by the Planning Commission or City Council with review of a new proposal. The request is consistent with the land use intended for this area.

The request is to have a separate plat for each building in what is currently recorded as Plat D. The applicant has clearly indicated the private and common areas, and no other changes appear to be included. The applicant has no intention of changing the design or architecture of the buildings.

The only request from the City is that the monument entry sign be corrected as shown on the approved sign permit. No official comments have come from the Sam White's Lane Neighborhood Association.

Council Member Wilson asked if there were park areas and amenities in place for the existing residents. Director Young said yes, there were already existing parks and tot lots in place.

Council Member Atwood noted that he agreed with Council Member Wilson in that the existing residents needed to have open space, and shouldn't have to wait while the plats will now slowly

be completed. Director Young reiterated that this was the fourth and final phase, and there were amenities already in place.

Mayor asked Mr. Ogden how the sales were going. Mr. Ogden said slower, but good. He then explained that this change in the plats was required by FHA financing.

Mayor Daniels then opened the public hearing. No one came forward. He then closed the public hearing and brought the discussion up to the Council. There were no further comments. He then asked for a motion.

**ACTION:** Council Member Boyd moved to approve John Ogden's request to vacate The Villa's at Maplewood Grove, Plat "D" condominium plat, and to create condominium plats "E-S" for property located at approx. 750 West 220 South, in the Grove (Grove Mixed Use Subdistrict) zone, with the following conditions; (1.) The design & architecture of the buildings are to remain consistent with existing construction within the development; (2.) The development's monument entry sign is to be correctly located as shown on the approved sign permit; (3.) That all remaining Fire, Planning, Zoning, Engineering, and Building Department requirements are met prior to recording the plats. Also, based on the following findings: (1.) There is no loss to open space; (2.) The applicant is not increasing the approved density. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Atwood, Wilson and Call voting "Aye."

**B. PUBLIC HEARING TO CONSIDER NORM CROSBY'S REQUEST TO VACATE LOTS 21, 22, 23, 29 AND 30 OF THE WADE SPRINGS, PLAT "B," SUBDIVISION AND TO CREATE A 4-LOT SUBDIVISION KNOWN AS NORM CROSBY SUBDIVISION, LOCATED AT APPROX. 985 NORTH 900 EAST IN THE R1-9 (SINGLE FAMILY RESIDENTIAL, 9,000 SQ. FT. LOT AREA) ZONE. (BIG SPRINGS NEIGHBORHOOD)**

Director Young explained that this item was a request by applicant Mr. Norm Crosby for the Council to approve a final plat proposal for a four-lot sub division; including the vacation of lots 21, 22, 23, 29 and 30 of Wade Springs sub division, Plat B. The address of the project is approximately 985 North 900 East. It is zoned R1-9 (single family residential), and has 1.21 acres.

The purpose of the subdivision is to reduce five lots into four from the existing Wade Springs Subdivision Plat B. There have been several lot line adjustments done between the existing property owners to accomplish this, but a new plat and City approvals are required. The subject property is within the Low Density Residential District. The proposal complies with this designated land use.

The plat proposal is more of a housekeeping issue to clean up the reported boundary line of each lot with the County. As shown on the zoning map, there are several lines recorded (but none were done legally) so the new plat will do away with what appears to be several little parcels that now show clean lot boundaries. Engineering has given a positive recommendation to approve the final plat.

Mayor Daniels opened the discussion to a public hearing. There were no comments. He then brought the discussion up to the Council. There were again no comments. He then asked for a motion.

**ACTION:** Council Member Call moved to approve Norm Crosby's request to vacate lots 21, 22, 23, 29 and 30 of the Wade Springs, Plat "B," Subdivision and to create a 4-lot subdivision known as Norm Crosby Subdivision, located at approx. 985 North 900 East in the R1-9 (Single Family Residential, 9,000 sq. ft. lot area) zone, including the following conditions: (1.) All final Planning, Fire, and Engineering Department requirements are met prior to recording the Final Plat. Also, based on the following findings: (1.) The proposal complies with all current zoning and supplementary regulations within the City code; (2.) On August 14, 2008, the Planning Commission approved the Preliminary Plat. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

**C. TO CONSIDER MATT EVANS' REQUEST FOR FINAL PLAT APPROVAL OF THE VARLIANO "PHASE 1" COMMERCIAL SUBDIVISION LOCATED AT APPROX. 1000 WEST 700 SOUTH, IN THE GROVE MIXED USE ZONE. SAM WHITE'S NEIGHBORHOOD**

After Mayor Daniels read this item, Director Young introduced Mr. Jeff Rich, the new planning intern from BYU. He noted that Mr. Greg Stockhoff was now in graduate school in North Carolina. Mr. Rich has one year left at BYU before receiving his undergraduate degree.

Mr. Rich indicated that this item was fairly simple. He said Mr. Matt Evans, the applicant, was requesting that the Council grant final plat approval of a two-lot commercial subdivision known as Varliano Subdivision. The zoning is in The Grove mixed use area and is comprised of approximately 5.18 acres. The location is approximately 1000 West 700 South.

This proposal is the first step for a five acre mixed use development that includes commercial office/retail and multi-family residential. The design and layout of each lot revolves around the site plan design, which will be comprised of two commercial office/retail buildings along the street frontage of the project and an undeveloped four acre area that will be the multi-family condominium plat. The lot boundaries reflect the physical requirements for each building.

Both lots one and two will have frontage and access off of 700 south. The shared access easement bisecting lots one and two is to allow for access to the multi-family residential area. There is also an area along the west boundary of the undeveloped property that is being designated as a future access easement to allow for future cross access with the LDS Church property. All access easements reflect the required standards for the drive accesses that will go in those locations. These areas are also indicated on the condominium plat.

The current General Plan map designates this property as The Grove, which allows for commercial uses as well as residential uses under certain conditions. The property is zoned Grove Mixed Use District. The permitted uses are for commercial/retail and office uses only. The intended uses for lots one and two comply with this zoning designation. All the proposed lots have necessary access and their layout follows the site plan proposal.

The remaining undeveloped parcel is intended to be the multi-family residential units of the Varliano project. This portion of the project will be reviewed during the condominium plat approval that will be heard following this item. This is being heard separately because the site plan review process for this item requires additional site plan review and approval by the Planning Commission and City Council.

The engineering department has reviewed the proposed final plat and recommended approval subject to meeting all of the final plat engineering requirements. In a public hearing on February 28, 2008, the Planning Commission approved the preliminary plat proposal of the Varliano Subdivision.

Mayor Daniels asked if there were anymore questions or comments. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Matt Evans' request for Final Plat approval of the Varliano "Phase 1" commercial subdivision located at approx. 1000 West 700 South, in the Grove Mixed Use zone, with the following conditions: (1.) That all Final Planning, Engineering, Public Works, and Fire Department requirements are met prior to recording the Final Plat. Also, based on the following findings; (1.) The proposed subdivision meets all the preliminary requirements of the Grove Mixed Use District; (2.) The subdivision design is consistent with the proposed site plan design; (3.) City Engineering has given a recommendation to approve the proposal; (4.) Planning Commission has given a recommendation to approve the plat. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

**D. TO CONSIDER THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS' REQUEST FOR FINAL PLAT APPROVAL OF A STANDARD FOUR (4) LOT SUBDIVISION PROPOSAL; TO BE CALLED SORENSON SUBDIVISION, PLAT A, LOCATED BETWEEN 600 WEST AND 550 WEST AT APPROX. 900 NORTH, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. (LITTLE DENMARK NEIGHBORHOOD)**

Mr. Rich came forward after Mayor Daniels read this item and said this was a request by the applicant, The Church of Jesus Christ of Latter-Day Saints, for a final plat approval at approximately 600 West, 550 West and 900 North. Lots 2, 3 and 4 currently have frontage and access off of 600 west. Lot 1 will have frontage off of 500 west.

The applicant is requesting that the Council grant final plat approval of a four-lot subdivision known as Sorenson Subdivision. He said the zoning is R1-8 and the property is comprised of approximately 3.96 acres. All the properties that surround the proposed subdivision have existing houses on them.

The project property currently has three separate houses located to the west, and an open field is located to the east of the existing homes. In order to gain sufficient land to be able to build the meeting house, the Church obtained land from the three former lots, 2, 3 and 4; which is why they have been included in the subdivision process. The current zoning is R1-8. All lots of the proposed subdivision comply with the requirements of the R1-8 zone, which include lot size, frontage, lot width, etc.).

The engineering department has reviewed the proposed preliminary plat and recommended approval subject to meeting all of the final plat engineering requirements. In a public hearing on August 14, 2008 the Planning Commission approved the preliminary plat proposal of the Sorenson Subdivision.

Mayor Daniels asked if there were any comments. Council Member Call asked if the curb, gutter and sidewalk would be put in along 600 West. Director Young said yes, it would. There were no more comments. The Mayor then asked for a motion.

**ACTION:** Council Member Call moved to approve The Church of Jesus Christ of Latter-Day Saints' request for Final Plat approval of a standard four (4) lot subdivision proposal; to be called Sorenson Subdivision, Plat A, located between 600 West and 550 West at approx. 900 North, in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone, including the following condition: (1.) That all final Planning, Fire and Engineering Department requirements are met prior to recording the Final Plat. Also, based on the following findings: (1.) The proposed subdivision complies with the development requirements of the R1-8 Zone; (2.) The preliminary plat has been given a recommendation of approval from City Engineering; (3.) Planning Commission has given a recommendation to approve the plat. Council Member Boyd seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

**E. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE PLEASANT GROVE CITY CODE FOR TITLE 10 CHAPTER 11 KNOWN AS THE CENTRAL BUSINESS DISTRICT (CBD) ZONE. THE PURPOSE FOR THE AMENDMENT IS TO CHANGE THE ZONE TITLE TO THE "DOWNTOWN VILLAGE ZONE," AND MAKE VARIOUS AMENDMENTS TO OVERALL BUILDING HEIGHT, SETBACKS, AND USES ALLOWED, AND OTHER ZONING REQUIREMENTS. OLD FORT, LITTLE DENMARK AND STRING TOWN NEIGHBORHOODS**

Following Mayor Daniels reading of this item, Director Young noted that this item was to consider an ordinance amending the Central Business District (CBD) Zone code, changing the zone title to the, "Downtown Village Zone," and making various amendments to overall building height, setbacks, and uses allowed, as well as other zoning requirements. The request also includes other amendments to coincide with the Downtown 2020 Action Plan. The applicant is Pleasant Grove City staff.

This proposal is a culmination of many efforts over the last year, which has received much review and refinement.

The Downtown Advisory Board (DAB), created specifically to review and make recommendations on the Plan as well as this ordinance proposal, successfully achieved their objectives and has given positive recommendation on the results that are represented in this ordinance proposal. A few minor revisions have been made to the proposal since the review performed by the DAB, but the proposal in essence remains the same. DAB members have been a part of those minor revisions that occurred with the Planning Commission, and have acknowledged them positively.

The Downtown Village Zone ordinance amendment proposal was reviewed on June 26, July 10 and August 14, 2008 by the Planning Commission. Following detailed review, the Commission is now forwarding the code amendment proposal to the City Council with a positive recommendation.

Based on current boundaries of the Central Business District, the Downtown area shares a mix of Commercial Retail, High Density Residential and Medium Density Residential land use designations. An important element of this proposal is to create separate sub-districts within the Downtown Village Zone that protect all interests and land uses contained in historic Downtown Pleasant Grove.

The two sub-districts being proposed are the Commercial Sub-district and the Transitional Sub-district of the Downtown Village Zone. In short, the Commercial Sub-district provides various commercial/retail and office development options, protects the historic nature of Downtown, and includes various updates that follow the objectives of the Downtown 2020 Action Plan.

The Transitional Sub-district, with all the uses and developments in it, is planned to provide a transition buffer between the existing single-family residential areas within or bordering the Downtown; as well as the more intense commercial/retail operations that will be more central to the Downtown area.

The map shows that the Transitional Sub-district boundaries are strategically located between the Commercial Sub-district and the areas that single-family residential zoning abuts what has been deemed the boundaries of the Downtown. The Transitional Sub-district uses and functions are to be primarily residential in nature, while allowing for professional offices which are designed to be compatible with adjacent residential uses. There are greater setback requirements, along with greater height restrictions as well. This Sub-district is outlined beginning on page 17 of the ordinance provided.

Through the review processes, the need for the two sub-districts was determined, based on the concerns of downtown residents reported by the DAB. This proposal creates a feasible way to mitigate those concerns, while not hindering the growth and development of the Downtown.

Neighborhood representatives have been involved with the Downtown Advisory Board (DAB) recommendations, but no official comments have been submitted by the Neighborhood Chair.

Mayor Daniels asked Director Young why Skyline Industries on Center Street had not been part of the Central Business District (CBD). Director Young answered that the railroad tracks became the boundary. He further explained that those businesses basically interface more with State Street rather than the downtown area.

Director Young then explained that the setbacks, depending on if they were commercial or residential, varied from 10 to 30 feet. Also, he said the building height could range from 55 to 68 feet. He said if the building was being proposed to go over 55 feet, a conditional use permit or City Council waiver would need to be obtained.

Mayor Daniels asked if the setback for residential was zero to 10 feet on the main roads. Director Young explained that on the main collectors (or arterials) such as Center St, Main St,



200 South, 100 East and 300 East, the setbacks were zero to 10 feet. Mayor Daniels said his concern with this would be the roads, as they have in larger cities, tend to be widened over the years for increased traffic. He wondered if the setbacks would be adequate for that possible future expansion.

Director Young asked Mayor Daniels to look at the illustrations that were part of the proposed ordinance report. He then explained that the diagrams show the proposed setbacks with commercial, residential and historic buildings for the Downtown Village area. He also indicated that there will be design criteria so the new blended with the old buildings.

Mayor Daniels then asked about open space. Director Young remarked that there are landscaping requirements on both sides of commercial and residential buildings.

Director Young then said that the ordinance will specify that along with the landscaping requirements, retail was required on the main floor of buildings, with possible multi-family housing units above the retail.

Mayor Daniels then opened the meeting to a public hearing.

Mrs. Jenny Faires said she understood that on the main roads in the downtown area, the setback was zero to 10 feet. She asked if that would include 300 East; or if that road would be considered transitional. Director Young said yes, 300 East would be considered transitional.

Next Mrs. Laurel Riddle then came forward. She indicated that as the chair of the DAB, she found that the hard process required several meetings. A variety of people were on the board, and they represented a lot of varying interests in the community. She said she was grateful that most of the residents were “on board” with the effort as there were millions of dollars in homes that were owned by the residents. She also noted that most of these people’s homes were their main investment, and they were understandably concerned with possible high-rise buildings going into their neighborhoods. Mrs. Riddle additionally assured those in attendance at the meeting that there may be high density that may someday come into the area, but that didn’t mean they needed to fear development.

One of the main challenges the board faced was to balance the interest of the people who live there as well as the developers. She said they all recognized that the downtown area needed to become viable and alive once again. Another challenge was compromise. She said that the DAB asked that the maximum height be 48 feet. She said they compromised at 58 feet—which must be approved. With two points of view, Mrs. Riddle said that instead of a win-win situation, it became a “live-live” scenario. By this she said she met that both sides had to compromise so that everyone could live with the resulting legislation.

She then thanked Director Young, Planner Allen and City Staff for their good planning and professional attitude throughout the process. She said that she would recommend to the Council to pass the Ordinance before them.

Mr. Robert Williams at 140 West Center St. next came to the podium. He said he had a question for Director Young. He asked what the minimal lot size would be for a multi-story building in the downtown. Director Young said that initially, two acres were required for mixed use

(commercial/residential) use. However, he said the requirement was extensively discussed, and was a bit confusing as there a lot of various sized parcels that are substantially smaller.

Attorney Petersen then clarified by saying that in the transitional district, the minimum and maximum size of a lot is 5,000 sq. ft; or one half acre. The lots are not to exceed this amount of square feet. However, Attorney Petersen said that is sounded as though this was now how the Council wanted the Ordinance to remain.

Mayor Daniels then asked if the maximum height previously discussed was 55 or 68 feet. Director Young said that the maximum of 68 feet would have to be approved by a conditional use permit. Attorney Petersen added that as a point of procedure, if the Council wished, they could amend the proposed ordinance if they didn't want to extend the height to 68 feet.

Mr. Joe Spencer from 754 East 1200 North came forward and said he would like to represent a different point of view. He said as he understands it, good planning means using suburban tools. He said that what was being presented at this meeting was a "transitional height" of 40 feet on the first level, etc. He said that it was "bad planning" to use suburban tools in an urban area. He then quoted the Utah State ombudsman in saying that what was being proposed with the height limitations and setbacks was a "poor use of an urban place." He said the ombudsman went on to say that smart growth codes needed to be used, along with urban planning tools for growth. He also said that the experts recommend that there be no more than a 10 foot set back in order to have appropriate growth.

Mayor Daniels then explained that the area that was being talked about was the transitional area. Director Young added that between the transitional and commercial Subdistrict, the setbacks recommended were appropriate, along with streets in between.

Mr. Spencer then commented that he could see that Director Young and his staff had worked 100's of hours on the Downtown 2020 Plan. He said he was amazed and excited about most of what was in the report. However, he noted that he feels that part of the report was not in line with Utah State Land Use laws. This would be in reference, he said, to the use of multiple dwellings, etc. Also, he said he had a discussion with a state official about public clamor coming into the decision making process. He next recognized that Director Young was put in a very difficult position with trying to plan for the city and answer public outcry. He said he felt that Director Young had to do a lot of compromise to come up with the current legislation.

At this point, Mayor Daniels asked if Mr. Spencer could please summarize.

Mr. Spencer then said that what he would like to see would be different setbacks between the transitional and commercial sides of the development. He said he would also like to see parking behind the developments instead of in front.

After further discussion, Mayor Daniels asked Director Young regarding the setbacks for streets, etc. in the report. Director Young explained that in the R/UDAT report, they requested that there be a buffer between uses in the downtown area. He said they recommended that there be park strips and parks. However, he noted that this can't always be practical in application, as it can cause an undue burden on property owners.

Mayor Daniels then observed that parks and green strips can create a transition between single family housing and transitional areas. He said he could see that residents were afraid that a large building could otherwise be built right next to them.

Mrs. Riddle agreed. She said that residents were initially very upset to think that there wasn't a buffer of some kind between the residential and commercial. Mrs. Faires said that residents had also told her they were very afraid of commercial butting up against their homes and property. She said that the residents felt good about the residential setbacks being set at 25 feet. She said that the transitional areas needed larger setbacks of up to 30 feet.

Mrs. Riddle then said that parking lots would have to have landscaping. She then noted that Mr. Spencer had spoken about suburban versus urban. She said that a traditional residential neighborhood, as was being addressed, was not considered urban. She went on to say that the specifications that Mr. Spencer had gotten from the state ombudsmen really didn't apply to this area. Also, she said the case that the ombudsman told Mr. Spencer that the planning commission's decision regarding setbacks in that particular community was upheld by the court. Mrs. Riddle noted that in Pleasant Grove, there is City staff, the Planning Commission, the DAB, and other boards that are recommending certain things, and these boards work very hard on all of the issues that come before them for the betterment of the community.

Mayor Daniels then commented that the Council has to hear all sides of issues, then act in the best interest of the public.

Mr. Williams asked Director Young if 100 North, without curb, gutter and sidewalk could be enough space for a 56 right-of-way. Director Young said yes, it could.

Mr. Paul Allen at 20 North 600 East then came forward and addressed the Council. He asked how much leverage there would be (in what he termed) variances from 48 feet to 68 feet in height. He said he understood that the Council could determine if that the top height would be okay in certain cases.

Attorney Petersen said that they wouldn't actually be variances. She said those are governed by the Board of Adjustment. But, she said that in determining if a building can go up to the 68 foot height, the Council would need to hear several factors from the developer, including how they would mitigate the extra height by screening, additional setbacks, etc. Director Young said that the local residents would also be noticed for a public hearing.

Mr. Allen then asked if there was a possibility that the City would invoke eminent domain in order to just take over people's property if they wouldn't sell, etc. Attorney Petersen said that the City has rarely invoked eminent domain. Also, she said that it is actually only used for a road, sewer line, etc, that needed to go through.

At this point, Mayor Daniels complimented those that had been involved with the process over the last several months. He advised everyone to stay involved, and allow the Council to know their concerns and ideas.

Mr. Spencer then said that a local business downtown had just closed. He said he didn't feel as though the City was planning properly in the downtown area. He added that the City should be urbanizing the downtown instead of trying to give it such a friendly, suburban feel.

Mayor Daniels then closed the public hearing. He brought the discussion up to the Council. Council Member Atwood said that he felt that the combination of City staff and the DAB had done a great job. He said he felt it was well thought out.

Mayor Daniels then commented that in the course of traveling to several world cities recently, he had found that over hundreds of years, buildings had been built without much of any planning going into the finished product. He said it was a little surprising to stay in a very nice hotel in London, for instance, and look out of your room and see clothes lines and trash cans below. The Mayor said that he would like to make sure that long term planning look into what was below some potential high rise building in the area.

Director Young said that design guidelines are in the works for the downtown area. He said it will specify what will be acceptable in that area so that the designs will properly go together.

After further discussion, Mayor Daniels reminded everyone that there needed to be leeway for those that could come in with a amazing design, and even if it didn't exactly meet the design guidelines, would be a beautiful addition to the area. Mrs. Riddle then said that was why the Council would have the ability to approve design in such a case.

Council Member Boyd indicated that she had observed that, "lots of eyes, minds and thoughts," had been poured into this document. She commended everyone involved, and said that she realized that at times it was difficult to compromise, but the overall good of the community came to the forefront of many decisions. Also, she noted that the live, work, play concept that R/UDAT had recommended was finally looking like it would come into play in the downtown.

Council Member Atwood then said that he backed up what the Mayor had said in that he was happy to see residents involved and concerned. He said he was happy to have their input.

**ACTION:** Council Member Boyd moved to approve Ordinance No. 2008-20, amending the Pleasant Grove City Code for TITLE 10 Chapter 11 known as the Central Business District (CBD) Zone. The purpose for the amendment is to change the zone title to the "Downtown Village Zone," and make various amendments to overall building height, setbacks, and uses allowed, and other zoning requirements. Also, removing the half-acre requirement for lots; based on the following findings: (1.) The restructuring of the CBD Zone to the Downtown Village Zone is consistent with the Downtown 2020 Action plan, and supports the overall character of Downtown Pleasant Grove; (2.) The Downtown Advisory Board (DAB) and the Planning Commission have completed their review with recommendations; (3.) The proposed ordinance will foster beautification, commercial and residential growth, maintain the Downtown historical character, and protect the quality of living for residents within or near the Downtown area. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

**F. PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING CHAPTER 10-11G, "DOWNTOWN MIXED USE OVERLAY," TO THE PLEASANT GROVE CITY CODE, FOR POSSIBLE APPLICATION ON PROPERTIES WITHIN THE CENTRAL BUSINESS DISTRICT ZONE, PROVIDING ZONING REQUIREMENTS FOR MIXED COMMERCIAL AND RESIDENTIAL DEVELOPMENTS. OLD FORT, LITTLE DENMARK AND STRING TOWN NEIGHBORHOODS**

Director Young explained that this is a proposal to create a new Article (Article G) in Chapter 11 of the, "Downtown Mixed Use Overlay," commercial based zoning section of the City Code. The applicant is Pleasant Grove City Staff.

The concept of the "Mixed Use Overlay Zone," for the City, was created as a part of the overall effort to establish new plans and guidelines for old Downtown Pleasant Grove. First was the creation of the Downtown 2020 Plan, second was amending the Central Business District (Downtown Village) Zone, and the third, the creation of the Overlay. These are deemed positive steps that will help Downtown develop and flourish, while still maintaining its historic character.

The Downtown Advisory Board (DAB) was commissioned by the Mayor and City Council to provide recommendations for the new Overlay Zone, as well as the Downtown Village Zone and the Downtown 2020 Plan. The Board has successfully completed this task and has given positive recommendation to this proposal.

The Downtown Village Zone ordinance amendment proposal was reviewed on June 26 and July 10, 2008 by the Planning Commission. Following detailed review, the Commission is now forwarding the code amendment proposal to the City Council with a positive recommendation.

In the terms of The General Plan, The Overlay area is proposed to be entirely within the Commercial Retail land use designation (as shown on the attached map), which makes the creation of the overlay appropriate, since the underlying priorities for the area are for commercial/retail and office development.

The proposed Overlay Zone primarily adds a high-density residential element that may be attached to commercial/retail and office developments. The Downtown Village Zone (CBD) does allow for multi-family residential developments. Adding this use is a key component to the success in revitalizing the Downtown area, because it will; (1.) increase Downtown living; (2.) create a greater demand for new commercial development in the Downtown, and; (3.) help sustain the existing downtown businesses. The two elements mentioned above, "Downtown living," and, "commercial development," need to be balanced; and the Overlay can be a useful tool for achieving that balance, while providing added flexibility to developers.

The Mixed Use Overlay will be subject to the regulations listed in the new ordinance, and those of the underlying zone, which is the Downtown Village Zone Commercial Sub-district.

The DAB is in support of a Mixed Use Overlay, limited to the Downtown Commercial Sub-district, and have reviewed this proposal with positive recommendation. Neighborhood representatives have been involved with the DAB recommendations, but no official comments have been submitted by the Neighborhood Chair.

After a brief discussion, Attorney Petersen noted that there probably needed to be a few words added to the motion. She said that as contained in section 10-15-2 of this title was for establishment of uses permitted in the underlying zone and not specified herein. She said this should be added as a permitted use in the overlay zone. She then said that she didn't feel that it was stated clearly enough in the proposed ordinance, and this would help to clarify for the public.

Mayor Daniels then opened the discussion to a public hearing. Mrs. Riddle said that the DAB had carefully gone over this ordinance, and felt it made sense.

Mayor Daniels then closed the public hearing. He brought the discussion up to the Council. Council Member Boyd said she really appreciated all of the time and thought that had gone into this ordinance.

Mayor Daniels then asked for a motion.

**ACTION:** Council Member Call moved to approve Ordinance No. 2008-21, adopting Chapter 10-11G, "Downtown Mixed Use Overlay," to the Pleasant Grove City Code, for possible application on properties within the Central Business District Zone, providing zoning requirements for mixed commercial and residential developments, based on the following findings; (1.) The Overlay Zone proposal is consistent with the approved Downtown 2020 Action Plan; (2.) The DAB and the Planning Commission have given a positive recommendation; (3.) The new Overlay Zone will help foster additional Downtown living, and potentially create an increase on the demand for commercial/retail services. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

At this point, Mayor Daniels turned to those members of the DAB and Community Development staff, and thanked them with, "deep appreciation," in behalf of the Council. He also thanked all other residents that participated in the process. He said it was a learning process for everyone involved, including staff and the Council. He also observed that, "things are not always as they appear," and everyone learned together by dialogue and discussion. An understanding was achieved, he said, and he now said that the responsibility that the DAB had been formed for had now been completed. He said, however, that he recommends that some of the members of the DAB "not get too comfortable," as there were still some work to do on other issues; and some of them may be asked to serve again. The Council then applauded the DAB members.

Mrs. Phyllis Thompson then spoke up and thanked the Council, the DAB and staff for all of their work. She said it was wonderful how cooperative each entity had been with each other. Mrs. Riddle thanked the Council for the opportunity to help. She also thanked them for their patience.

**G. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-15-38, "FENCING STANDARDS," FOR THE PURPOSE OF CLARIFYING THE MAXIMUM HEIGHT ALLOWED FOR SIDE AND REAR YARD FENCING; AND TO ADD PROVISIONS FOR FENCING ALONG BOUNDARIES WITH SIGNIFICANT DIFFERENCES IN GRADE; AND FOR FENCING AROUND NEW DEVELOPMENTS THAT ARE ADJACENT TO PROPERTIES WITH LARGE ANIMALS, FOR THE APPLICANT, PLEASANT GROVE CITY STAFF. CITY-WIDE IMPACT**

Mayor Daniels read this item. Director Young then explained that this item is request from staff.

(At 8:49 p.m. Council Member Boyd left the room)

Director Young then noted that this is a request for an ordinance amendment to Section 10-15-38 regarding the City's chapter on fencing standards. The zones included would be the C-S or Commercial Sales areas.

City Staff is requesting to amend the fencing standards chapter of the City Code, due to discovering gaps which do not address particular situations where fencing would be involved. Also, this would be to add a couple of new sub-sections for greater clarity in the Code. On July 15, 2008, the Council continued the item indefinitely for the purpose of having the City staff review the "double frontage" section of the ordinance.

(At 8:51 p.m. Council Member Boyd returned to the meeting)

Staff has found several problems with the current ordinance that relate to nearly every category or topic of this Chapter. The following is a summary list of those problems found:

1. Side and rear yard fencing do not consider the installation of fencing where a significant grade difference exists between adjacent properties.
2. Current rear yard fencing provisions allow for a resident to propose a fence greater than six (6') feet in height, but without a maximum limit.
3. Mitigation of double frontage lots with a pre-cast concrete wall should be a requirement and not a choice. Per the Council's request, Staff believes it is not necessary to require a wall where the second frontage is on a cul-de-sac, adjacent to the rear yard of the lot.
4. No provision exists for side yard fences that abut a side drive entry.
5. Ordinance does not give proper fencing consideration to where new developments abut properties with large animals.
6. Ordinance did not consider a regulation for persons who might wish to construct a second interior fence where one already exists on the property line.

Director Young said that staff has provided solutions for each listed problem or concern, and believes that these changes thoroughly address the issues and scenarios the City currently faces, and may face in the near future. On June 12, 2008 the Commission forwarded a recommendation to approve the ordinance as presented by Staff with a few minor grammatical changes.

Mayor Daniels then opened the discussion to a public hearing.

Mr. Herb Carlson at 615 North 600 East came forward. He asked if retaining walls require a permit. Attorney Petersen read that portion of the Code; and then answered yes, they do need a permit from the City.

Mayor Daniels then closed the public hearing. He brought the discussion up the Council. Council Member Atwood noted that the fencing issue has been disputed in the City many times, and this proposed amendment to the current ordinance is a good effort for the mitigation of

fencing issues. Director Young noted that fencing is a tough issue, without really perfect answers. Council Member Call then observed that he felt that for safety issues alone this proposed amendment had taken a lot of thought and work by staff to improve safety. Mayor Daniels then asked for a motion.

**ACTION:** Council Member Call moved to approve Ordinance No. 2008-22, amending Section 10-15-38, "Fencing Standards," for the purpose of clarifying the maximum height allowed for side and rear yard fencing; and to add provisions for fencing along boundaries with significant differences in grade; and for fencing around new developments that are adjacent to properties with large animals, for the applicant, Pleasant Grove City Staff; based on the following findings: (1.) Certain gaps in the fencing regulations need to be filled with the proper regulating text; (2.) Staff has had to face certain reoccurring fencing scenarios that are not properly addressed within the code. A public hearing was held. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

**H. TO CONSIDER ADOPTION OF A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL AGREEMENT FOR THE UTAH VALLEY SPECIAL VICTIMS TASK FORCE.**

Attorney Petersen indicated that this Resolution would be for the Council to be authorized to enter into a continuing agreement for a task force that has been in existence for several years. She said the task force has addressed major sex crimes, but would now also address multi-disciplinary problems including the sexual assault of children, special victims, etc. She said the scope of the task force will now be expanded.

Mayor Daniels asked if there were any questions or comments. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve Resolution No. 2008-025, approving and authorizing the execution of an amended Interlocal Agreement for the Utah Valley Special Victims Task Force.. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Atwood, Call and Wilson voting, "Aye."

**I. TO DISCUSS THE 1-15 INTERCHANGE INTERLOCAL COOPERATION AGREEMENT BETWEEN PLEASANT GROVE CITY AND LINDON CITY. THE AGREEMENT IS REGARDING REVENUE SHARING WITHIN THE GATEWAY DEVELOPMENT DISTRICT.**

Mayor Daniels reported on this item. He remarked that it was not a decision item, but just a discussion item.

The Mayor then explained that Lindon and Pleasant Grove City officials entered into a local exchange for sales and property tax sharing in The Grove and Lindon City area. He said a red-line copy was sent to Lindon, asking for further action, comments and questions. It was to come back to Pleasant Grove officials, where there would then be a planned meeting. However, the document was adopted by Lindon prior to the two cities getting together, and as a result, the document contradicted itself.



The document has now been gone over by Pleasant Grove officials, and the Mayor said that a clean (non red-lined) copy now exists, which staff is satisfied contains corrected language. He said it will be submitted back to Lindon. At that point, he indicated that the hope is that a meeting can be secured between the two city's officials, then it could be adopted by Resolution.

## **9. STAFF BUSINESS**

- Director Bradford announced that there was an upcoming open house for the upper floor businesses in the University of Phoenix building on Friday, September 5, 2008 at 8:30 a.m. He said a continental breakfast would be served.

## **10. MAYOR AND COUNCIL BUSINESS**

- Council Member Atwood reported that he had attended the recent Utah Lake Board meeting. He said they have been rewriting the vision and goals of the Board. He also reported that the large population of sucker fish on the lake will be harvested for foreign sale. A group said they would do it for free, and then ship the fish overseas. It is estimated that 1.6 million pounds of the fish will be harvested. Also, he said two barges will be dredging the lake.

## **11. SIGNING OF PLATS**

There were no plats to be signed.

## **12. REVIEW CALENDAR**

- Mayor Daniels reminded everyone about the Heritage Festival to be held on September 13, 2008. He remarked that the list of activities was looking very good for the celebration.
- The Utah League of Cities and Towns would be held the next week, September 9 through the 12, 2008 in Salt Lake City. He asked who was going. Council Members Wilson and Atwood said they were attending. Administrator Mills and Directors Clay and Young will be going. Attorney Petersen said she will have meetings most of the day on Friday. The Mayor said that someone from the Council would need to represent the City in the business meeting on Friday. Council Member Wilson said he would attend that meeting.

## **13. APPROVE PURCHASE ORDERS**

Mayor Daniels asked if the Council had reviewed the purchase orders for August 25, 2008. Everyone said they had. He asked if there were any questions or comments. There were none. He then asked for a motion.

**ACTION:** Council Member Wilson moved to approve the purchase orders for August 25, 2008. Council Member Boyd seconded and the vote was unanimous with Council Members Boyd, Atwood, Wilson and Call voting "Aye."

**14. ADJOURN**

**ACTION:** At 9:15 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded and the motion passed unanimously with Council Members Atwood, Boyd, Wilson and Call voting, "Aye."

This certifies that the City Council Minutes of September 2, 2008 are a true, full and correct copy as approved by the City Council on September 16, 2008.

Signed \_\_\_\_\_  
Mary Burgin, Deputy Recorder