

Pleasant Grove City Council Minutes
April 1, 2008
7:00 p.m.

PRESENT:

Mayor: Michael W. Daniels

Council Members:

Jeffrey D. Wilson

Cindy Boyd

Bruce Call

Lee G. Jensen

EXCUSED:

Mark Atwood

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Lynn Walker, Public Works Director

Deon Giles, Leisure Services Director

Tom Paul, Public Safety Director

Ken Young, Community Development Director

Richard Bradford, Economic Director

Degen Lewis, City Engineer

Marc Sanderson, Fire Chief

Jay Dee Nielsen, Recreation Manager

Sean Allen, City Planner

Richard Bradford, Economic Dev. Director

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

Mayor Daniels called the meeting to order at 7 p.m. and welcomed.

1. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Director Young.

2. OPENING REMARKS

The Opening Remarks were given by Mayor Daniels.

3. ROLL CALL

Mayor Daniels acknowledged Council Members Wilson, Call, Jensen and Boyd. He excused Council Member Atwood.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels said an executive session needed to be added to the agenda at the end of the meeting to discuss pending litigation. Director Young asked if Item "G" could be moved up and heard right after Item "D." Mayor Daniels then asked for a motion.

ACTION: Council Member Call moved to approve the agenda, moving item "G" up to right after item "D;" and to add an executive session at the end of the regular meeting to discuss pending litigation. Council Member Jensen seconded and the motion passed unanimously with Council Members Atwood, Jensen, Boyd 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 Minutes for March 11, 2008
2. City Council Minutes for March 18, 2008
3. Work Session Minutes for March 26, 2008
4. To consider approval of Change Order No. Four and Partial Payment No. Nine to HDX L.C., a Dunn Company, for the Pressure Irrigation System - Schedule 6 Project.
5. To consider approval of paid vouchers (March 25, 2008)

Mayor Daniels asked if everyone has had an opportunity to review the consent items and if there were any questions or concerns with them. There weren't any questions; he then called for a motion.

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

6. OPEN SESSION

Mayor Daniels explained that the open session was a time when people could come forward to express their concerns regarding issues generally not on the agenda. He asked that they state their name and address.

Mr. Rich Carbine, 609 East 930 South, said his question was regarding the secondary pressurized system. He said he understood he was in the schedule 6 zone, and that his neighborhood was actually to have had the secondary system last spring. He noted his water bills were over \$200 during the growing season—and his garden would be even bigger this year.

Mayor Daniels said crews had already started working on the secondary system for the year, and his area should be coming up soon. The Mayor also explained that the schedule 6 area was quite large, but was slated to be completed before the end of the year. Crews were working from the south to the north in that area. Mr. Carbine lives in the south area, so Mayor Daniels told him that his neighborhood should be coming up soon for installation of the system.

Mr. Carbine thanked the Mayor for the information.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Chair Libby Flegal said that members of the Neighborhood Board had discussed needing to get copies of the monthly utility newsletter to the various HOA's in the City. She said because these developments only have one meter, they do not receive individual copies of the newsletter. Mayor Daniels said that he was aware that this was a problem. Deputy Burgin then spoke up and said that a resident of the Renaissance HOA comes in each month and picks up copies of the newsletter in city hall. She said she would be glad to prepare copies for other HOA's. They would just need to let her know how many copies they needed. Mayor Daniels directed Deputy Burgin to work with Chair Flegal regarding the newsletters needed.

Next, it was mentioned that not everyone was receiving a copy of the Leisure Services pamphlet. Manager Nielsen and Director Giles explained that the pamphlet goes out with the Review through the North Utah County papers. They noted that it also goes out with ads from local stores in a weekly. Mayor Daniels said he wondered if there was a better way to make sure that all the residents received the pamphlet. He asked that perhaps a method to make sure it gets into every home be researched.

8. LIBRARY BOARD REPORT

Ms. Mary Lou Huffmon from the Library Board indicated that the board would be interviewing potential candidates for Trustee positions. She also said she is looking forward to the upcoming downtown revisions and a new library she believes will be built.

Mayor Daniels asked how the word is gotten out to the public when there are openings on the library board. He said he would like to see openings on the board advertised in the City newsletter so that it is insured that anyone that is interested can apply in a fair and equal way.

9. BUSINESS:

A. PRESENTATION BY CENTER STAGE YOUTH PERFORMERS (BECCA VARNEY TO SING "OVER THE RAINBOW" FROM "WIZARD OF OZ").

Ms. Lori Sanders from Center Stage Youth Performers came forward and announced that to promote the upcoming play, "Wizard of Oz," that was being put on by the group, Becca Varney would be singing, "Over the Rainbow," for the Mayor and Council. She noted that Ms. Varney was the nine-year-old daughter of Emily and Randy Varney. Ms. Varney then sang. The Mayor and Council applauded and complimented her on her beautiful voice. Ms. Sanders explained that the play would be at UVU from April 22 through 25, 2008.

B. PRESENTATION TO THE RECREATION DEPARTMENT FOR, "OUTSTANDING RECREATION DEPARTMENT OF THE YEAR," AWARD.

Mayor Daniels read this item. Director Giles then came forward and indicated that it was a privilege and honor to present Mr. Steve Carpenter to the Mayor and Council. He said Mr. Carpenter would be making the presentation.

Mr. Carpenter then came forward and explained that he is the Executive Director of Utah Park and Recreation Association. He said there are over 600 members of the association in the State of Utah. Additionally, the association is affiliated with the national and international organization. In 2009, he said Utah will be hosting over 12,000 parks and recreation practitioners at an international conference being held in Salt Lake City. Mayor Daniels said that Pleasant Grove would be happy to host such a conference in the currently planned hotel and conference center planned in The Grove area of the City.

For the past 30 years, Mr. Carpenter said that he has only heard a handful of communities that didn't think parks and recreation was of benefit to a city. Additionally, he remarked that he had seen various health organizations begin to affiliate with his organization as the public's health and fitness is becoming more of an issue. Additionally, he noted that research has shown that youth's self esteem can be boosted by participation in indoor and outdoor activities provided by recreation departments. He said this includes both able bodied or disabled athletes.

Next, he explained that every year an outstanding department in the state is recognized by his organization for outstanding achievements. He said that Manager Nielsen and his employees have done a great job for the community in their ability to implement programs. He told the Mayor and Council that he has admired Manager Nielsen for years. He said that Manager Nielsen has served on the Board of Directors of the state organization for a number of years.

C. TO PRESENTATION OF SERVICE AWARD TO JAMES BUTTERFIELD FOR SERVING AS THE 2007 BOARD OF ADJUSTMENT CHAIR.

Mayor Daniels asked Mr. James Butterfield to come forward. The Mayor then explained that Mr. Butterfield had served on the Board of Adjustment for a number of years, including service as the chair of the board. The board, the Mayor said, is usually approached by residents that are not really happy with various scenarios involving their property. He said the board has the responsibility of operating as a quasi-legal entity in that the only place that a resident can go to if they don't like the decision of the board is to district court. He also noted that the board has tirelessly served the community for years in taking care of the needs of the citizens.

D. CONTINUED PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING LEGRAND WOOLSTENHULME'S REQUEST TO REZONE A 44.4 ACRE TRACT OF LAND FROM CS (COMMERCIAL SALES) TO CS-2 (COMMERCIAL SALES -2) FOR PROPERTY LOCATED APPROX. BETWEEN STATE STREET AND MAIN STREET AND BETWEEN 700 SOUTH AND 1000 SOUTH. STRING TOWN NEIGHBORHOOD
(Continued from March 18, 2008 City Council meeting).

Following Mayor Daniels reading this item, Planner Allen explained that applicant Mr. LeGrand Woolstenhulme was requesting a rezone for property between Main and State Streets, as well as 700 South to 1000 South from the CS zone to CS-2 zone. He said the applicant would like the Council to approve a rezone of this large area of commercial property.

The applicant intends to develop vacant property in the vicinity of the Smith Foods store and Village Square. The proposal that they have shared with City staff includes the construction of multi-family residential units in that area. The CS/Commercial Sales Zone does not allow residential (except boarding houses). He said, however, that the CS-2/Commercial Sales 2 Zone

does allow the multi-family residential component. For this reason, the applicant has submitted this zone change request. Additionally, the land-use designation for the subject property is Commercial Retail. The applicant's request to rezone to CS-2/Commercial Sales 2 complies with this land use designation.

There are commercial portions of the subject area that are proposed for rezoning. Planner Allen said that the current commercial businesses seem to be doing well. He said, however, that there are still properties of significant size in that area which have had little development interest. Many of the parcels within the subject area are long and deep with the portions of those parcels that are closest to the public road having been developed for commercial business. He said that even the older, small-home properties along 700 South have some depth and are beginning to convert into various commercial operations. The back portions of these properties in the center of the quadrant still remain undeveloped.

He noted that interest in commercial development within the rezone area has been, for the most part, non-existent. He said this was probably largely due to the fact that the remaining properties having little to no visibility from any public street. Typically, commercial developers want and demand frontage views for their commercial product. Consequently, he said there needs to be a different component that develops towards the center of this subject area. He noted that the intent of the applicant to introduce more office space, as well as adding the component of multi-family residential, to be an appropriate request. He said staff feels that it would represent good planning for this particular area.

Council Member Call asked if the Alpine School District had been notified of the possible zone change. Director Young said they had been noticed.

Council Member Boyd asked what would be the required percentage of residential and commercial if the zone was changed. Planner Allen said that was a good question. He said that currently, 55% of the project area is commercial.

After further discussion, Mayor Daniels reminded the Council that a site plan was not before them, but a zone change. He said it was important to stick to the subject at hand. He said that as he understood this issue, if the Council decided to change the zone to CS-2, it would allow for multi-family housing in the area.

Council Member Jensen asked if everyone in the area, including the commercial enterprises, were notified of the possible change. Planner Allen said they were. The planner also said that the feedback regarding the possible zone change was met with positive comments. He said the businesses have been impacted by recent commercial development in Lindon, and they felt that some rooftops would improve their sales. He also said that staff feels there has been some blight in that area, and this would help to diminish some of those problems.

Mayor Daniels agreed and said there have been some problems that the police have had to go down and address in that area more than once.

The Mayor then opened the public hearing.

Mr. Paul Washburn came forward and said he was representing the owners of the businesses in Village Square, which is part of the Smith's grocery store site. He reported that the businesses were enthusiastically endorsing the change in the zone. He said they felt they could better compete if there were rooftops in that area.

Mr. Jim Butterfield then came forward and said he was concerned that there wasn't any direct access to the property that is being proposed for the zone change. He asked if emergency services would be able to get into that area. Mayor Daniels answered that the Council would better be able to answer Mr. Butterfield's question once a site plan was submitted.

Mr. LaGrande Woolstenhulme (the applicant) then came forward. He said that there was emergency access that was 80 feet wide on 700 South. He said he owned the property and the access. He also said that those that he had spoken to in the area were happy with the prospect of the zone change that would allow multi-family housing in the area. Additionally, they told him that the residential component supported the businesses in that area.

Mr. Dennis Carter at 9 East and 700 South remarked that he and his wife didn't feel that rooftops were needed in that area. He said his home was very near where the multi-family housing was proposed to go in if the zone changed. He also noted that he is not against commercial going in, however.

Mr. Pete Blake at 29 South 2000 West reported that the feeling of the planning commission (when this item came before them) was that they tried to address it strictly from the viewpoint of the zone change. He said the commission did discuss whether or not the zone change would help with the use of the property.

Ms. Debbie Roan said that she was a real estate agent that was representing the owners of the businesses in and around Smith's. She said the business owner had expressed to her that there was a need for rooftops in that area. Additionally, they told her they felt it would be of benefit to their businesses.

Mr. Hone from 865 S. Main then came forward. He said that his home is in the area, and he is very much for the proposed zone change and the potential of multi-family housing.

Mayor Daniels thanked everyone for their comments. He then closed the public hearing and brought the discussion up to the Council.

Council Member Wilson asked what would be the impact on public safety with the possibility of increased calls if the multi-family housing went into that area. He said he wondered if this would be more than Pleasant Grove's public safety officer could cover. Mayor Daniels asked Chief Paul to respond to Council Member Wilson's question. Chief Paul said that while he could appreciate what Council Member Wilson is saying, the chief said he felt that the increase in revenues would help build his department.

Mayor Daniels said he was also concerned that there have been problems in that area already that officers have had to respond to multiple times. He said he has been aware of large, illegal party gatherings called rave parties that have turned into fights.

Council Member Boyd asked if the CS-2 zone specifies that the housing has to be multi-family. Director Young said yes, it does. She asked if the people living in this housing would be required to own their units. Director Young said he didn't know for sure. As far as he knew, he said that could be specified when the site plan came into the Council for approval.

Council Member Jensen asked if there was a height restriction in that area. Director Young said yes, there was. Planner Allen said buildings can only go to three stories.

Council Member Call asked what the correct amount of acreage for the proposed zone change area was. He said that there were different amounts on the ordinance and the staff report. Director Young said that they had just received the legal description and 44.6 acres was the correct acreage.

Mayor Young then said that he has observed that both some residents and Council Members have concerns with more multi-family housing going in. He said he understands that. However, he said that there is also a concern that in the area in question, there has been an RDA that was put into place to help stimulate growth and development. There has been little or no growth in that area—so the hope is that this change of zone can stimulate growth that has not been currently happening. The Mayor said he would like to see growth in the area so that the crime that has gone on would be curtailed.

Council Member Boyd then asked that once a motion is made, if she could make a comment. Mayor Daniels said that would be fine.

ACTION: Council Member Call moved to approve Ordinance No. 2008-6, regarding LeGrand Woolstenhulme's request to rezone a 44.6 acre tract of land from CS (Commercial Sales) to CS-2 (Commercial Sales -2) for property located approx. between State Street and Main Street and between 700 South and 1000 South; based on the following conditions: 1. That the applicant provides an accurate legal description for the area to be rezoned; 2. That all City ordinances are to be complied with as development occurs. Also based on the following findings: 1. The proposed zone change complies with the goals, policies, and objectives of the General Plan: 2. The proposed zone change introduces an additional component, which shall help foster growth to the area, and create a positive fiscal impact for existing businesses, and the City's tax base. A public hearing was held. Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Call, Boyd and Jensen voting "Aye."

Council Member Boyd explained that she would now like to have Staff come back to the Council with direction on the residential component of this area. She said that this would include whether or not the units will be required to be owner-occupied, etc. Additionally, she was concerned that there would not be immediate access to the commercial part of the development so residents could just walk to the stores. She said that currently, it is her understanding that residents of the Green Grove development (south of Macey's) have to drive to that store, as there is no walking access that is open to that shopping area. Also, she explained that she is concerned if there will be a live, work, play component to the development, also. "I am concerned that how this is developed will be good for the neighborhood," she said.

(Item G, upon the recommendation of Director Young, was moved up right after Item D in the agenda)

G. TO CONSIDER PAUL SOUTHAM'S REQUEST FOR FINAL PLAT APPROVAL OF A 6-LOT SUBDIVISION KNOWN AS LITTLE MIKE ESTATES SUBDIVISION, PLAT "A," LOCATED AT APPROXIMATELY 535 EAST 780 NORTH, IN THE R1-8 (SINGLE FAMILY RESIDENTIAL, 8,000 SQ. FT. LOT AREA) ZONE. MONKEY TOWN NEIGHBORHOOD

Following Mayor Daniels reading this item, Planner Allen explained that applicant Paul Southam was requesting final plat approval of the site at 535 East 700 North in the R1-8 zone. He said the acreage is 1.58 acres and the subdivision is to be comprised of six lots.

Planner Allen explained that the proposed project area is currently two residential lots and a large open field. Both homes are on lots that meet the minimum lot size but are narrower than the current zoning. It is anticipated that the open field will become the connection of 780 North and lots one through four and the homes along 700 North will remain and become lots five and six. He said that both lots five and six are too narrow for current zoning, but because they predate the current zoning they are considered legal non-conforming lots.

The current zoning is R1-8 (Single Family Residential 8,000 sf). The proposed subdivision complies with all of the requirements of the R1-8 zone, with the exception of lots five and six, which meet the square footage requirement, but do not meet the lot width requirements. However, both lots are considered legal non-conforming because their widths predate the current zoning.

Completion of this subdivision will connect 780 North, which is currently stubbed on both the east and west side of the proposed project area. Lots 1 through 4 will access this newly completed portion of 780 North. The existing homes on lots 5 and 6 will remain with frontage and access on 700 North. All of the properties surrounding the proposed project are developed with the exception of the Zorn property to the North. It is anticipated that this property would develop in the future via an existing flag lot stem on the north side of the Zorn property. The engineering department has reviewed the proposed preliminary plat and recommended approval subject to meeting all of the final plat engineering requirements. At a public hearing held on February 28, 2008, the Planning Commission recommended approval of the Little Mike Estates Subdivision preliminary plat with no added conditions.

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

ACTION: Council Member Call moved to approve To consider Paul Southam's request for Final Plat approval of a 6-lot subdivision known as Little Mike Estates Subdivision, Plat "A," located at approximately 535 East 780 North, in the R1-8 (Single Family Residential, 8,000 sq. ft. lot area) zone, including the following condition: 1. That all final engineering requirements are met. Also, based on the following findings: 1. The proposed subdivision complies with the development requirements of the R1-8 zone. 2. The proposed subdivision has been given a recommendation of approval from City Engineering. Council Member Atwood seconded and the motion passed unanimously with voice votes from Council Members Wilson, Atwood, Call, Boyd and Jensen voting, "Aye."

E. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE PLEASANT GROVE CITY CODE FOR, "URBAN DESIGN STANDARDS," IN THE GROVE, FOUND IN TITLE 10, CHAPTER 14/SECTION 23. THE PURPOSE IS TO ESTABLISH NEW ARCHITECTURE DESIGN THEME AREAS WITHIN THE GROVE ZONING DISTRICT.CITY WIDE IMPACT

Following Mayor Daniels reading this item, Planner Allen indicated to the Council that this is what is called "fun planning" in his profession. Over a period of time, he said that he and the rest of the staff, as well as the Design Review Board (DRB) and the Planning Commission, have come up with a plan whereby future developments that come into The Grove area will have specific themes in that area. He said this will provide a better vehicle for direction and themes that will increase standards for incoming developments. The proposal is for the Council to approve an amendment to Section 10-14-23 of the City Ordinance.

For more than a year now Planner Allen said that staff has been planning to propose more clear and effective design criteria for future buildings and their surrounding landscapes in the City. The reason for this is because the City is the focus of significant future commercial growth, which has begun, and will continue over possibly the next 5 to 10 years with that growth, maybe longer. With most of that growth happening in what is known as The Grove, staff has put together a proposal that focuses on amending this area of the City. Staff believes the request to amend the Grove Urban Design Standards section will more clearly define the City's preferred criteria for specific design themes, exterior materials and design emphasis.

He explained that once staff had the heart of the criteria outlined, the proposal was then presented to the Director Young, who approved of the plan and recommended that the new criteria be presented to the Economic Development Committee. This committee included several senior staff members Administrator Mills, Attorney Peterson and Director Bradford, etc. The Economic Development Committee has also given a favorable recommendation for adopting the new design criteria. Next, before putting the plan into ordinance form, staff presented the new criteria to the DRB for the Grove Zoning District. The DRB must give favorable recommendations on all new site plan developments, and they have often requested Staff's assistance with determining what criteria is reasonable and appropriate. They have also requested a better outline that they can follow to guide them in their recommendations. Staff believes this new outline or design criteria will do just that. On February 27, 2008, the DRB voted to forward a favorable recommendation to City Council to approve the new Grove Design Theme Standards.

The following ordinance proposal complies with *The Grove* land use district, by providing; "increased opportunities for orderly growth, promoting high quality, innovative site design, and at the same time encourage efficient land usage."

Under the direction of the Economic Development Committee, staff has created four design theme districts. Each district has a specific design theme that, in some cases, is influenced by what structures are already there. Included with these declared themes is a clear and descriptive outline of the materials required, and the goals or "emphasis" of each theme. Staff has created a Design Theme Districts Map further illustrating the boundaries of each theme district. This map is included within the ordinance and as a separate document. The four design theme districts are as follows:

- Mountain District
- Garden District
- Tuscany District
- Grove Junction District

In summarizing each district, the Mountain District follows a rustic/contemporary design theme. The Garden is to have buildings representative of the 1920's - 1930's with a contemporary flare. Tuscany is to be comprised of buildings and developments that hold a Mediterranean theme. The Grove Junction District is to be comprised of "Green" (Environmentally conscious) buildings with a contemporary flare. She suggested that the Council refer to the proposed ordinance for specifics on required materials and emphasis.

After meeting with the City's Economic Development Committee, the Director Bradford emphasized the importance of making these changes for the City. He said that many developers who have shown interest in the City and its future growth have frequently asked if they came in and invested a great deal of money into constructing a high-end building or site, how would the City guarantee that their neighbor would do the same.

Planner Allen said that consistency in the surrounding developments appears to be a great concern to developers. He said they are concerned about protecting their land values and future investments. In many cases, this kind of consistency is how to lure the best of commercial businesses into the area. Staff also believes that if approved, these themes will give additional vibrancy and character to the City in helping to make the City a greater attraction for all.

Mayor Daniels commented that the illustrations were beautiful. He asked, however, how binding on the developers would these very specific ideas for design be. Planner Allen answered that the ordinance would be binding, but the proposed illustrations would not be binding.

Council Member Call said he felt that the ordinance was very detailed. Planner Allen said that the emphasis in the ordinance is to see if the developer is achieving the high standards that the City would expect.

Mayor Daniels asked if there would be as much pedestrian areas as shown in the broad frontages of the commercial developments. He asked if the proposed ordinance allowed for this kind of frontage. Planner Allen said that it was his thought that in the Garden Districts, these areas could be counted as open space. Council Member Boyd said she didn't consider open space something that includes planters. She said open space to her is "natural green." Planner Allen said that there would be more open, park areas planned behind the buildings.

Director Young then explained that the actual open space would not be changing. He said this proposed ordinance would be giving a name to guiding future architectural design.

After further discussion, Council Member Call said he would like to thank staff for creating a reality of what was in each zone. He said he could see staff was trying to provide continuity and consistency in The Grove area. He told them that he applauded their efforts.

Council Member Boyd then asked what would happen if a developer came in with their own design. Council Member Call said it might not meet the standards of this proposed ordinance.

Council Member Boyd then went on to then ask what staff would do if the developer wasn't adhering exactly to this ordinance in the area they wanted to develop: but they had an absolutely beautiful design.

Director Young said that staff would try to catch the developer initially and tell them that, "this is what we expect." He observed that in the cases of Mr. Dennis Baker and Mr. John Q. Hammons both have shown excellent taste in their developments. He said that the ordinance was written in the areas they are developing to coordinate with what they are already in the process of proposing and developing.

Mayor Daniels then asked if there was a possible scenario whereby Mr. Dennis Baker presented a design, but it didn't conform to the proposed ordinance in the area he wanted to build. He said, however that Mr. Baker's design was absolutely amazing, and the City would be lucky to have such a beautiful building in the area. Planner Allen said that staff would need to "tread lightly" with such a scenario.

Director Young said he thought the Mayor was asking how staff would deal with possible exceptions to the rule. The Mayor said yes, he was wondering how to create a rule, but still allow flexibility if someone wants to bring in a design that is really exceptional.

Director Bradford then came forward. He said it was his observation that most developers were looking for a design standard of some kind when they start to plan. One of the anticipated benefits of having some kind of standard in place is that developers want to make sure that when another development comes in next to theirs, it is also being held to a high standard.

For instance, Director Bradford noted that a developer of open air malls (from San Diego) had just been in his office. The developer said that when they come into a community, they want to be able to follow design guidelines. Director Bradford explained that most developers that he had met with over the years were very interested in colors, materials, etc. He said they feel this continuity can provide protection of their property values. He then posed the question that if a developer comes in with a nice design, but that design doesn't fit the pictures and text suggested for that area, does the City say, "sorry, not here." Or, he asked, does the City work with the developer in order for them to "tweak" the design so that it can remain nice, but basically conform to design standards for that area? Director Bradford said that is a policy issue that only the Council can answer.

Director Bradford then noted that when one is looking into the eyes of a developer that is willing to risk millions of dollars to come into the City, a person really thinks twice about second guessing their proposed design. He went on to say that they might even have a better idea of a good design than the City would have. He said he believes the City has a right to offer a design theme, but the developer is risking their capital. "We have a right to say what we like, but we also need to listen to investors," he said.

Planner Allen wondered if a solution might be to give the DRB exception powers when a design comes to them.

Mayor Daniels then asked Director Young how he saw his former employer, Mesquite, Nevada, would have been impacted with such an ordinance as this proposed one. He said he specifically was referring to the growth in that city.

Director Young said Mesquite went from a population of 2,000 to 12,000 while he worked for the city. He said there is a need for architectural guidelines, but also, there does need to be a determination as to how strict a city wants to be. He said he believes that the question is whether there is an exception ability that can be exercised.

Mayor Daniels then explained that he is very concerned that unless there are specific standards from the very start, the problems that now exist in the downtown with all of the ideas of what that area should look like. Director Young agreed. He said that the City needs to have standards, but not to the point that developers walk away.

Council Member Boyd asked if the City really needs an ordinance. She said she wondered if guidelines would be adequate.

Director Young said that on page 2 of the ordinance the wording could be changed to allowing the DRB to recommend exceptions on design to the Council. He said that the Council then would be empowered to approve those exceptions.

Council Member Call said he doesn't necessarily believe that most developers would leave if the City had specific design standards. He said most of these developers have dealt with various municipalities before, and realize that these kind of standards are commonplace. He then explained that he makes his living with the branding of products. He said in the field of branding, a lack of guidelines makes it very difficult. He said there is a need for expectations, or anything goes. "I like what has been done here. Potential developers can use this document," he stated.

Planner Allen then explained that the purpose of the proposed ordinance was to create a standard. He said that he and the staff did not want it to restrict what was coming in for development.

Mayor Daniels said he would compare the need for design standards to the difference between a starter home and a million dollar home. He said he would like to see the design standards in The Grove area to be very high quality.

After further discussion, Mayor Daniels opened the discussion to a public hearing.

Mr. Ron Beeson at 1996 N. Crestwood Blvd. asked what the Council would do if a developer came in with a beautiful design, but it didn't conform to the particular zone they were going to build in. He said he could see it would be difficult to tell a rather large developer that they had to adhere to the Mountain, etc, design.

Mayor Daniels asked Mr. Beeson what he thought the Council would do in that kind of case. Mr. Beeson said he had no idea. He said if someone comes in with several million dollars, it would be difficult to tell them that they needed to change an existing, beautiful design. Mayor Daniels asked Mr. Beeson if he felt the Council would be acting in the best interest of the community if they had flexibility to perhaps change to a new design standard for just such a

developer. Mr. Beeson said yes, he felt they would be acting in the best overall interest of the community.

Mr. Pete Blake said he would be concerned about the potentiality of a developer coming in and suing the City if they allowed one developer to design their way—as opposed to another developer having to adhere to the City’s specific standard of design.

(Administrator Mills and Chief Sanderson arrived at 9:31 p.m.)

Mrs. Jennifer Batiste said she would suggest that if a developer had a beautiful design, that the City would need to allow them to bring that design in. She also said that she could see the different zones being able to mix designs and the area still looking well-planned and attractive.

Mayor Daniels then closed the public hearing.

Council Member Call said he thinks that the ordinance needs some modification on wording.

Council Member Jensen asked if the Council would perhaps like to proceed without such an ordinance.

Mayor Daniels asked where the rest of the Council was with this proposed ordinance. He said that he knows he beat it to death, but he feels that once such an ordinance is in place, whatever the original intent was, it will affect that area for a long time. He also noted that the decision to implement such an ordinance could affect the largest economic base in the City. He said he can see a need for guidelines to protect that area. But, he said it looks as though there also needs to be enough leeway to allow flexibility.

Council Member Boyd said it might be a good idea to wait until Attorney Petersen was back so the correct language could be added to the ordinance.

Mayor Daniels said that a high standard, which is what is in the proposed ordinance, is what is wanted in The Grove area. However, he said at the same time it seems that there does need to be some flexibility. He then said that after listening to staff, the Council and the public, direction needs to be given to staff to work on page 2 of the proposed ordinance. He then asked for a motion.

ACTION: Council Member Jensen moved to continue to the City Council meeting on April 15, 2008, the Public Hearing to consider an Ordinance amending the Pleasant Grove City Code for, “Urban Design Standards,” in the Grove, found in Title 10, Chapter 14/Section 23. The purpose is to establish new architecture design theme areas within the Grove Zoning District. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Wilson, Call, Boyd and Jensen voting, “Aye.”

F. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING SECTION 10-9B-4B, “LOT WIDTH,” OF THE R1/SINGLE-FAMILY RESIDENTIAL ZONES, OF THE PLEASANT GROVE CITY MUNICIPAL CODE, REGARDING AMENDING LOT WIDTH REQUIREMENTS FOR CORNER LOTS. THE PURPOSE IS TO NOT

REQUIRE AN ADDITIONAL TEN FEET OF LOT WIDTH FOR CORNER LOTS IN THE R1-15 AND R1-20 ZONES. CITY WIDE IMPACT

After Mayor Daniels read this item, Planner Allen explained that staff had, along with the planning commission, that there was a need for an amendment to Section 10-9B-4, regarding lot width for corner lots in the R1-Single-Family residential zone.

Planner Allen explained that staff had investigated, researched and discussed this particular section of the ordinance, and had determined that there does not appear to be any good reason to support the code for requiring an extra ten feet for corner lots in the R1-20 and R1-15 zones. He said there has been an arbitrary interpretation of this ordinance in the past as well. For this reason, staff has prepared an amendment to the ordinance.

The proposal is consistent with the goals and objectives of the General Plan. Planner Allen said that Engineer Lewis, when he read the existing ordinance, wondered on which side of the corner lot the 10 feet should be added. As it is written, he said it appeared that the ten feet was to be required for both sides; however, it has not always been enforced this way.

Planner Allen then went on to say that there have been instances in the past where city engineers would allow a developer to add the extra 10 feet to one side only, as long as they agreed to face the home on that wider side. However, he said that the staff now viewed this as an incorrect interpretation of the ordinance, as 10 feet is required on both sides of a corner lot. As staff considered the reasoning behind the requirement, it was determined that there was not a real concrete reason to support it, and that the R-R/Rural Residential Zone does not require the extra width. Staff believes it is not required, because the lot area in the R-R zone is large enough to not require extra width. For that same reason, Staff believes the requirement does not need to be in the R1-20 and R1-15 Zones. He then said that the staff recommends making the R1-20 and R1-15 Zones an exception to the requirement for an additional 10 feet of width on a corner lot. This would remove the requirement for all lots over a third of an acre.

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

ACTION: Council Member Jensen moved to approve Ordinance No. 2008-7, amending Section 10-9B-4B, "Lot Width," of the R1/Single-Family Residential zones, of the Pleasant Grove City Municipal Code, regarding amending lot width requirements for corner lots. The purpose is to not require an additional ten feet of lot width for corner lots in the R1-15 and R1-20 zones. Also, with the following findings: 1. That in the past, there has been arbitrary interpretation of the ordinance regarding lot width for corner lots, which has led to illegal recordings of lot widths: 2. The R-R Zone does not require the additional 10 feet: 3. Staff cannot find a good reason for having the requirement for an additional 10 feet for corner lots in the R1-20 and R1-15 zones, which are similar to the R-R zone: 4. On February 28, 2008 the Planning Commission forwarded a recommendation to approve this proposal. A public hearing was held. Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Wilson, Call, Boyd and Jensen voting, "Aye."

H. To proclaim Saturday, April 26, 2008, as "Arbor Day."

Director Giles reported that the annual Arbor Day celebration will be held at the new Mt. Mahogany Park (just east of Mt. Mahogany School) on Saturday, April 26, 2008 at 8 a.m. He said 20 trees will be planted in the brand new park. He invited the Mayor, Council and staff to come and participate.

ACTION: Council Member Wilson moved to approve the proclamation of Saturday, April 26, 2008, as “Arbor Day.” Council Member Call seconded and the motion passed unanimously with voice votes from Council Members Wilson, Call, Boyd and Jensen voting, “Aye.”

10. STAFF BUSINESS

- Planner Allen told the Mayor and Council that a proposed sign ordinance will be presented soon in a City Council meeting. He said it will quite a long ordinance.
- Director Bradford said he had attended the meeting the preceding Thursday evening for the Downtown Advisory Board. He said they discussed the proposed 2020 plan, and it was given significant support. He also noted that the makeup of the committee was already changing.
- Director Giles said that he would like to welcome any of the Council to come and tour the new recreation center. He said he or Manager Nielsen will be glad to take them around the new facility. He noted that they are trying to complete and open the facility just prior to Strawberry Days in June, if possible.
- Chief Paul said that the little girl that was currently being looked for in Salt Lake had been found. He said she was deceased.

11. MAYOR AND COUNCIL BUSINESS

- Council Member Call reminded everyone that the Strawberry Days 5 k run was coming up. He said he had to be out of town at that time, so he wouldn't be able to run the race—but he was handing the reins over to Council Member Atwood to go on inspiring the Council to train, anyway!

12. SIGNING OF PLATS

There were no plats to be signed.

13. REVIEW CALENDAR

Mayor Daniels indicated that himself, Director Clay and Administrator Mills would be meeting on April 9, 2008 with their legislative representatives to discuss possible endowment allocations to the City.

Next, he reminded everyone that the Miss Pleasant Grove pageant would be held on Saturday, April 12, 2008 at 7 a.m. at the high school auditorium. He recommended that those that were going to attend buy their tickets soon, as they were going fast.

April 15, 2008 is tax day, he said.

He said two bond rating trips for himself, Director Clay and Administrator Mills would be coming up soon. He said that one of the trips will be to the west coast, and the other to the east coast.

On April 26, 2008 the Arbor Day celebration will be in the morning and the opening of the baseball season will be in the afternoon of that same day.

April 30, 2008 will be a review for staff and directors for the upcoming budget. He said there will also be a training session that day.

14. APPROVE PURCHASE ORDERS

Mayor Daniels asked if the Council had reviewed the purchase orders for March 25, 2008. He said if there were not any questions, he would entertain a motion.

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

15. EXECUTIVE SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (UCA 54-4-205(1)(c)).

ACTION: At 10:06 p.m, Council Member Jensen moved to go into executive session to discuss pending or reasonably imminent litigation (UCA 54-4-5(1)(c)). Council Member Boyd seconded and the motion passed unanimously with Council Members Wilson, Call, Boyd, Jensen and Atwood voting, "Aye."

ATTENDING:

Mayor:

Mike Daniels

Council Members:

Cindy Boyd

Lee G. Jensen

Bruce Call

Jeff Wilson

Others:

Frank Mills, City Administrator

Gary Clay, Finance Director

Mary Burgin, Deputy Recorder

ACTION: At 10:15 p.m, Council Member Call moved to go back into regular session. Council Member Wilson seconded and the motion passed unanimously with Council Members Call, Boyd, Wilson and Jensen voting, "Aye."

Mayor Daniels then asked Administrator Mills to report on the proceedings that he and Fire Chief Sanderson had been attending in Lindon that same evening.

Administrator Mills then explained that the discussion by the Lindon City Council as to whether to stay with Pleasant Grove or go with Orem for their fire, EMT and dispatching was, "painful." He said the discussion went on for over 90 minutes and Mayor Dain handled the discussion very well. He also noted that there was little if any negative comments made. He said they will be going with Orem on July 1, 2008. The final vote on their council was 3 to 2 to go with Orem for their services. He then observed that after several comments were made, it seemed that the decision to go with Orem had been made long before the meeting.

He said that Council Member Hatch thanked Pleasant Grove for a great 28 year run. He said he appreciated the good service Pleasant Grove had given Lindon. Administrator Mills said that Pleasant Grove had actually been providing service to Lindon City since 1906.

Mayor Daniels asked if he remembered correctly that contractually, Lindon was to give a 12-month notice. Director Clay said that was correct. The Mayor then directed Director Clay to please bill Lindon for those 12 months, including a note reminding them of the agreement that they had signed.

Administrator Mills complimented both Chief Paul and Chief Sanderson. He said they have handled themselves professionally through the whole process. He said he was a little surprised that in conversations with both chiefs, that they were relieved that the decision had been made and they could just concentrate on their own community now.

Administrator Mills then explained that Lindon went with Orem for a couple of reasons. He said that Orem said they would partner with Lindon as they rebuilt the satellite fire station in northeast Orem. Orem said they would leave equipment there for Lindon to use once the station was completed.

Mayor Daniels then mused that perhaps several of the past agreements and meetings, etc, that had been held between Pleasant Grove and Lindon might be essentially over. He said this would perhaps include recreation and the common taxing agreement.

Council Member Jensen asked if perhaps Lindon was moving away due to Mayor Ascerson no longer being in office. Mayor Daniels said no. He said he felt that their Council had consistently been taking a position for several years toward a clean break.

Administrator Mills then explained that no one on the payroll with Pleasant Grove will be hurt by Lindon leaving. He said that the normal pay raises that come in July will be implemented. Mayor Daniels also added that the Directors had anticipated all budget scenarios, and no cut backs are anticipated. He said there may be some belt tightening, but the budget will go forward.

16. ADJOURN

ACTION: At 10:35 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Call seconded and the motion passed unanimously with Council Members Wilson, Jensen, Boyd and Call voting, "Aye."

This certifies that the City Council Minutes of April 1, 2008 are a true, full and correct copy as approved by the City Council on April 15, 2008.

Signed _____
Mary Burgin, Deputy Recorder