

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

PRESENT:

Mayor:

Michael W. Daniels

Council Members:

Cindy Boyd Excused: Mark K. Atwood

Bruce Call

Jeffrey D. Wilson

Lee Jensen

City Recorder:

Amanda R. Fraughton

Deputy Recorder:

Mary Burgin

Others:

Gary Clay, Finance Director

Tina Petersen, City Attorney

Ken Young, Community Development Director

Lynn Walker, Public Works Director

Richard Bradford, Economic Director

Deon Giles, Leisure Services Director

Degen Lewis, City Engineer

Tom Paul, Police Chief

Libby Flegal, NAB Chair

Karen Bezzant, City Treasurer

Sean Allen, City Planner

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Boy Scout Keegan Coon.

3. OPENING REMARKS

Opening Remarks were given by Chief Paul.

4. APPROVAL OF MEETING'S AGENDA

Mayor Daniels asked if there were any changes to the agenda. Director Young said that Item "f" would be postponed indefinitely. The Mayor then asked for a motion.

ACTION: Council Member Wilson moved to approve the agenda, with Item "f" being postponed indefinitely. Council Member Jensen seconded and the motion passed unanimously with Council Members Jensen, Wilson, 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:

- a. To consider appointment of Kelley Johnson to serve as new Mudhole Neighborhood Chair.
- b. To consider approval of paid vouchers (November 25, 2008)

Mayor Daniels noted that Kelley Johnson was unable to attend. He then asked for a motion on the consent agenda

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

6. OPEN SESSION

Mayor Daniels explained to those present that if an item was not a public hearing or not on the agenda, they were welcomed to come forward and address the Council for three minutes.

- Mr. Dennis Carter came forward and told the Council that after a 35 ½ years as City employee, he would be retiring at the end of this month (December). He then explained that he felt it was time for him and his wife to move on to "better things." He said they would be moving to the St. George area, and have bought a home there. Mr. Carter thanked all of the officials for all they had done for his family over the years. At this point, the Mayor and Council came forward and shook Mr. Carter's hand and thanked him for his many dedicated years with the City.
- Mr. Fred Newman then came to the podium and addressed the Council. His concern was with property that he holds at 940 Mahogany Drive. He said on the north and south ends of the road were finished in August of this year. However, he that the City then opened their portion of the road, and he wondered if he had a liability due to the continuing problems with that piece of the road. He also indicated that there was a retaining wall that had just been finished off by a neighbor. Mr. Newman also said that he hasn't gotten his underground power on that portion of the road, either. He also said that he had put up various barriers to keep the public off that portion of the road, and the public just moves the barriers. He then explained that he has paid the contractor, but that there are now liens against the property because the contractor did not pay the bills with that payment to him. He said he doesn't know how long it will take until the lien problem would be taken

care of. He then asked if the City would please shut the road off until it was finished, so his liability would be decreased.

Mayor Daniels then commented that he was aware that Mr. Newman had been working with City Engineer Lewis. The Mayor also recommended that Mr. Newman also be in contact with Director Lynn Walker at the Public Works department. Mr. Newman thanked the Mayor and Council.

- Mr. Don Newman next addressed the Mayor and Council. He said that he was Mr. Fred Newman's brother. He then indicated that his preference with the road that his brother had spoken of earlier just be opened up, and not blocked off. He said he felt that blocking the road off would only be a second, not first, choice at this time.

7. NEIGHBORHOOD ADVISORY BOARD REPORT

Mrs. Libby Flegal said that she didn't have anything to report at this time.

8. BUSINESS:

A. TO CONSIDER APPROVAL OF NEW CITY RECORDER

Mayor Daniels read this item, and then explained that a committee composed of himself, Administrator Mills, Council Member Boyd and Director Young came together and interviewed five candidates for the position of City Recorder. He said they then went over the resumes, and after a long discussion, they made the hard decision in offering the position to Mrs. Kathy Kresser. He said the whole panel of interviewers felt really good about the decision. He said she will be sworn in as the City Recorder at the first meeting in January. The Mayor then said that Recorder Fraughton's last day would be December 24, 2008.

ACTION: Council Member Wilson moved to approve Kathy Kresser as the new City Recorder. Council Member Jensen seconded and the motion passed with Council Members Wilson, Jensen, Boyd and Call voting "Aye."

B. PUBLIC HEARING TO CONSIDER MARK RYAN'S REQUEST TO AMEND THE CASTLE PINES OFFICE PARK PUD, PLAT "A," FOR THE PRIMARY PURPOSE OF EXPANDING THE BUILDING FOOTPRINTS OF PLANNED OFFICE STRUCTURES TO THE WEST OF THE EXISTING CASTLE PINES OFFICE BUILDING; LOCATED AT APPROX. 580 WEST CENTER STREET, IN THE C-G/GENERAL COMMERCIAL ZONE. (OLD FORT NEIGHBORHOOD)

Following Mayor Daniels reading this item, Director Young came forward and explained that the request by applicant Mark Ryan was for the City Council to grant approval of a Planned Unit Development (PUD) plat/site plan amendment showing slight expansions of the building footprints for units 1 through 5 approximately eight and one half feet. The current plat has the private office area, for units 1 – 5, showing as 30 feet deep. The proposed amendment increases this depth to 38 and ½ feet. When viewing the floor plans for the new buildings, the increase of floor area is as follows: (1.) An additional three (3') feet of office space. An additional five and a

half (5 ½') feet of storage space in the basement This expansion of private office space, from what was previously recorded, requires the applicant to go through the plat process once again. The approximate location is 580 West Center Street and is composed of one acre. The zoning is C-G (General Commercial).

The plat illustrates the storage space as to be privately owned space, which is fine; however the plat illustrates the sidewalk above to be included in this area. Staff recommends that a note be included on the plat, which states that the 6' wide walkway above the storage area be "common space."

All development aspects of the site were given a minor site plan amendment approval by Director Young. This included parking. No additional parking is required, because the ratio for office parking changed from 1/200 to 1/300 since the previously plat was recorded. Buildings 6 through 8 are existing buildings and the only change there is to reduce the parking stalls to 18' deep. This is permitted, because the improvement plans show that they constructed a 6' walk on that side. There was not a landscape plan included with the original PUD approval, and one was not included with this amendment; therefore, Staff has recommended to the Planning Commission and Council to require an updated landscape plan. This will meet current standards for the C-G Zone.

There needs to be a revised copy of the CC & R's submitted to the City to keep on file. Planning Staff is looking to obtain an updated landscape plan that meets the requirements of the C-G Zone. This will show an additional 12 trees on site. The C-G Zone requires 15 trees per acre, and the applicant has exactly a 1.00-acre site. The trees required at each end of a row of parking may be included in this cumulative total. The site currently has three trees. Finally, the applicant is to update the existing freestanding sign with brick masonry, matching the brick on the main buildings, around the supports of the sign.

The City Engineer recommends going forward with the project, subject to meeting all final engineering requirements. The subject property is designated Commercial Retail in the General Plan. The Planning Commission recommended an approval to City Council, including the conditions laid out by Staff.

At this point, Mayor Daniels opened the discussion to a public hearing. No one came forward. Mayor Daniels then closed the public hearing, and brought the discussion up to the Council. Council Member Boyd asked Mr. Ryan if he had potential tenants in the buildings. Mr. Ryan said that he had half of the available office space already spoken for in the buildings.

Mr. Ryan then asked if the plat amendment was approved in this meeting, if he could get the Council to sign the plat this evening. He said that he was trying to go forward as soon as possible because his crews would like to try to beat the cold weather with their building.

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

ACTION: Council Member Call moved to approve Mark Ryan’s request to amend the Castle Pines Office Park PUD, Plat “A,” for the primary purpose of expanding the building footprints of planned office structures to the west of the existing Castle Pines office building; located at approx. 580 West Center Street, in the C-G/General Commercial zone; including the following conditions: (1.) That the applicant submits a copy of the CC & R’s for the City to have on record: Twelve (2.) Additional trees are to be planted on site, as required by the C-G Zone, and that a shade tree be planted at the end of each row of parking, within six (6’) feet of the stall; (3.) A landscape plan, prepared by a licensed Landscape Architect, shall be submitted prior to Council approval; (4.) That all Final Planning, Fire, Building, and Engineering Department requirements are met prior to recording the Final Plat. Also, based on the following findings: (1.) The proposed new plat and Site Plan are sufficient for approval; (2.) All zoning requirements are met with the submittal and approval of a landscape plan. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Jensen, Wilson, Boyd and Call voting “Aye.”

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE REGARDING REED SWENSON’S REQUEST TO REZONE A 1.20 TRACT OF LAND FROM MD (MANUFACTURING DISTRIBUTION) TO CG (GENERAL COMMERCIAL); LOCATED AT APPROX. 100 SOUTH STATE STREET. (SAM WHITE’S LANE NEIGHBORHOOD).

Following Mayor Daniels’ reading of this item, Director Young explained that this request was being made by the applicant, Reed Swenson of All American Development. The request is for the Council to approve a rezone of a small area to a larger parcel that matches the requested zone. This will help facilitate the new construction of a commercial and office development in that area.

The location of the parcel is approximately 100 South and 700 West. It is currently in the MD (Manufacturing Distribution) zone. The proposed change would be to the C-G (General Commercial) zone. The piece of property is comprised of 1.20 acres. Planning Staff views this as more of a housekeeping item, but has a significant impact to the proposed development, in terms of uses allowed, if not completed. In order for the project to go forward, the remainder of the parcel needs to be changed from the M-D to the C-G zone.

The General Plan call for Commercial Retail on the subject property. The requested zone change complies with the current general land use map. Rezoning 1.2 acres of the subject parcel will put the entire property into the C-G zone. Planning staff views this as more of a housekeeping item. However, the proposed change does have a significant impact to the proposed development in terms of uses allowed, if not completed.

Mayor Daniels then opened the discussion to a public hearing. No one came forward. He then brought the discussion up to the Council. Council Member Boyd asked if that area is still functioning as a MD zone. Director Young said yes, it was.

Mayor Daniels then asked if there were anymore comments. There were none, so he asked for a motion.

ACTION: Council Member Call moved to approve Ordinance No. 2008-29, regarding Reed Swenson's request to rezone a 1.20 tract of land from MD (Manufacturing Distribution) to CG (General Commercial); located at approx. 100 South State Street, based on the following findings; (1.) The proposed zone change is consistent 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 to the City's tax base. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Wilson, Jensen and Call voting, "Aye."

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 10/CHAPTER 9A-2, "PERMITTED, CONDITIONAL AND ACCESSORY USES," FOR THE PURPOSE OF LISTING CERTAIN RECREATIONAL ACTIVITIES, SUCH AS TOT LOTS, PLAYGROUNDS, PICNIC AREAS, SWIMMING BEACHES AND SPORT FISHING AS PERMITTED USES AND RECREATIONAL PROGRAMMING; AND GIVING FURTHER CLARIFICATION TO WHAT IS ALLOWED CONDITIONALLY IN THE R-R/RURAL RESIDENTIAL ZONE. REQUESTED BY PLEASANT GROVE CITY STAFF. MANILA, NORTH FIELD AND BIG SPRINGS NEIGHBORHOODS

Director Young came forward and indicated that the applicant for this proposed ordinance amendment was Pleasant Grove City staff. The request is for the Council to approve the adoption of certain recreational uses, as permitted uses, in Section 10-9A-2 of the R-R/Rural Residential zone.

He next explained that an amendment had been proposed to Section 10-9A-2 of the City Code by Director Giles. He said the proposal was supported by Attorney Petersen and Planning staff. The City's interest has been for the proposed uses to be universally accepted in the R-R zone, with the first application of these activities being anticipated for the new Manila Park at 3300 North. The park is currently under construction.

This proposed ordinance will impact the low density and very low density district areas within the northern half of the City. Director Young said that City staff had reviewed these proposed uses carefully, and believed that the proposal suits the R-R zone as a whole. The additional uses for playgrounds, tot lots and picnic areas are fairly standard. He said that what needed more careful consideration were the fishing, swimming and other possible activities that might be sponsored by the City.

He next listed the proposed uses for adoption into the City Code: (1.) Play lots/tot lots; (2.) Playgrounds; (3.) Recreational fishing (on shore only); (4.) Picnicking areas; (5.) Open space (only for recreational activities that are "permitted.") ;(6.) Swimming beaches (cannot be within 250 feet of a single family dwelling) ;(7.) Others, which includes City-sponsored recreational programming.

Director Young next indicated that City staff had contacted a representative from the Utah Department of Natural Resources. This department is commonly known as the, "Community Fisheries Program Leader." He said they said that with the Manila Pond, being relatively small in size, the need was to limit fishing to, "on-shore only." He further added that there should not be

any motorized floatation devices of any kind on the pond. As a result, the proposed ordinance restricts fishing to on-shore, with swimmers only using non-motorized floatation devices.

Staff also believed that it was important to have somewhat of a distance requirement for recreational swimming beaches, because the primary purpose of the R-R Zone is for single-family residential. For the Manila Pond, the nearest residence to the proposed beach would be approximately 274 feet. Staff went with 250 feet as the requirement, believing that to be sufficient distance to drown out any obnoxious noise, especially once the City puts in the landscaping planned with a host of trees.

Leisure Services has indicated that there may be instances where the City will sponsor an activity, event or something educationally related to recreational activities. These might include such groups as the Cub Scouts, which falls under recreational programming.

Mayor Daniels next indicated that what was being presented by Director Young seemed to be permitted or conditional uses. Director Young said that was correct as far as the title of the ordinance, however, the term, "permitted," had been added within the body of the proposed ordinance. Conditional was not in the body of the ordinance, however, he said.

Council Member Jensen asked what other areas of the City was impacted by this proposed amendment. Director Young said that the central area of the City, by State Street. He explained that the large, open fields in some areas of the community were now dwindling. He said the open fields areas of the community are rapidly dwindling. Therefore, he said there were not necessarily a whole lot of additional uses. These uses have been crafted, he explained, to be park uses.

Mayor Daniels then commented that any RR designation would run with the land. Therefore, if anyone came forward, they would need to make use of permitted uses. He said this would mean there would not be an opportunity for review. Director Young said that was correct, that a permitted use was not subject to a review.

Council Member Jensen then asked why these uses were not under a Conditional Use Permit (CUP) format instead of permitted uses. Director Young said because it was not the preferred way of governing the uses in these areas when the proposed amendment was written. However, he said if there was any kind of concern on the part of the Council regarding the proposed uses for these activities, it can be changed to a CUP format.

Council Member Jensen then asked that perhaps the Council should consider that unintended consequences could happen, if the uses were not reviewed in the process. He said he could see why the CUP process would perhaps be the best way for the Council to be able to make sure the uses were reviewed on a case-by-case basis.

Council Member Boyd then said that she agreed with Council Member Jensen. She noted that issues can be raised not only with the Manila Pond area, but with such larger open spaces as the Murdock Canal. She also said that for the sake of the City and the neighborhoods, the CUP process would probably be best. She further indicated that unless the process is through the CUP, there will not be the ability for neighborhood input as to the uses of specific open spaces.

Director Young said it would be entirely appropriate to change the verbiage from the permitted use to the CUP.

Council Member Boyd then asked what could be done at the current meeting to alter the proposed amendment to where the CUP could be added. Director Young said it would be in the section where the 7400 is at. Mayor Daniels observed that on pages 2 of 5 and 3 of 5 there were numbers 7421, 22, 31, 43, 92, 93, etc, that would need to be changed from a permitted use to a CUP.

After further discussion, Attorney Petersen explained that specific language would need to be removed. Mayor Daniels said he felt that most of the changes would be specific to the 7400 sections. Attorney Petersen then further said that specific criteria would need to be specified.

Mayor Daniels asked if the non-motorized conveyances on the pond were governed by state law. Attorney Petersen said that when there is fish in such a small pond, the State Division of Wildlife Resources (DWR) require that there is no motorized crafts on such a urban fishery pond.

Attorney Petersen then explained that Planner Allen, when crafting this ordinance, wanted to make sure that the uses on the pond were specifically broken out into categories. She then said that if the Council would like to leave fishing in as a permitted use; and the rest of the activities under the 7400 designation in the ordinance. Mayor Daniels then said that as he understood it, then, that all of the 7400 designations in the ordinance will now come under conditional uses. Attorney Petersen said that would be correct; if that was what the Council wanted.

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

Mr. Robert Schow at 3548 North 900 West came forward. He said that he actually had no comments due to the previous discussion regarding the uses now being under the Conditional Use Permit process, as had been suggested. However, he said that if the discussion changes, and those uses are again suggested to be permitted, he would like to have another opportunity to speak.

Mayor Daniels told Mr. Schow that he was welcomed to speak now, as he had already seen what the Council was considering. He said Mr. Schow could no longer speak, once the public hearing was closed.

Mr. Schow then said he had a question. He asked if under the CUP process, if a permit had to be granted prior to construction. For example, he said the sub-station on his property could not be built prior to there being a CUP.

Mayor Daniels then said that whatever was being brought up during the public hearing needed to be relevant to the ordinance.

Mr. Schow then said he had wondered why the City proceeded to build without a CUP permit. Mayor Daniels said that this was not germane to the evening's discussion regarding this ordinance.

Mr. Oren Adamas at 752 W. 2600 N. explained that his concern was that the City staff was aware that a weed had come into the state from Russia that travels on boats, etc. He said it is showing up throughout the country, and has proven to be very hard to control. He said that he understands that it will travel through irrigation systems, which would include the Manila (secondary irrigation) pond. He said that if it isn't controlled, it will eventually "plug everything up."

Mayor Daniels thanked Mr. Adamas for his concern and information.

Mr. Tim Aguilar from the adjoining PUD then came forward. He asked if he and his HOA group could please be involved with City staff in the planning with the activities in the park, etc. He said he didn't come with any big issues, but just that they wanted to stay in the loop with the development and layout of the park and the pond.

At this point, Director Young said he needed to make a point of clarification from Planner Allen. He said in section 7493 (recreation programming) of the proposed ordinance, there was permitted use wordage concerning City sponsored programming. He said if all uses became conditional, even a cub scout activity would have to go through the CUP process. He said this would become very awkward with each one of these activities having to submit paperwork, etc. He then explained that such activities should be a permitted use.

Mayor Daniels then asked that everyone keep in mind that this ordinance that was being discussed was related to all R-R zones in the City. He said that the uses in that zone needed to be thought of in a general perspective.

Council Member Call then commented that under Section 7493 of the ordinance, that use needed to remain a permitted use, if it was a City sponsored activity. Director Giles agreed. He said such an activity could include a City sponsored triathlon.

Attorney Petersen then explained that if a City sponsored event was taking place, it would be under the general use permit. Other activities would include non-motorized vehicles, city-sponsored canoeing, a triathlon, outside fishing or swimming, etc. Outside of such activities, a CUP would have to be obtained. Council Member Call then asked if Attorney Petersen agrees with the Council that any other activities would require a CUP. She said yes, she agreed.

Mayor Daniels then said that it sounded as though staff and the Council were in agreement that Section 7493 of the proposed ordinance needed to be left as a permitted use. He asked if there were anymore comments there were none. He then closed the public hearing. He asked if there were anymore comments from the Council. There were none.

The Mayor then explained that the changes regarding the CUP with this ordinance would be added when the motion was made. He then asked for a motion.

ACTION: Council Member Call moved to approve Ordinance No. 2008-30, amending Title 10/Chapter9A-2, "Permitted, Conditional and Accessory Uses," for the purpose of listing certain recreational activities, such as tot lots, playgrounds, picnic areas, swimming beaches and sport fishing as either permitted uses or conditional and recreational programming; and giving further clarification to what is allowed conditionally in the R-R/Rural Residential zone; Adding the following conditional uses that will be permitted in the R-R zone after a permitted use has been approved, and subject to the terms and conditions thereof: 7493, other recreation (City sponsored recreational programming); 7431, swimming beaches; and 7443, recreational fishing activities, based on the following findings: (1.) The City has constructed a new park in the R-R Zone, with anticipation of providing these amenities with the pond; (2.) Staff has received recommendation from the Utah Department of Natural Resources; (3.) The City Attorney has given her recommendation to approve. A public hearing was held. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Wilson, Jensen and Call voting, "Aye."

E. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 10/CHAPTER 18-2, "PARKING DESIGN STANDARDS," FOR THE PURPOSE OF EXPANDING THE MAXIMUM ALLOWED DRIVEWAY WIDTH FOR RESIDENTIAL AND COMMERCIAL; INCLUDING ADDITIONAL NEW TEXT TO REGULATE HOW CLOSE RESIDENTIAL DRIVEWAYS SHALL BE TO A CORNER, TO EACH OTHER, AND TO A SIDE PROPERTY LINE AND OTHER MINOR CHANGES. REQUESTED BY PLEASANT GROVE CITY STAFF. CITY-WIDE IMPACT

Following Mayor Daniels reading this item, Director Young explained that the applicant, Pleasant Grove City staff, was requesting that the Council approve amendments to Section 10-18-2/Parking Standards. This would increase the maximum width of both residential and non-residential driveways; including clarifying text for each. The impact is city wide, and the applicant is Pleasant Grove City staff.

Next, Director Young explained that an amendment was being proposed to Section 10-18-2 of the City Code. He said this had been initiated by the City's Chief Building Official, and supported by Engineering and Planning Staff. Staff, as a whole, believes that these changes will allow for greater flexibility with driveway access and width for City residents and developers. The other minor changes would be setback details for clarification with residential driveways. In addition, he said that staff was following through with the long-term vision of limiting the number of lots fronting the City's collector and arterial streets.

City staff observed that there were certain situations that would allow for a reasonably wider driveway access. For those who have enough frontage (with a minimum of 100 feet), staff was proposing that a resident could have two driveways that are a combined total of forty feet in width; or one driveway that can be up to that same width. This would apply to both frontages on a corner lot. Currently, residential lots are allowed a maximum width of 32 feet. Similar to the ordinance for non-residential driveways, staff included setback restrictions on how close the driveways may get to a corner, to each other (if there are two), as well as how close it can be to a side property line.

The proposed ordinance also provides a greater width for non-residential access drives. The current maximum width is limited to 35 feet. Staff has had to anticipate an ordinance change,

because the typical combined commercial ingress and egress drives have one ingress and two egress drives where a left turn is warranted, and some may have a third center lane drive. Drive lanes are designed to be twelve feet wide exiting the property. They are also typically sixteen feet wide for the receiving lane, which brings the practical width well above 35 feet. A new maximum standard needs to be established to meet this practical design, he said.

Staff pulled up UDOT's administrative manual called the, "Accommodation of Utilities and the Control and Protection of State Highway Rights of Way." In section 7.4.5, recommendations are provided for driveway width minimums and maximums. Staff has derived its recommendation from this section. A copy of the table from this section, showing UDOT's recommendation, has been included with this report. Staff is going with the recommended fifty foot maximum for non-commercial drives, because it will provide for three twelve foot-wide lanes going out, and one sixteen foot-wide receiving drive, which staff believes is sufficient to meet the needs of the City with future commercial development. The recommendation for minimum width is twenty-eight feet, which provides one twelve foot-wide lane going out from the property, and a sixteen foot-wide receiving lane.

Finally, and in correlation with the City's new General Plan, staff included the text regulating driveway access onto collector and arterial streets, so long as certain conditions are met, which gives consideration to the existing homes and vicinities that are near build-out. The City's goal is to prevent, as much as possible, any more homes fronting the City's major traffic ways.

After a brief discussion, Mayor Daniels opened the discussion to a public hearing. No one came forward. The Mayor closed the public hearing and brought the discussion up to the Council. Council Member Call asked if a 10 ft. setback was required. Director Young said it was if two driveways came together.

Council Member Jensen asked if a corner lot could conceivably have a main garage on the one street, then an additional driveway on the other street. Director Young said that if there was double frontage, they would be allowed up to a 40 ft. frontage. Attorney Petersen further explained that a corner lot homeowner would actually be able to have two 40 ft. frontages.

With no further discussion, Mayor Daniels then asked for a motion.

ACTION: Council Member Jensen moved to approve Ordinance No. 2008-31, amending Title 10/Chapter 18-2, "Parking Design Standards," for the purpose of expanding the maximum allowed driveway width for residential and non-residential; including additional new text to regulate how close residential driveways shall be to a corner, to each other, and to a side property line and other minor changes; based on the following findings: (1.) Current text for residential driveways does not include setback regulations; (2.) Several residents, with larger lots, have requested additional driveway width; (3.) The current maximum allowed driveway width for non-residential driveways does not meet a practical design standard; (4.) The City's General Plan, adopted by Council, recommends against fronting lots onto major street traffic ways. Requested by Pleasant Grove City Staff. A public hearing was held. Council Member Call seconded and the motion passed unanimously with Council Members Boyd, Wilson, Jensen and Call voting, "Aye."

F. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 11 CHAPTER 7, "PLAN AND PLAT REQUIREMENTS," FOR THE PURPOSE OF UPDATING THE MUNICIPAL CODE, REGARDING THE PROCESS OF REVIEWING AND APPROVING SUBDIVISION PLATS; INCLUDING THE ADDITION OF PLAT EXAMPTIONS, CLARIFICATION ON PLAT VACATIONS, LOT LINE ADJUSTMENTS AND PLAT AMENDMENTS. REQUESTED BY PLEASANT GROVE CITY STAFF CITY-WIDE IMPACT

Mayor Daniels said this item was continued indefinitely.

G. TO CONSIDER APPROVAL OF 2009 PUBLIC MEETING SCHEDULES.

Mayor Daniels read this item. He asked if there were any questions. Council Member Call said he noticed that there would be only one meeting in December, 2009. Recorder Fraughton said that was correct. Mayor Daniels then asked for a motion.

ACTION: Council Member Boyd moved to approve the 2009 Public Meeting Schedules. Council Member Wilson seconded and the motion passed unanimously with Council Members Boyd, Wilson, Jensen and Call voting, "Aye."

9. STAFF BUSINESS

- Engineer Lewis explained that he had recently attended the preconstruction meeting with UDOT concerning the old railroad bridge on State Street. He said they are looking at sometime in December, at this point, to begin the project. He also noted that they are considering putting off a detour until after New Year's.
- Director Young said that even though the employees in Community Development were very pleased for Mrs. Kresser in securing the job as the new City Recorder, they are saddened with her leaving their department. "There will be a hole left without her," he said.

Next, he told the Mayor and Council that a representative was in attendance at this meeting from the Mayfield development. He said that due to them not being able to get on the agenda for this evening on time, they wanted to ask if they could get some direction from the Council. He also said that this was the only scheduled Council meeting for December. He noted that they are in their initial stages of development of their office building. He said they would like to change some of the materials that will be used on the siding of the building. The recommended siding is a brick. However, he said they would like to use a stone that resembles brick.

He next indicated that the developers of the Mayfield project had come before the Design Review Board (DRB), and they said they felt it would be okay to go with the stone. Director Young said that there is precedence for this kind of change. He reminded the Council that the Hammons group made some changes on their buildings from the recommended design for The Grove area. Attorney Petersen agreed. She said that this building is in a design district. In order to vary from that design, the Council has to approve a change.

Mayor Daniels then asked what, exactly, the Council would be considering. Director Young said they would be considering a request for a waiver from the developers of the Mayfield Dayne Raff office building.

Planner Allen then explained that the theme throughout that area is brick. Mayor Daniels asked if he was correct in assuming that staff was for this change. Planner Allen said the stone actually looks like brick, from a distance. Director Young said that the staff is not, "whole heartedly," for the change; but they are not actually against it. Director Young then said that the coloring is different from the brick. Also, there would be stucco on top, and the rock almost appears as brick.

Council Member Call asked why there seemed to be a hesitance on staff's part to support the proposed change. Director Young answered that staff feels as though that there was a reason for the design standards, and if there is a waiver granted, then it is probably not working to have those standards in place.

Mayor Daniels said that he remembered when the ordinance for the design standards came before the Council. He indicated that the Council discussed the fact that if a developer came before the Council and had another idea for design that would be an improvement to the area; they were able to grant that waiver, if necessary. He said it was talked about as the, "wow," factor. By this, he said he met that if they wanted to upgrade to a better design, the Council could grant a waiver to the design standards for a particular project.

Mayor Daniels then noted that there would need to be a special meeting called so the Council could consider the requested waiver. Attorney Petersen said that was correct, that the meeting would have to have a 24 hour notice.

Mr. Kevin Long, the representative from the Mayfield Developers, said that the DRB unanimously approved the change. Planner Allen then explained that the DRB said they like it, but could not grant the waiver, as the Council had to take the legislative action.

Mayor Daniels said he also noted some hesitancy on the part of staff in passing the waiver. Planner Allen said this was because he was concerned with the setting of a precedence in changing the design standards in that area. He said the design standards were created for consistency amongst the buildings.

After further discussion, Attorney Petersen then said that the meeting concerning this issue would be easy to put together, as there would only need to be a quorum at the meeting. The meeting would only have one agenda item, also.

After further discussion on a date, the Council decided on the upcoming Thursday, December 4, 2008 at 5 p.m. Mayor Daniels then asked City Recorder Fraughton to please notice the meeting. He said it would not be a public hearing, but there would be action in the meeting.

- Recorder Fraughton then came forward and addressed the Mayor and Council. She said that she usually doesn't share a lot of words during the Council meetings. However, she

told the Mayor and Council that this would be her last Council meeting prior to her retirement from the City on December 24, 2008. She thanked everyone, and said it had been an honor in that everyone had always made her feel appreciated and honored throughout her tenure as the City Recorder. She thanked Administrator Mills, Attorney Petersen and Director Clay for their support and encouragement. She also thanked her fellow employees for the friendships she had gained over the years. Recorder Fraughton then said that she will not necessarily miss the work, but will miss the people.

- Director Clay said he would like to relay information from Administrator Mills, who was at another meeting that evening. He said that the upcoming meeting at TSSD was not going to be a public hearing, and would be held on December 8, 2008. Mayor Daniels then added that he had sent a letter to the other mayors reminding them of the TSSD meeting. Another meeting was slated for December 18, 2008 at the facility.

He next reminded the Council of the City Party at UVU on the upcoming Tuesday, December 9, 2008.

10. MAYOR AND COUNCIL BUSINESS

- Council Member Jensen said there was an upcoming Fox Hollow Board meeting on December 11, 2008 at 6 p.m.
- Council Member Boyd asked the Council if they were ready to come up with those that would be honored with community service awards at the upcoming city party. After a brief discussion, it was decided that those that had retired throughout the year would be honored.
- Council Member Call said that he had given Director Bradford 10 copies he had made of news clips regarding the recent U.S. Supreme Court case Pleasant Grove City had been involved in.

11. SIGNING OF PLATS

The “Little Mike Estates” plat was signed.

12. REVIEW CALENDAR

Mayor Daniels reminded everyone that there would be a special Council meeting on the upcoming Thursday, December 4, 2008. He also said that there would be a senior staff social at the Jacobs’ Senior Center on December 16, 2008. Recorder Fraughton’s retirement party would be held on December 17, 2008. Additionally, Superintendent Carter’s retirement party would be held on Monday, December 29, 2008. He also reminded the Council that a new Mayor Pro Tem would need to be chosen in the first meeting in January, 2009.

13. APPROVE PURCHASE ORDERS

There were no purchase orders.

14. ADJOURN

ACTION: At 8:37 p.m, Council Member Wilson moved to adjourn the meeting. Council Member Jensen seconded and the motion passed unanimously with Council Members Boyd, Call, Wilson and Jensen voting “Aye.”

This certifies that the City Council minutes of December 2, 2008 are a true, full and correct copy as approved by the City Council on January 6, 2008.

Mary Burgin, Deputy Recorder